Superior Court of California
County of Shasta

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January 1, 2013

Filing Instructions:

Re: Superior Court of California, County of Shasta
Local Rules of Court

The attachment represents a new edition of the Local Rules of Court for the Superior Court of California, County of Shasta, effective January 1, 2013.

Please file as follows:

Discard	**Replace With**
Local Rules of Court for the Superior Court of California, County of Shasta, effective July 1, 2012 (entire set).	Local Rules of Court for the Superior Court of California, County of Shasta, effective January 1, 2013 (entire set).

John Zeis
Assistant Court Executive Officer

JZ:dw
attachment

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SHASTA
LOCAL RULES OF COURT

RULES ADOPTED: **November 15, 2012**
EFFECTIVE DATE: **January 1, 2013**

Shasta County Superior Court

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SECTION 1
GENERAL RULES

RULE 1.01 CITATION OF RULES

These Rules shall be known and cited as the "Local Rules of Court" for the Shasta County Superior Court.
(Amended, effective January 1, 1999)

RULE 1.02 EFFECTIVE DATE OF RULES

These Rules shall take effect on July 1, 1992.
(Adopted, effective July 1, 1992)

RULE 1.03 EFFECT OF RULES

These Rules shall, on their effective date, supersede all local court rules previously adopted.
(Adopted, effective July 1, 1992)

RULE 1.04 CONSTRUCTION AND APPLICATION OF RULES

These Rules shall be construed and applied in such a manner as not to conflict with the California Rules of Court and shall be liberally construed to facilitate and promote the business and administration of justice of the Superior Court. These Rules do not apply to Small Claims Division actions or proceedings unless the text of a specific rule otherwise indicates.

Unless otherwise specifically provided, any reference in these rules to a law or laws, or rule of court, shall be deemed to refer to the law or laws, or rule of court as currently written or as hereafter may be amended.

The Executive Officer, as Clerk of the court, shall be the official publisher of these rules and shall maintain a set of the rules in the clerk's offices for public inspection and shall make available copies for sale at a reasonable fee.
(Amended, effective July 1, 2002)

RULE 1.05 DEFINITIONS OF WORDS USED IN THESE RULES

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

(B) The word "person" shall include and apply to corporations, firms, associations, and all other entities, as well as natural persons.

(C) The word "affidavit" includes declaration and "declaration" includes affidavit.

(D) The use of the masculine, feminine, or neuter genders shall include the others.

(E) The word "court" shall mean the Superior Court of the State of California in and for the County of Shasta. It shall include any judge, commissioner or temporary judge appointed or elected to the court and any judge duly assigned to the court.

(F) The word "judgment" includes and applies to any judgment, order or decree from which an appeal lies.
(Amended, effective July 1, 2002)

RULE 1.06 AMENDMENT, ADDITION, OR REPEAL OF RULES

These Rules may be amended or repealed, and new Rules may be added by a majority vote of the judges of the court.
(Amended, effective January 1, 1999)

RULE 1.07 TIMELY APPEARANCE OF COUNSEL AND REQUIRED NOTIFICATION

(A) Except as set forth herein, once an attorney has made a general appearance in any matter, civil or criminal, that attorney shall appear in the department to which the matter has been assigned at or before the time set for any proceeding in that matter.

(B) Except as set forth herein, once the attorney appears on a matter, the attorney shall not leave the department to which the matter has been assigned until the matter has been called and all proceedings scheduled for that matter have concluded.

(C) However, the attorney may appear at or before the start of any calendar to which his or her matter is assigned to notify the court the attorney will be late due to an appearance in another department. Counsel may also seek approval of the court to leave the court prior to the conclusion of the matter assigned to one department in order to appear in matters set in other departments.

(D) An attorney shall not be late for a court appearance or fail to appear at a court appearance except for good cause shown.

(E) If counsel cannot be present at or before the time the matter is set, counsel shall notify the secretary of the bench officer who normally sits in the assigned department prior to the time the matter is set. Counsel shall also inform the secretary of the reason for his or her late appearance and an estimated time of arrival. The secretary shall notify the bench officer or the clerk of the department to which the matter is assigned. It shall be deemed good cause if counsel has conflicting court appearances and complies with the notice requirements of this rule.

(F) Violation of this rule may subject the attorney to sanctions pursuant to Rules 5.09 and 13.01 of these Local Rules. (Adopted, effective January 1, 1997)

RULE 1.08 REQUIRED ATTORNEY NOTIFICATION FOR UNOPPOSED AND DROPPED MATTERS

(A) If an attorney will not oppose a motion filed by opposing counsel, that attorney shall promptly so notify opposing counsel and the secretary of the bench officer before whom the matter is set.

(B) If an attorney has calendared a proceeding and decides to request the matter be dropped from calendar, the attorney shall promptly notify opposing counsel and the secretary of the bench officer before whom the matter is set.

(C) Violation of this rule may subject the attorney to sanctions pursuant to Rules 5.09 and 13.01 of these Local Rules.
(Adopted, effective January 1, 1997)

SECTION 2
ADMINISTRATIVE MATTERS

RULE 2.01 SUPERVISION OF THE BUSINESS OF THE COURT

(A) The judicial business of the court shall be supervised by the Presiding Judge, with the management assistance of the Executive Officer.

(B) With respect to a decision pertaining to the judicial business of the court which requires a majority vote of the judges, and the vote is evenly divided, and at least two judges declare that a deadlock exists, the Presiding Judge shall be afforded one additional vote.

(C) The administrative business of the court shall be conducted by the Administrative Office of the Shasta County Superior Court, as more particularly described herein.
(Amended, effective January 1, 1999)

RULE 2.02 DUTIES OF THE PRESIDING JUDGE AND ASSISTANT PRESIDING JUDGE

The Presiding Judge and Assistant Presiding Judge of the court shall perform those duties set forth in California Rules of Court, Rule 10.603, as they apply, and shall be guided by the principles in the "Standards of Judicial Administration" set forth in the Appendix to the California Rules of Court, Division I.
(Amended, effective July 1, 2002)

RULE 2.03 ASSISTANT PRESIDING JUDGE

When the Presiding Judge is absent due to vacation or illness or for other cause, he or she shall be replaced by the Assistant Presiding Judge. The Assistant Presiding Judge shall, during that period, have all the powers and authority of the Presiding Judge.
(Amended effective January 1, 1996)

RULE 2.04 THE EXECUTIVE OFFICER, ASSISTANT EXECUTIVE OFFICER, AND CLERK OF THE COURT

The Executive Officer shall also serve as Clerk of the court. The Assistant Executive Officer shall be directly responsible to the Executive Officer in all matters relating to the administration of the court. The Executive Officer has ultimate responsibility, under the direction of the Presiding Judge for planning, organizing, and directing the nonjudicial activities of the court. The Executive Officer shall be responsible for the operation of the Administrative Office of the Shasta County Superior Court and shall perform those duties set forth in California Rules of Court, Rule 10.610, and in job descriptions approved by the court from time to time.
(Amended, effective January 1, 1999)

RULE 2.05 COMMISSIONERS AND JUDGES PRO TEM

(A) Court commissioners for the court shall be appointed by and serve at the pleasure of a majority of its judges, and under the control and supervision of the Presiding Judge. Within the jurisdiction of the court and under the direction of its judges, commissioners of the court shall exercise all the powers and perform all of the duties authorized by law to be performed by commissioners of the appointing court.

At the direction of the judges of the court, commissioners may have the same jurisdiction and exercise the same powers and duties as the judges of the appointing court and with the consent of the parties, where required by law, may hear any other action as a judge pro tem.

(B) Temporary judges shall be appointed in accordance with Rule 2.814 of the California Rules of Court and serve under the control and supervision of the Presiding Judge. Temporary judges shall hear matters as assigned by the Presiding Judge.
(Amended, effective July 1, 2002)

RULE 2.06 COURT REPORTERS

Notice is hereby given that an official court reporter will normally be available in the following departments for the following types of matters:

Department 1	All felony and juvenile matters, or as otherwise directed by the Court
Department 2	All felony and juvenile matters, or as otherwise directed by the Court.
Department 3	All felony and juvenile matters, or as otherwise directed by the Court.

Department 4	All felony and juvenile matters, or as otherwise directed by the Court.
Department 5	No reporter supplied unless directed by the Court
Department 6	All felony and juvenile matters, or as otherwise directed by the Court.
Department 7	All felony and juvenile matters, or as otherwise directed by the Court.
Department 8	All felony and juvenile matters, or as otherwise directed by the Court.
Department 9	All felony and juvenile matters, or as otherwise directed by the Court.
Department 10	All felony and juvenile matters, or as otherwise directed by the Court.
Department 11	All juvenile matters, or as otherwise directed by the Court.
Department 12	No reporter supplied unless directed by the Court.
Juvenile Hall	All juvenile matters.
Burney Branch	No reporter supplied unless directed by the Court.

In accordance with California Rules of Court, Rule 2.956, each party to a civil trial as defined in said rule must serve and file a statement seven calendar days in advance of the trial date stating whether that party requests the presence of an official court reporter. Parties requesting an official court reporter in a civil trial will be charged court reporter fees in accordance with California Rules of Court, Rule 2.958. Parties requesting an official court reporter for the trial of a civil case will be required to deposit fees for the anticipated length of the trial or a full-day fee, whichever is less, at the time of filing said statement.

Official court reporters are not available in limited jurisdiction civil cases or in hearings other than trials in other civil cases. In accordance with California Rules of Court, Rule 2.956, parties who desire a reporter in such cases must arrange for a certified shorthand reporter to serve as an official pro tempore reporter at their own expense.

Unless the court orders otherwise for good cause shown, a half-day fee for matters lasting more than one hour shall be $175.00, and a full-day fee for matters lasting more than four hours shall be $350.00.
(Amended, effective July 1, 2009)

RULE 2.07 PROPER COURT BRANCH IN ALL CIVIL AND CRIMINAL MATTERS

The Superior Court is composed of two (2) branches, which are the following: the Redding Main Branch, and the Burney Branch.

Cases shall be filed and adjudicated in the various branches of the court, as follows:

(A) All small claims cases and limited jurisdiction civil actions initiated pursuant to CCP §1161, shall be filed in the two branch courts by reference to the former Municipal and Justice Court judicial district boundaries in existence on December 30, 1988; e.g. cases for which the correct venue would have been in the former Burney Judicial District had they been filed before December 31, 1988, shall be filed and, absent order of the court upon good cause shown, shall be maintained in the Burney Branch of the court.

(B) All criminal matters classified as infractions or misdemeanors, for which the charging document is a citation, (as distinguished from a formal complaint) and for those complaints in which the only misdemeanor charge is a violation of Vehicle Code §14601.1a, with or without priors alleged, shall be filed by reference to the former Municipal and Justice Court judicial district boundaries in existence on December 30, 1988, as more particularly set forth in subsection (A) hereinabove. The arraignment judge or commissioner shall specify, at arraignment, the branch in which the case will be completed.

(C) All criminal matters classified as infractions, misdemeanors, or felonies, for which the charging document is a formal complaint prepared by a prosecuting agency (regardless of whether the complaint supersedes a citation), except as set forth hereinabove, shall be filed in the Redding Branch. Notwithstanding the foregoing, each matter classified as a misdemeanor or infraction for which venue would properly have been in the former Burney Judicial District had it been filed prior to December 31, 1988, shall be filed in the Burney Branch, if the defendant is then not in custody. Each such case shall remain in the branch in which it is first filed, unless set for further proceedings elsewhere by the court.

(D) All civil matters, other than those identified in subsection (A) hereinabove, shall be filed in the Redding Branch, except for each matter for which venue would properly have been in the former Burney Judicial District had it been filed prior to December 31, 1988, which matter shall be filed in the Burney Branch. As to matters filed in Redding pursuant to this Local Rule 2.07(D), all law and motion, case management/pretrial conferences, debtor examinations, and orders to show cause shall be heard in the Redding Branch, each Monday at a time and in a department to be specified by the court; absent other or further order of the court.
(Amended, effective July 1, 2000)

RULE 2.08 JURY SELECTION BOUNDARIES

In accordance with Code of Civil Procedure § 190, et seq., there is hereby established one county-wide geographical selection area for the purpose of producing juror summons lists for the court. All jury trials shall be conducted in Redding, absent an order to the contrary by the Presiding Judge.
(Amended, effective January 1, 1999)

RULE 2.09 CASE DISPOSITION TIME STANDARDS

(A) 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 which 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 the California Rules of Court, Standards of Judicial Administration (hereinafter, "The Standards"), sections 2.1 and 2.2, which are incorporated herein by this reference as follows:

(B) **[General civil cases]** The goals for general civil cases, as defined in California Rules of Court, Rule 3.714, are:

(1) [Unlimited Civil Cases]
- (a) 75 percent disposed of within 12 months of filing;
- (b) 85 percent disposed of within 18 months of filing; and
- (c) 100 percent disposed of within 24 months of filing.

(2) [Limited Civil Cases]
- (a) 90 percent disposed of within 12 months of filing;
- (b) 98 percent disposed of within 18 months of filing; and
- (c) 100 percent disposed of within 24 months of filing.

(C) **[Small claims cases]** The goal for small claims cases is 100 percent disposed of within:
(1) 30 days after filing if all defendants reside within the county;
(2) 60 days after filing if a defendant resides outside the county.

(D) **[Unlawful detainer cases]** The goals for unlawful detainer cases are:
(1) 90 percent disposed of within 30 days after filing;
(2) 100 percent disposed of within 45 days after filing.

(E) **[Misdemeanor cases]** The goals for misdemeanor cases are:
(1) 90 percent disposed of within 30 days after the defendants' first court appearance;
(2) 98 percent disposed of within 90 days after the defendants' first court appearance;
(3) 100 percent disposed of within 120 days after the defendants' first court appearance.

(F) **[Felony preliminary examinations]** The goal for felony filings, excluding murder cases in which the prosecution seeks the death penalty, is disposition (by certified plea, finding of probable cause, waiver of preliminary examination, or dismissal) of:
(1) 90 percent within 30 days after the defendants' first court appearance;
(2) 98 percent within 45 days after the defendants' first court appearance;
(3) 100 percent within 90 days after the defendants' first court appearance.

(G) **[Felony cases]** The goal for all felony cases is disposition within one year of first appearance in any court, except for capital cases.

(H) In order to meet the standards for timely disposition, additional procedures, guidelines, and requirements are set forth elsewhere in these Rules.
(Amended, effective July 1, 2004)

RULE 2.10 SMOKING

The court recognizing that smoking is harmful even to non-smokers in close proximity to smokers, and further recognizing that some individuals are substantially offended by tobacco smoking in closely confined areas, it is a rule of the court, and an ordinance of this county, that no smoking will be permitted in jury deliberation rooms, in the jury assembly room, or in any enclosed public area, at any time. The jury foreperson may, upon the request of any juror or jurors, allocate smoking breaks, not to exceed 10 minutes each hour of deliberation, during which time jurors may adjourn out of doors to smoke. During such periods, deliberations will be suspended and jurors will not in any way discuss the case at hand. The judge presiding over each trial will advise the jurors of this court rule, and will admonish them respecting discussions during smoking breaks. Counsel may stipulate that an initial admonishment will be sufficient without repetition at each break. The foreperson of the jury will make arrangements with the bailiff respecting times selected for smoking breaks, and the bailiff will remain in attendance during such periods.
(Amended, effective January 1, 1995)

RULE 2.11 COORDINATED COURTS - UNIFIED COURT

Prior to June 3, 1998, the Superior and Municipal courts completed administrative and judicial coordination as explained and defined in California Rules of Court, Rule 991 (Repealed 7/1/02).
(Amended, effective January 1, 1999)

RULE 2.12 PAGERS AND CELLULAR PHONES

Cellular telephones and audible pagers must be turned off before entering courtrooms and may not be used within any of the courtrooms.
(Adopted, effective July 1, 1997)

RULE 2.13 REQUESTS FOR ACCOMMODATION BY PERSONS WITH DISABILITIES

The court does not discriminate on the basis of disability with respect to admission to, access to, or the operations of its programs, services, benefits or activities. Disabled persons wishing to request accommodations may do so by completing Judicial Council Form MC-410, Request for Accommodations by Persons with Disabilities and Order, and sending it to the Court ADA Coordinator, 1500 Court Street, Redding, CA 96001. Requests for accommodation may also be made by telephoning (530) 245-6761. Sign language interpreters are available by calling (530) 225-5301. Assistive listening devices are available by calling (530) 225-5611.
(Adopted, effective July 1, 2002)

RULE 2.14 REQUESTS FOR CLERK TO SIGN DOCUMENTS

The Clerk of the Court will not execute documents on behalf of any party unless the party seeking the clerk's signature has first obtained an order of the court directing the clerk to sign the specific document(s) the clerk is requested to sign. Absent good cause for proceeding on an ex parte basis, a request for such an order shall be made by noticed motion, which motion shall include a proposed order with exact copies of the subject document(s) attached to the proposed order.
(Adopted, effective July 1, 2005).

RULE 2.15 JUDICIAL VACATION DAY DEFINED

A day of vacation for a judge of the Superior Court of California, County of Shasta, is an approved absence from the court for one full business day. Other absences listed in California Rules of Court, Rule 10.603 (c)(2)(H) are excluded from this definition.
(Adopted, effective July 1, 2006)

RULE 2.16 PLACE FOR FILING NOTICES OF APPEAL AND CERTAIN OTHER PLEADINGS

All notices of appeal and any other pleading that requires payment of a filing fee must be filed in the clerk's office for the type of case to which the pleading relates.
(Adopted, January 1, 2011)

SECTION 3
CIVIL CASE MANAGEMENT

RULE 3.01 SCOPE OF RULES; AUTHORITY.

The rules contained in this section apply to all "general civil cases" as defined in California Rules of Court, Rule 1.6 (4). They implement and supplement Government Code §§68600-68620 and California Rules of Court, Rules 3.720-3.730. (Amended, Effective January 1, 2005)

RULE 3.02 ALL PURPOSE ASSIGNMENT.

(A) Cases which are subject to Rule 3.01 shall be assigned to a judge for all purposes.

(B) Except as provided in Rule 3.05(D), at the time that the summons is issued the court shall set an initial case management conference for a date not longer than 160 days or shorter than 150 days from the date the summons is issued.

(C) Except as provided in Rule 3.05(D), at the time that the summons is issued the court shall prepare a LF-CIV-100, Notice of Assignment for All Purposes and Initial Case Management Conference, which shall include the name of the judge to whom the case has been assigned and the date of the initial case management conference.

(Amended, effective January 1, 2013)

RULE 3.03 SERVICE.

Plaintiffs must serve all named defendants with the summons, the complaint, and LF-CIV-100, Notice of Assignment and Initial Case Management Conference and file proof of service within 60 days after the complaint has been filed. Plaintiffs must serve the notice on any intervenor or interpleader within 10 days of being served with the complaint in intervention or interpleader. All cross-complainants must serve the notice upon each cross-defendant at the time the cross-complaint is served.
(Amended, effective July 1, 2012)

RULE 3.04 INITIAL CASE MANAGEMENT CONFERENCE; CASE EVALUATION.

(A) All parties shall appear at the initial case management conference, unless excused by the Court.

(B) The assigned judge shall evaluate the assigned cases in accordance with California Rules of Court, Rules 3.714 and 3.715, and provide for disposition within the time standards contained in Local Rule 2.09, or (2) exempt the case from the disposition time standards in accordance with Local Rule 3.05(a), (b) or (c).

(Amended, effective July 1, 2012)

RULE 3.05 EXEMPTIONS FROM DISPOSITION TIME STANDARDS.

(A) **Partial exemption for uninsured/underinsured motorist cases**. General civil cases filed solely to toll the statute of limitations on the prosecution of an uninsured or underinsured motorist claim will be granted a 180 day extension of the case management timelines if counsel for plaintiff files a declaration under

penalty of perjury 15 calendar days before the status conference stating that the case is an uninsured or underinsured motorist case. If such a declaration is filed, the court will designate the case as an "uninsured motorist case" effective as of the date the complaint was filed, will continue the status conference to a date approximately 180 days after the originally scheduled date and will notify plaintiff of the date. No appearance will be required at the originally scheduled status conference in such event. Cases designated as "uninsured motorist cases" will be subject to the normal case management timelines, including times for service of the summons and complaint and entry of default, effective 180 days after the complaint was filed. Notice of the continued status conference must be served in accordance with Rule 3.03.

(B) **Exemption for short cause cases**. Upon the filing of an ex parte application establishing that a case is at-issue, that no general or exemplary damages are sought, that there are no more than two sides to the case, and that presentation of evidence will take no more than five hours, or upon the court's own motion, a case may be designated as a short cause case. Upon being designated as a short cause case, the case will be exempt from the case management process and a trial date will be set on the court's short cause calendar within six to nine months of filing. Short cause trials will be conducted in accordance with California Rules of Court, Rule 3.735.

(C) **Exemption for early disposition cases**. The court adopts a case management plan for early disposition cases as follows:

(1) The assigned judge shall determine if a case is amenable to early disposition within the meaning of California Rules of Court, Rule 3.714.

(2) In the event a case is deemed amenable for early disposition the court shall designate the case for early disposition and notify the parties with LF-CIV-102, Early Disposition Case Notice, and include a time table for disposition.

(3) Objections to the designation of a case for early disposition may be made by noticed motion within 30 days after the moving party has been noticed that the case has been designated for early disposition.

(D) **Exemption for collection cases.** Collection cases, as defined in California Rules of Court, Rule 3.740, must be identified as such by the plaintiff at the time of the filing of the complaint by the filing of an accompanying limited jurisdiction Civil Case Cover Sheet specifying that the action is a collection case as defined in CRC, Rule 3.740. If not so identified, the case shall be subject to disposition pursuant to the case management procedures set forth within the balance of Section 3 of these rules. If so identified:

(1) The court will schedule a Collection Case Status Conference (CCSC) between 180 and 190 days from the date of the filing of the complaint. At the time that the summons is issued, the court will prepare a LF-CIV-101, Notice-Collections Case, which plaintiff shall serve in accordance with Rule 3.03. The parties may attend the CCSC, in their discretion. Attendance may be in person or via telephonic appearance. In any case, the parties plaintiff and parties defendant who have by then generally appeared are responsible for ascertaining future proceedings scheduled by the court at the CCSC. The court will not mail notice of the future proceedings scheduled at the CCSC to any party.

(2) At the CCSC, the court will issue the following orders:

(a) If the case is at issue, the case will be scheduled for a court trial unless a written demand for jury trial has been made by the time of the CCSC. Court trials will be scheduled, in the court's discretion, as a short cause trial or early disposition trial, pursuant to Subdivisions (B) or (C) of this rule. Jury trials will be scheduled at a case management conference to be first scheduled by the court.

(b) If the case is not at issue, or defaults have been entered as to all defendants, the case will be scheduled for a further CCSC (CCSCII) between 180 and 190 days after the initial CCSC. The court will schedule no further proceedings in the interim. Plaintiff will be expected to timely prosecute the matter consistent with CRC Rule 3.740.

(c) If proofs of service are not filed or orders for publication of summons are not obtained as to all named defendants by the time of the CCSC, the court may, in it's discretion, issue an OSC re: money sanctions, as authorized in CRC Rule 3.740(e).

(3) At the CCSCII, the court will issue the following orders:

(a) If the case is at issue, the case will be scheduled for trial, as set forth in subdivision (2)(a) of this rule.

(b) If all named defendants have not either answered or had default judgments entered against them, the court will issue an OSC to plaintiff re: money sanctions.

(4) Default Judgments shall be obtained pursuant to Rule 5.12 of these rules.

(Amended, effective July 1, 2012)

SECTION 4
CIVIL TRIALS

RULE 4.01 CHANGING TRIAL DATE ONCE ASSIGNED AND SPECIAL SETTINGS.

Motions to advance reset or specially set cases for trial, and to continue trial dates, shall be made on written notice to all parties who have appeared, and shall be noticed for hearing in the department to which the case has been assigned for all purposes unless otherwise prescribed by the presiding judge.

Motions for continuance of a trial date shall be noticed promptly upon the necessity for continuance being ascertained. No continuance will be granted except upon an affirmative showing of good cause. (California Rules of Court, Rule 3.1332).
(Amended, effective January 1, 2005)

RULE 4.02 DUTIES IF CASE SETTLES

Whenever a case assigned a trial date settles, the attorneys or in pro per parties shall immediately notify the court. Primary obligation to notify the court shall be plaintiff's through his or her attorney or, if in pro per, in person. Notification may be by telephone to the clerk, but, in such case, shall be followed within 5 days by a confirming letter copied to all parties. Notification of settlement to the court shall result in the vacating of any trial date and the removal of the action from the master calendar and civil active list.
(Amended, effective January 1, 2005)

RULE 4.03 RESERVED

(Amended, effective January 1, 2013)

RULE 4.04 PARTIES NOT PRESENT FOR TRIAL

(A) If a party has been served and did not answer but default and default judgment have not been entered and rendered, and the action has nevertheless been set for trial as to other parties, on proper application, judgment may be rendered and entered against the party in default in accordance with Code of Civil Procedure §§ 585 or 586.

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

(C) If a named party has not been served, plaintiff will ordinarily be required to dismiss as to that party without prejudice.
(Amended, effective January 1, 2005)

RULE 4.05 CONDUCT OF CIVIL TRIALS INVOLVING JURIES

(A) **Challenges for cause**. Upon completion of voir dire examination as to all prospective jurors in the jury box or as to a prospective juror individually, a party should state whether he or she "passes for cause."

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

(C) **When exhibits are to be given to jurors**. Exhibits admitted into evidence shall be handed to jurors in the jury box only after leave 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 upon the cause being submitted to them.

(D) **When jury instructions are to be submitted.**

(1) Pursuant to Code of Civil Procedure §607a, unless otherwise indicated by the trial judge, all jury instructions covering the law as disclosed by the pleadings shall be delivered in writing to the trial judge before the first witness is sworn. At the same time copies thereof shall be served upon adversaries.

(2) Thereafter, any additional proposed instructions may be delivered to the trial judge and served upon adversaries.

(E) **Use of Judicial Council instructions.**

Parties are strongly encouraged to use the Judicial Council of California Civil Jury Instructions (CACI). Absent an agreement by the parties, CACI shall be submitted. A party may submit any other additional jury instructions it deems appropriate, including BAJI and proposed modifications to either CACI or BAJI.

(F) **Form of proposed jury instructions.**

(1) **Instructions for use by trial judge.**

Each party shall submit one set of proposed instructions in compliance with California Rules of Court, Rule 2.1055, for use by the trial judge.

(2) **Instructions for use by jury.**
Each party shall also submit a second set of proposed instructions without a cover sheet for use by the jury. These instructions shall include the number and the full

text of the instruction, but shall not include the title or any place to indicate whether the instruction was given, refused or modified. Special jury instructions shall not indicate the party on whose behalf the instruction is requested and shall not include any citation of authorities.

(G) **Special verdict and finding forms**.

(1) A party who requests a special verdict or special findings shall, in connection with requested instructions, comply with California Rules of Court, Rules 3.1580.

(2) A special verdict or special findings form shall be so drafted as to require as much as possible an answer of "yes" or "no".
(Amended, effective January 1, 2005)

RULE 4.06 MOTIONS IN LIMINE

(A) The following "standard" motions in limine shall be deemed to have been made and granted, unless objection is made in writing filed and served no later than 7 calendar days before the trial date:

(1) Exclusion of witnesses (Evid. Code §777).
(2) Exclusion of evidence of liability insurance (Evid. Code §1155).
(3) Exclusion of evidence of remedial conduct (Evid. Code §1151).
(4) Exclusion of offers to compromise and/or settlement discussions (Evid. Code §§1152, 1154).

(B) Any motion in limine other than the "standard" motions specified above must be in writing. Each motion must be separate and identified by number and the party filing the motion [e.g., Defendant XYZ's motion in limine no. ___].

(C) If no more than two motions are filed by a party, and no such motion exceeds three pages in length (including caption), said motion(s) must be filed and served (by fax or personal service) no later than noon on the Friday before trial. Oppositions must be filed and served (by fax or personal service) no later than noon on the Monday before trial.

(D) If a party's motions in limine are greater than two in number, or if any motion is longer than three pages in length (including caption), that party's motion(s) must be filed and served (by fax or personal service) no later than seven calendar days before trial. Oppositions must be filed and served (by fax or personal service) no later than noon on the Friday before trial.

(E) Upon a showing of good cause, a trial court may consider motions not filed in compliance with this rule.
(Amended, effective January 1, 2005)

SECTION 5
MISCELLANEOUS RULES - CIVIL

RULE 5.01 ATTORNEY FEES IN CIVIL ACTIONS OR PROCEEDINGS

(A) In actions on promissory notes and contracts providing for the payment of attorney fees, whenever a prevailing party is entitled to the recovery of reasonable attorney fees, the following schedule shall be considered by the court, in its discretion, in awarding attorneys 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;

(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).

(2) **Contested action**
The same amount as computed under paragraph (A) (1), increased by such 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.

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

(C) Where a prevailing party is entitled to the recovery of reasonable attorney fees in an otherwise appropriate clerk's judgment, the Clerk shall include attorney fees computed pursuant to the fee schedule contained in this Rule.

(D) In any case where a party claims fees in excess of those allowed by this Rule, application for attorney fees shall be made to the court, supported by declarations setting forth the factual basis for the claimed attorney fees. The fees will thereupon be fixed by the court. (Adopted, effective July 1, 1992)

RULE 5.02 (RESERVED)
(Amended effective, January 1, 2007)

RULE 5.03 PETITIONS TO APPROVE TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

All petitions to approve a transfer of structured settlement payment rights pursuant to Insurance Code secs. 10134 et seq. must include a proposed order that conforms to the moving papers and that contains the findings required by Insurance Code sec. 10139.5
[(California Rules of Court, Rule 3.1312 (d)].
(Adopted, effective, July 1, 2007)

RULE 5.04 RESERVED
(Amended, effective January 1, 2011)

RULE 5.05 FORM OF JUDGMENT

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

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

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

(C) Unless costs have already been awarded in a specific amount, leave a blank space for insertion of any costs, as follows:
"and costs in the sum of $ _____."
(Adopted, effective July 1, 1992)

RULE 5.06 STIPULATED JUDGMENT FORM TO BE SEPARATE FROM STIPULATION.

If the parties enter into a written stipulation for judgment, the form of the proposed judgment to be signed and filed shall be a separate document. A copy of the proposed judgment may be attached as an exhibit to such stipulation.
(Adopted, effective July 1, 1992)

RULE 5.07 APPEAL FROM DECISION OF LABOR COMMISSIONER UNDER LABOR CODE §98.2

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

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

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

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

(B) The Clerk shall only set the matter for hearing de novo upon the filing of the papers prescribed in paragraph (A).

(C) The Notice of Appeal filed pursuant to Labor Code §98.2 shall be treated as the first paper for the purpose of determining the filing fee.
(Adopted, effective July 1, 1992)

RULE 5.08 SETTLEMENT CONFERENCE

(A) In connection with the settlement conference, all parties shall comply with the requirements of California Rule of Court 3.1380, and in addition to which, at the conference the parties shall:

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

(2) Have in attendance all principals or clients, unless excused from attendance in advance, for good cause shown, and after notice to all other parties that such request to be excused will be made;

(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.

(B) It is the responsibility of the parties to notify the Clerk whether the case has or has not settled, in advance of said conference.
(Amended, effective July 1, 1999)

RULE 5.09 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 there under, or under Code of Civil Procedure §575.2, or as otherwise provided by law.

Any request for money sanctions must be made upon advance notice, in writing, unless on the court's own motion, in which case notice need not be in writing.
(Amended, effective January 1, 1999)

RULE 5.10 MEDIATION

The court hereby elects to apply Title 11.6 of Part 3 of the Code of Civil Procedure commencing at Section 1775 to general civil actions filed in the court.
(Amended, effective July 1, 2004)

RULE 5.11 SMALL CLAIMS SETTINGS

Small claims calendars shall be established on a regularly scheduled basis.
(Amended, effective January 1, 1999)

RULE 5.12 DEFAULT PROVE-UPS

(A) Except in cases concerning which the Clerk may enter judgment without review by a judicial officer (CCP §585(a)), it is the general policy of the court that prove-up applications and evidence in support thereof be presented in written form, unless prohibited by law (CCP §585(c)).

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

(C) For purposes of default prove-ups, as to the issue of damages, competent evidence must be presented. As to the issues of liability, the failure of the adverse party to answer is deemed an admission, except as to matter which was alleged in the complaint in conclusory form. As to that matter, only, the failure of the adverse party to answer is <u>not</u> deemed an admission and competent evidence must be presented. 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 would be applied in a contested proceeding. (CCP §585(d); <u>Devlin v. Kearny Mesa AMC</u> (1984) 155 CA 3d 381, 202,

CR 204; <u>Vasey v. California Dance Co., Inc.</u> (1977) 70 CA 3d 742, 749, 139 CR 76).
(Amended, effective January 1, 1995)

RULE 5.13 TELEPHONIC APPEARANCES

(A) Counsel are permitted to appear by telephone in civil law and motion hearings, civil status conferences, and civil case management conferences. Counsel may be permitted to appear by telephone in other proceedings with the prior approval of the court. To determine whether the court will allow a telephonic appearance, counsel wishing to appear by telephone at any such other proceeding must contact the judicial secretary for the bench officer in whose department the matter is to be heard at least 5 days before the scheduled proceeding. Telephonic appearances will not be allowed at any proceeding at which witnesses will be called to testify or at any settlement conference or judicial mediation.

(B) Unless leave of court is obtained to contact the court directly by telephone, all telephonic appearances shall be through a private vendor with which the court has made arrangements to provide teleconferencing services. Counsel wishing to appear by telephone must contact the vendor at (888) 882-6878 prior to the hearing and comply with the vendor's procedures.

(C) A hearing in which a telephonic appearance is requested shall be set on the court's regular calendar at the same time as all similar matters not involving telephonic appearances are heard.

(D) Notwithstanding any other provision of this rule, the court may at any time require the personal appearance of any party.
(Amended, effective January 1, 2006)

RULE 5.14 FACSIMILE FILING

This rule is adopted in accordance with provisions of California Rules of Court Rule 2.303.

(A) Definitions. As used in this rule, unless the context requires otherwise:

1) "Facsimile transmission" means the transmission of a copy of a document by a system that encodes a document into electrical signals, transmits these electrical signals over a telephone line, and reconstructs the signals to print a duplicate of the original document at the receiving end.

2) "File" or "Filing" means the facsimile transmission of a document to a fax filing agency for filing with the court.

3) "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

4) "Fax Filing Agency" means an entity that receives documents by fax for processing and filing with the court.

(B) Rule Compliance. A fax document shall comply with California Rules of Court, Rule 2.100, and all applicable local court rules.

(C) Fax Filing Agency. A party may transmit a document by fax to a fax filing agency for filing with the court. The fax filing agency acts as the agent of the filing party and not as an agent of the court.

(D) Duties of a Fax Filing Agency. A fax filing agency that receives documents for filing shall:

1) Prepare the document so that it complies with Title 2, Division 2, Chapter 1 of the California Rules of Court, Rule 201 and any other requirements for filing with the court;

2) Take the document to the court;

3) File the document with the court;

4) Pay any applicable filing fee.

(E) Requirement of Advance Arrangements. A fax filing agency shall not be required to accept papers for filing unless appropriate arrangements for payment of filing fees and service charges have been made by the transmitting party before the papers are transmitted to the fax filing agency.

(F) Confidentiality. A fax filing agency shall keep all documents transmitted to it confidential, except as provided in this rule.

(G) Signatures. A party who files a signed document by fax represents that the original physically signed document is in his or her possession or control.

1) Notwithstanding any provision of law to the contrary, including Evidence Code Sections 255 and 260, a signature produced by facsimile transmission is an original.

2) Within 15 days after service of a signed facsimile filing, any other party may serve a demand for production of the original physically signed document. The demand shall be served on all of the parties, but shall not be filed with the court. Failure to serve a demand is a waiver of the right to demand production of the physically signed original.

3) If a demand for production of the original physically signed document is made, the party shall arrange a meeting at which the original physically signed document can be examined.

(H) Notation of Facsimile Filing. Each facsimile filing shall include the words "by fax" on the first page, immediately below the title of the document.

(I) Duplicate Copies. No duplicate hard copies of documents faxed shall be filed with the Court.
(Amended, effective July 1, 2002)

RULE 5.15 SCHEDULING EX PARTE MOTIONS AND APPLICATIONS

To secure a date and time for hearing ex parte motions and other ex parte applications for which personal appearances are required consistent with the California Rules of Court, the party making the application shall contact the judicial secretary for the bench officer in whose department the matter is to be heard.
(Adopted, effective January 1, 2005)

RULE 5.16 PAYMENT OR WAIVER OF FEES

(A) The Clerk is authorized to grant applications for fee waivers that meet the standards of eligibility established by Government Code Sections 68632 and 68633.
(Amended, effective July 1, 2012)

RULE 5.17 LAW AND MOTION MATTERS

(A) **Law and Motion Calendars**. All demurrers, motions and other applications for orders (except ex parte applications), and any other matters in connection with “general civil actions” as defined in California Rules of Court, Rule 1.6(4), customarily heard and determined as law and motion matters shall be set on each Monday in the department to which the action has been assigned for all purposes. However, when Monday is a court holiday such matters shall be set for the following court day, absent other or further order of court.

(B) **Telephone continuances**. A telephone continuance will not be granted except upon a call made before the day of the scheduled hearing from counsel for the moving party, or the moving party if appearing in pro per, in which a representation is made that all parties affected by the motion have agreed to the continuance. The continuance shall be to a date certain, and shall be confirmed forthwith by letter to the Clerk. The continuance shall be reflected in the file. The giving of notice to all parties of the date to which the matter is continued is the responsibility of the moving party.

(C) **Tentative rulings**. The court issues tentative rulings no less than 12 hours in advance of the time set for hearing. The rulings are posted on the court’s website

(www.shastacourts.com) and are available by clicking on the "Tentative Rulings" link. Tentative rulings also appear on the calendar outside the court department on the date of the hearing.
(Amended, effective January 1, 2008)

RULE 5.18 CONFLICTING COURT APPEARANCES

When counsel has court appearances set in two or more court departments at the same time, he or she shall so advise the courtroom clerks and request priority handling in one department and that the proceeding in the other department(s) trail the first.
(Adopted, effective January 1, 2005)

RULE 5.19 RULES FOR ACTIONS ARISING UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT--PUBLIC RESOURCES CODE SECTION 21000 ET SEQ.

(A) (1) **Where filed**. Actions in the nature of mandate challenging an agency decision under the California Environmental Quality Act (Public Resources Code §21000 et seq.) shall be filed in the civil section of the clerk's office and the case shall be thereafter assigned for all purposes to a judge designated by the presiding judge.

(2) **Status conference**.

(a) **Request for status conference**. At the time that a petition is filed in accordance with these rules, the petitioner shall request the court set a status conference before the judge assigned to the case within fifty (50) days of the date of filing of the petition, and serve notice of the date of the Status Conference on the respondent.

(b) **Briefing schedule and hearing on the petition**. The court shall set a tentative date for a hearing on the petition and set a tentative briefing schedule at the status conference. The hearing date and the briefing schedule may be advanced or continued by the Court on its own motion or on noticed motion of a party for good cause shown. The memoranda of points and authorities, including length, shall be in accordance with California Rules of Court, Rule 3.1113, unless otherwise ordered by the court. The briefs shall contain specific references to the administrative record, by record page number and the document title, in support of any factual contentions asserted by a party in its brief. A reference to "the whole file" is not a specific reference. Each brief shall have a separate appendix page that lists the page number of each page of the administrative record cited in the brief.

(B) **Mediation**.

In accordance with Government Code §66031, within five (5) days after the deadline for respondent to file a response to the action, petitioners shall prepare and lodge with the civil clerk a notice form for the court's signature inviting mediation. The clerk shall then mail the notice of invitation to the parties.

(C) **Preparation of the Administrative Record**.

(1) **Preparation of the record by the public agency**. Within twenty (20) calendar days after receipt of the request to prepare the administrative record, the public agency responsible for the preparation shall personally serve on petitioners a preliminary notification of the estimated cost of preparation, including the agency's normal cost per page, any other reasonable costs the agency may anticipate, and an estimate of the probable number of pages. The preliminary notification shall also state, to the extent that the information is known to the agency, the location of documents that are anticipated to be incorporated into the administrative record; the contact person or persons responsible for identifying individuals having custody of those documents, whether agency personnel or other persons; and a list of dates and times specifying when, during normal business hours, those documents will be made available to petitioners or other parties for inspection. The agency shall supplement the preliminary notification from time to time as additional documents are located or are determined to be appropriate for inclusion in the record.

(2) **Election by petitioners**.

(a) Upon receipt of the preliminary notification, petitioners may elect to prepare the record themselves provided that they notify the agency within five (5) calendar days of receipt. Within forty (40) calendar days of service of the notice of the request to prepare the administrative record, petitioners shall prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record.

Within seven (7) calendar days of service of petitioners' proposed

document index, the agency and any other party shall prepare and serve on petitioners a notice specifying any documents or items that the agency or party contends should be added to or deleted from the record as proposed by petitioners.

The agency shall promptly notify petitioners of any required photocopying procedures or other conditions with which petitioners must comply to prepare the record.

(b) If petitioners do not elect to prepare the record themselves, then within forty (40) calendar days after service of the request to prepare the administrative record, the agency shall prepare and serve on all parties a detailed index listing the documents proposed by the agency to constitute the record together with a supplemental estimated cost of preparation. Within seven (7) calendar days after service of the agency's proposed documents index, petitioners and any other parties shall prepare and serve the agency and all parties with a notice specifying any documents or items that a party contends should be added to or deleted from the record.

(3) **Preparation of the record by petitioners**. Within twenty (20) calendar days after receipt of petitioners' notice of election to prepare the record themselves, the public agency responsible for certification of the record shall personally serve on petitioners a preliminary notification designating the location of documents that are anticipated to be incorporated into the administrative record; the contact person or persons responsible for identifying individuals having custody of those documents, whether agency personnel or other persons; and a list of dates and times specifying when, during normal business hours, those documents will be made available to petitioners or other parties for inspection and copying. The preliminary notification from the agency shall also notify petitioners of any required photocopying procedure or other conditions with which petitioners must comply to prepare the record. The agency shall supplement the preliminary notification from time to time as additional documents are located or are determined to be appropriate for inclusion in the record.

Within forty (40) calendar days after service of petitioners' notice of election to prepare the administrative record, petitioners shall prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of service of petitioners' proposed document index, the agency and any other party shall prepare and serve on petitioners a notice specifying any documents or items that the agency or party contends should be added to or deleted from the record as proposed by petitioners.

(D) **Format of Administrative Record**.

(1) **Lodging original documents**. The original of an environmental document may be lodged as part of the administrative record provided that exact copies of the original are provided to all parties in the action.

(2) **Volume designation**. The administrative record shall be lodged in one or more volumes of loose-leaf three-ring binders, tabbed by document number and prominently titled "ADMINISTRATIVE RECORD VOL. 1", etc. Each volume shall consist of not more than three hundred (300) pages and shall be numerically tabbed by the document number in the volume. Each volume shall have a cover-page listing each document in the volume by the number of the tab at which it appears, the full title of the document, and the page number of the record of the first page of the document. The volume number shall also be printed on the spine of each binder.

(3) **Organization**. Prior to certification and lodging, the administrative record shall be organized with the documents in the following order:

(a) The Notice of Determination;

(b) The Resolution(s) or Ordinance(s) adopted by the lead agency approving the project, including any resolution(s) or ordinance(s) adopted in compliance with Public Resources Code §§21081 and 21081.6;

(c) The Draft or revised Draft Environmental Impact Report and initial study;

(d) The comments received on and the responses to those comments prepared for the Draft Environmental Impact Report or Negative Declaration, including any modifications to the environmental documents and project made after the comment period;

(e) The remainder of the Final Environmental Impact Report (e.g., the Technical Appendices and other technical materials);

(f) The staff reports prepared for the approving bodies of the lead agency;

(g) Transcripts and/or minutes of hearings;

(h) The remainder of the administrative record, in chronological order if possible. The above table of organization is not intended to dictate the content of the record but rather to describe a uniform order for those documents typically contained in an administrative record. Documents to be included in the record are specified in Public Resources Code §21167.6(e).

(E) **Certifying and Lodging the Record**. Upon completion and preparation of the record, it must be certified by the agency before it is filed with the court. If the agency has prepared the record, it shall make the required certification and shall personally serve the record and lodge it with the court no later than sixty (60) days after the request. If the petitioners have elected to prepare the record, the petitioners must transmit it to the agency for certification. After certification, petitioners shall then personally serve the record and lodge it with the Court no later than sixty (60) days after service of the notice of election to prepare the record. An extension of the sixty (60) day period may be requested by filing a stipulation signed by all parties and obtaining court approval of the extension(s) prior to the expiration of the sixty (60) day period. Alternatively, an extension may be requested on noticed motion prior to the expiration of the sixty (60) day period.

If the agency refuses to make a complete certification, it shall make a partial certification, specifying the alleged defects in the record and stating reasons for refusing to certify portions of it.

(F) **Disputes Regarding the Contents of the Administrative Record**. Once the administrative record has been lodged with the court, any disputes about its accuracy or scope shall be resolved on noticed motion. For example, if the agency has prepared the administrative record, petitioners may contend that the record as prepared omits relevant documents or contains inappropriate documents; if petitioners have prepared the record, the agency may have similar contentions. Objections to documents contained within the record shall be specific as to document number, full title, record page number, and the portion(s) to which the objection pertains.

A motion to supplement the administrative record with additional documents and/or to object to certain documents may be noticed by any party. Such motion should normally be filed as soon as possible after the record is lodged. THE PARTIES ARE STRONGLY URGED TO MEET AND CONFER IN ORDER TO RESOLVE DISPUTES REGARDING THE CONTENT OF THE ADMINISTRATIVE RECORD. The hearing to supplement the record or to object to documents shall be separate from and heard on a date prior to the hearing on the writ. Notice shall be given in accordance with Code of Civil Procedure §1005.

(G) **Hearing to Certify the Administrative Record**. A hearing date to certify the administrative record will normally be set by the court at the initial status conference and may be advanced or continued by the court or on noticed motion of a party for good cause shown.

At the hearing to certify the record, the court will confirm or revise the tentative briefing schedule and hearing date that were set at the initial status conference.

(H) **Trial Notebook**. Petitioners shall prepare a trial notebook in a three-ring binder that shall be filed with the court no later than fifteen (15) days prior to the date of the hearing. The trial notebook shall contain the petition, the answer(s), the memoranda of points and authorities, any motions previously filed and set to be heard at the trial of the action, the statement(s) of issues required by Public Resources Code §21167.8, and any other document(s) agreed upon by the parties. Each document in the trial notebook shall be separately tabbed with a table of contents at the front of the notebook. The notebook shall also contain an index to evidence cited in the briefs by document title, record page number, and the volume and tab number in the administrative record.
(Amended, effective January 1, 2013)

SECTION 6
CRIMINAL RULES - FILING WARRANTS, ARRAIGNMENT AND BAIL

RULE 6.01 FILING CRIMINAL COMPLAINTS AND CITATIONS

(A) All citations shall be filed at the court locations designated in Rule 2.07(B).

(B) All criminal complaints which charge other than felony offenses shall be filed at the court locations designated in Rule 2.07(B) and (C).

(C) All criminal complaints which include one or more felony offenses shall be filed in the Redding Branch.

(D) All criminal complaints charging in-custody defendants shall be filed with the Clerk at the earliest time possible but in no case later than 11:00 a.m. on the morning of the day any such defendant is to first appear in court on those charges.

(E) All criminal complaints charging out-of-custody defendants shall be filed with the Clerk no later than two (2) days before the time of the defendant's first appearance on those charges.
(Amended, effective July 1, 2000)

RULE 6.02 BAIL

(A) GENERAL PROVISIONS

(1) **Requests for increase or reduction**. When bail has been set by a judge out of court, any further out of court requests for an increase or reduction shall be made to the judge who set such bail.

(2) **More than one request**. Any person requesting a bail reduction or increase shall disclose all such prior requests. This rule does not apply where an application or request is made after a preliminary hearing, or at an initial arraignment on The Information.

(3) **Defense requests re bail/OR**.

(a) No defense request for bail or O.R. may be made without prior notification to the prosecuting agency, to allow a representative to be present.

(b) When a defense request for bail or O.R. is made after normal court hours the requesting party shall, before contacting the court, arrange for the telephone availability of a representative from the prosecuting agency.

(4) **Notice of request to set aside forfeiture**. The prosecuting agency and the County Counsel need not be given notice of an order setting aside a forfeiture of bail pursuant to Penal Code §1305(c)(1) provided the following determinations and assessments are made:

(a) The defendant has been delivered into the custody of the Shasta County Sheriff or the defendant appears voluntarily in court; and

(b) The defendant was delivered into the custody of the Shasta County Sheriff or appeared voluntarily in court within 180 days after entry in the minutes or mailing of the Notice of Forfeiture, together with such additional time as the court may have previously ordered pursuant to its authority under Penal Code §1305(e) or §1305.4; and

(c) The court assess the sum of $75.00 in those cases in which the defendant has voluntarily surrendered to the court and $125.00 in those cases in which the defendant's appearance is the result of an agency arrest; as a condition to exoneration of bail in all cases (said sum representing the court's costs in reprocessing the defendant); and

(d) Where the defendant has been transported back to Shasta County at public expense, those expenses shall be assessed at actual cost.

In all other cases of a motion to set aside forfeiture, the prosecuting agency and County Counsel shall be given 10 days prior notice by the moving party pursuant to Penal Code §1305(i), and proof of such notice shall be filed with the court.

(5) **Notice of Request for tolling or extension of time.** In all cases wherein a moving party requests that the 180-day period be tolled pursuant to Penal Code §1305(e), or extended pursuant to Penal Code §1305.4, the moving party shall give to the prosecuting agency and County Counsel 10 days prior written notice of the motion pursuant to Penal Code §1305(i), and proof of such notice shall be filed with the court.

(B) SOURCE OF BAIL - P.C. §1275 - PROCEDURE

When a Source of Bail Order pursuant to Penal Code §1275 has been signed by a judge in a case, the following procedure shall be followed by the defendant in calendaring the matter for hearing to show that no portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained:

(1) The Request for Hearing shall 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 person(s) 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) The declaration or offer of proof shall be filed and personally served on the prosecuting agency, not later than twenty-four (24) hours before the hearing.

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

(C) REAL PROPERTY BONDS

In order to post a real property bond the following procedure must be followed:

(1) A Notice of Hearing pursuant to Penal Code section 1298 shall be filed. It shall also be served on the prosecuting agency and County Counsel. Compliance with the notice provisions of California Rules of Court, rule 4.111 is required.

(2) The Notice of Hearing shall be accompanied by an Application For Real Property Equity Bond; a declaration of the real property owners; an executed Promissory Note; a Deed of Trust made payable to "County of Shasta" as beneficiary and "Court Executive Officer" as Trustee; and a proposed order approving property bond and order for release of Defendant.

(3) In addition, the following must be filed with the original notice of hearing:

(a) An appraisal report of the fair market value of the property, dated not more than 45 days prior to filing the application for the property bond and completed by a qualified real estate appraiser;

(b) A current preliminary title report, prepared by a California title company, that includes a legal description of the property, the address or location of the property, and a listing of all encumbrances, and is dated no more than 30 days prior to the application for the property bond; and,

(c) Proof of insurance coverage of the property, sufficient to pay all encumbrances, which insurance must include "County of Shasta" as a loss payee.

The proposed Order Approving the Property Bond and Order for Release of Defendant shall not be signed unless the court makes the required finding that the equity in the property is twice the value of the amount of bail, and only upon delivery to the court of the recorded Deed of Trust. (Amended, effective July 1, 2005)

RULE 6.03 ARREST AND SEARCH WARRANTS

All requests for arrest warrants and search warrants shall first be presented to the District Attorney or Attorney General, as appropriate, for review and approval before delivery to the court. All supporting declarations on arrest warrants shall be fully dated and executed before being considered by a judge.

Search warrant returns are to be presented to the criminal court clerk, who is authorized to receive and execute the return for the court pursuant to Penal Code §1534(c).
(Amended, effective January 1, 2003)

RULE 6.04 ARRAIGNMENT

(A) (RESERVED)

(B) (RESERVED)

(C) A Public Defender shall be present for all in-custody arraignment calendars to undertake representation of defendants for whom the Public Defender is appointed as counsel.

(D) No later than seven (7) calendar days after the Public Defender or a Conflict Public Defender has been appointed to represent a defendant who is either in or out of custody, with respect to whom the Public Defender or Conflict Counsel has a conflict of interest requiring his or her withdrawal as counsel of record, which conflict is revealed by the name of the defendant or the discovery materials in the court's file, the Public Defender or Conflict Counsel shall contact the criminal court clerk for re-calendaring on the arraignment calendar; so that the conflict may be declared and substituted counsel appointed.

(E) 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 no more than seven (7) calendar days from the date of first appearance, absent a showing of good cause for a later appearance.

(F) As a general case handling guideline, the court shall schedule misdemeanor cases not resolved at arraignment for a settlement conference in approximately two (2) weeks.

(G) As a general case handling guideline, the court shall schedule felony cases not resolved at arraignment for a preliminary examination in approximately two (2) weeks and for a felony plea/disposition conference on a prior day. The defendant shall be personally present at the felony plea/disposition conference, unless excused by the Court, in advance, on good cause shown.

(H) The clerk of the court is authorized by the court upon the request of a defendant or his or her counsel made prior to the date set for arraignment, to continue the initial arraignment up to fourteen (14) calendar days. This authorization does not apply: (1) to any case in which a defendant has been released on bail or (2) to any case in which a defendant has been charged with a felony grade offense.
(Amended, effective January 1, 2003)

SECTION 7
CRIMINAL RULES - MISDEMEANOR SETTLEMENT CONFERENCE AND PRETRIAL PROCEEDINGS

RULE 7.01 NEGOTIATIONS PRIOR TO SETTLEMENT CONFERENCE

(A) Counsel are strongly encouraged to meet and discuss actions informally in an attempt to resolve matters prior to the settlement conference.

(B) Prosecution should deliver to defense counsel a formal offer for resolution prior to the day of the settlement conference.

(C) Defense counsel should appear at the settlement conference having already discussed the case and prosecution's offer with the defendant.
(Amended, effective January 1, 1999)

RULE 7.02 THE SETTLEMENT CONFERENCE

(A) Defense counsel shall have the defendant(s) present unless previously excused by the court.

(B) Both sides shall be fully prepared and able to discuss the facts of the case and the availability of witnesses for trial. The settlement conference shall not be continued without actual good cause shown. It is the policy of the court to conduct one settlement conference for each case.

(C) The court will be prepared to accept dispositions and to set trial dates at the settlement conference.

(D) Pleas of guilty or no contest entered by counsel pursuant to Penal Code section 977 must be accompanied by a properly executed and notarized plea form if the plea relates to any offense that constitutes a prior offense for purposes of enhanced punishment upon a subsequent conviction under any statute, including, but not limited to Penal Code section 488 and Vehicle Code sections 14601, 23103.5, 23152, and 23153.
(Amended, effective January 1, 2011)

RULE 7.03 PRETRIAL MOTIONS

(A) In the event that moving papers are not timely filed for an assigned hearing date without good cause demonstrated, a motion may be deemed waived by the moving party.

(B) Failure to serve or file papers in opposition to a motion or other application to the court for an order, other than an ex-parte application, may, in the court’s discretion, be deemed a waiver of any objections and an admission that the motion or other application is meritorious. Notwithstanding the foregoing, in any matter in which the opposition is

based upon a factual dispute, only, as distinguished from a disputed legal issue, opposition papers shall not be required.

(C) Motions to continue any hearing, including trial, are disfavored and shall be denied unless the moving party, pursuant to and in accordance with Penal Code §1050, presents affirmative proof that the ends of justice require a continuance. A stipulation by all parties to continue a hearing does not constitute good cause, by itself. Substitution of counsel does not automatically constitute good cause for a continuance.
(Amended, effective January 1, 2006)

RULE 7.04 TRIAL SETTINGS

(A) Trial dates will be set at the settlement conference. Generally, the court will select a trial date approximately two (2) weeks from the settlement conference.

(B) At the settlement conference, or as soon thereafter as becomes apparent, counsel shall indicate to the court any action which will take more than two full days to try before a jury. The court will assume that cases not so designated will take two or less days.
(Adopted, effective July 1, 1992)

RULE 7.05 READINESS CALENDAR

(A) All counsel shall attend a trial readiness calendar held two days prior to the jury trial date prepared to indicate to the court a readiness to proceed to jury trial. The obligations of the parties and counsel are as set forth in California Rules of Court, Rule 4.112(a), and incorporated herein by this reference.

(B) Defense counsel shall have the defendant(s) present unless previously excused by the court.

(C) All cases shall be settled as soon as reasonably practicable. The home court judge may set cut-off dates for accepting negotiated dispositions.
(Amended, effective July 1, 2005)

RULE 7.06 COURT REPORTERS AND RECORDING SYSTEM

Except in felony cases, court reporters are not available at the expense of the Court. In lieu thereof, a tape recording system is available for misdemeanor or infraction cases pursuant to Penal Code Section 1045 upon direct request to the clerk of the court no later than five (5) days in advance of the proceedings to be recorded. Court reporters may be used, but they shall be obtained by, and at the expense of, one or more of the parties.
(Amended, effective July 1, 1999)

SECTION 8
CRIMINAL RULES - DISCOVERY

RULE 8.01 DISCOVERY

(A) Discovery shall be governed by the provisions of Penal Code §1054, et seq., and, by Rule 6.01(D) herein.

(B) The obligation to make discovery is an automatic, reciprocal, and continuing obligation.

(C) Unless otherwise ordered, a motion in a criminal case for the discovery of information or evidence shall be in writing and, absent an order shortening time, shall be subject to the time standards contained in California Rules of Court, Rule 4.111, which is incorporated herein by this reference.

(D) In misdemeanor cases, all discovery shall be timely sought so that the attorneys are adequately prepared to discuss the case at the settlement conference.

(E) In the event of a failure to comply with this rule or an order of discovery, the court may grant a continuance, exclude the evidence not disclosed, dismiss the case if required by the United States Constitution, or order any other relief or sanction available at law or under these rules.
(Amended, effective July 1, 2000)

SECTION 9
CRIMINAL RULES - TRIAL

RULE 9.01 EXERCISE OF CHALLENGES PURSUANT TO CCP §170.6 IN FELONY CASES

At the conclusion of trial readiness conferences in the felony home courts, all cases set for trial, whether misdemeanors or felonies, will be assigned a trial department. Any challenges pursuant to CCP §170.6 to the judge presiding in the assigned trial department must be made in the felony home court department at the time the assignment is made.
(Amended, effective July 1, 1999)

RULE 9.02 MOTIONS AT TRIAL

Motions that are out of the ordinary or unusual (e.g. complex or extensive motions in limine) shall be made in writing, served upon opposing counsel, and filed at or before the jury readiness calendar.
(Adopted, effective July 1, 1992)

RULE 9.03 SUBMISSION OF CRIMINAL JURY INSTRUCTIONS

(1) **Time for submission.**

Absent an order of the court on good cause shown, all jury instructions covering the law as disclosed by the pleadings shall be delivered in writing to the trial judge no later than 12:00 p.m. on the first day of trial and shall be served on all other parties by that time. The court does not maintain a stock of CALCRIM form instructions.
(Amended, effective July 1, 2006)

(2) **Instructions for use by trial judge.**

Each party shall submit one set of proposed instructions with a cover sheet in compliance with California Rules of Court, Rule 2.1055, for use by the trial judge.

(3) **Instructions for use by the jury.**

Each party shall also submit a second set of proposed instructions without a cover sheet for use by the jury. These instructions shall include the number and the full text of the instruction, but shall not include the title or any place to indicate whether the instruction was given, refused or modified. Specially prepared instructions shall not indicate the party on whose behalf the instruction is requested and shall not include any citation of authorities.
(Amended, effective January 1, 2004)

SECTION 10
CRIMINAL RULES - PRELIMINARY EXAMINATIONS

RULE 10.01 TIME ESTIMATES FOR PRELIMINARY EXAMINATIONS

Counsel shall, at the time of setting, or as soon as possible thereafter, identify to the setting judge, the Presiding Judge, or the Presiding Judge's designee any matter which can realistically be expected to take a half-day or more to present. Those matters not so designated will be assumed to require less than a half-day and will be appropriately calendared.
(Adopted, effective July 1, 1992)

RULE 10.02 CONTINUANCES OF PRELIMINARY EXAMINATIONS

(A) Absent good cause shown, a motion to continue the preliminary examination shall be heard at the time of the felony plea/disposition conference scheduled for the case.

(B) Motions to continue the preliminary examination are disfavored and shall 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 the ends of justice require a continuance. A stipulation by all

parties to continue the preliminary examination does not constitute good cause, by itself. Substitution of counsel, does not automatically constitute good cause for a continuance. (Adopted, effective July 1, 1992)

RULE 10.03 EXERCISE OF CHALLENGES PURSUANT TO CCP §170.6

In the case of an assignment of a preliminary hearing by a felony home court department, as defined in Rule 13.05, to another court department, any challenge pursuant to CCP §170.6 must be made in the felony home court department at the time the assignment is made.

For purposes of this rule the felony home court department shall be deemed the master calendar department for all cases pending in that department.
(Adopted, effective July 1, 1999)

SECTION 11
RULES RELATING TO TRAFFIC INFRACTION TRIALS

RULE 11.01 TYPES OF CASES

Special traffic infraction trial calendars are established for the trial of infraction matters not involving accidents, in which the defendant is in pro per. They include all infractions identified in state statutes or codes, or city or county ordinance codes. Trials of infractions, if they involve traffic accidents, or if counsel is appearing, shall be scheduled on regular court trial calendars on which the District Attorney appears, and are not governed by this Section 11.
(Adopted, effective, July 1, 1992)

RULE 11.02 TIME AND PLACE

Infraction trials shall be set on special calendars to be announced by the court, from time to time.
(Adopted, effective July 1, 1992)

RULE 11.03 SCHEDULING AND BAIL

All defendants requesting an infraction court trial shall post bail pursuant to Vehicle Code section 40519 and only upon receipt of bail shall a date for trial be set. The requirement to post bail can only be waived by the court under unusual circumstances where the interest of justice so requires. The posting of bail is necessary to guarantee the appearance of the defendant and to apply toward the payment of any fine or assessment prescribed by the court in the event of conviction. Bail shall include all assessments under section 42006 of the Vehicle Code and section 1464 of the Penal Code.
(Adopted, effective July 1, 1992)

RULE 11.04 APPEARANCES

No party shall be represented by counsel on the special traffic infraction trial calendars identified in this Rule. The defendant shall be present or the matter will proceed in accordance with Vehicle Code §40512.5, which reads, in pertinent part, as follows:

> "Section 40512.5(a) Except as specified in subdivision (b), if at the time the case is called for trial the defendant does not appear, either in person or by counsel, and has not requested in writing that the trial proceed in his or her absence, the court may declare the bail forfeited and may, in its discretion, order that no further proceedings be had in the case, or the court may act pursuant to Section 1043 of the Penal Code. However, if the defendant has been charged with a violation of Section 23111 or 23112, or subdivision (a) of Section 23113, and he or she has been previously convicted of a violation of the same section, the court may declare the bail forfeited, but shall issue a bench warrant for the arrest of the person charged, except if the magistrate finds that undue hardship will be imposed upon the defendant by requiring him or her to appear, the magistrate may declare the bail forfeited and order that no further proceedings shall be had in the case.
>
> (b) If the defendant has posted surety bail and the magistrate has ordered the bail forfeited and that no further proceedings shall be had in the case, the bail retains the right to obtain relief from the forfeiture as provided in Section 1305 of the Penal Code if the amount of the bond, money, or property deposited exceeds seven hundred dollars ($700)."

(A) A party may have witnesses present and may request subpoenas for their appearance, but must do so at least five (5) days prior to the trial date.

(B) In the event a party desires to be represented by counsel, the party shall notify the court at least five (5) working days in advance of the scheduled trial date and the matter shall then be reset to an appropriate trial calendar.
(Amended, effective July 1, 1999)

RULE 11.05 CONTINUANCES

No continuance of a trial shall be permitted unless the party requesting the continuance requests the same at least five (5) working days in advance of the trial date.

No continuance will be granted thereafter unless the interest of justice shall so require.
(Adopted, effective July 1, 1992)

RULE 11.06 TRIALS BY DECLARATIONS PURSUANT TO VEHICLE CODE SECTION 40902

A defendant may elect to have a trial by declaration as fully set forth in Section 40902 of the Vehicle Code and Rule 4.210 of the California Rules of Court.
(Adopted, effective July 2008)

SECTION 12
MISCELLANEOUS TRAFFIC INFRACTION RULES

RULE 12.01 TRAFFIC SCHOOL

This court will permit attendance at a court-approved traffic school as a means of obtaining a dismissal of a traffic charge which is susceptible of dismissal upon successful completion of traffic school under California Law. Rules of eligibility and procedures for completing traffic school shall be established by the court, from time to time, and shall be made available to the general public in the clerk's offices.
(Adopted, effective July 1, 1992)

SECTION 13
GENERAL CRIMINAL RULES

RULE 13.01 SANCTIONS

Rule 5.09 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 the court.
(Adopted, effective July 1, 1992)

RULE 13.02 PHOTOGRAPHING OR RECORDING COURT PROCEEDINGS

Photographing or recording any court proceeding is prohibited unless a written request made in advance of the proceeding in accordance with the requirements of the California Rules of Court has been approved by the judge conducting the proceeding.
(Amended, effective January 1, 1999)

RULE 13.03 SENTENCE MODIFICATIONS

In cases 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 clerk shall be contacted so that a hearing can be set before the bench officer who imposed the sentence, on a regular calendar over which that bench officer presides. The request for modification shall be in the form of a noticed motion, the time for filing and service of which shall be as set forth in California Rules of Court, Rule 4.111, absent an order shortening time obtained on written application, and for good cause shown. If the sentencing bench officer is unavailable to hear the motion timely, then the Presiding Judge or his or her designee shall hear the motion. Nothing in this rule shall preclude

pro per defendants from sending written requests for sentence modification to the sentencing judge's attention, nor shall it preclude bench officers from responding to such letter requests. In no event shall hearing on such an application take place following less than two day's actual notice to the district attorney, unless time is expressly waived by the district attorney.
(Adopted, effective July 1, 1992)

RULE 13.04 CLAIMS FOR PAYMENT BY COURT APPOINTED COUNSEL

The procedures set forth in this rule 13.04 apply only to payment for services rendered by, costs incurred by, and ancillary services rendered for, private attorneys appointed by the court to represent specific indigent defendants in criminal actions. This rule does not apply to private counsel who provide indigent defense services pursuant to the terms of written contracts with the County of Shasta.

To the extent the provisions of this rule conflict in capital cases with PC § 987.9, the provisions of PC §987.9 shall control.

(A) CONTENT OF CLAIMS FOR FEES AND EXPENSES

All claims for attorneys fees, and/or for reimbursement of expenses by private attorneys appointed by the court to represent indigent defendants in criminal actions shall be made in writing. Each such claim shall be filed with the clerk of the court for submission to the supervising judge of the applicable criminal calendar if the matter did not proceed to trial, or to the trial judge if a trial was held. Each such claim shall be filed no later than 70 days following judgment and sentencing or other termination of representation of the defendant.

Except as set forth in this paragraph, only one such claim shall be submitted in each case. In matters reasonably anticipated to last more than 180 days, the attorney may submit claims for periodic payment every three months. In matters reasonably anticipated to last more than 180 days and in which the charges include a violation of Section 187 of the Penal Code, the attorney may submit claims for periodic payment every month. The final claim, however, must be submitted within 70 days following judgment and sentencing or other termination of representation of the defendant.

Each such claim shall be supported by a declaration, made under penalty of perjury, setting forth the following facts:

1. The date of appointment and the judge making the appointment;
2. The date representation ceased and the reason therefor;
3. Any prior claims for payment which were previously submitted, the amount sought and the court's action (or inaction) on such prior claims, including the amount ordered paid, and a statement that none of the services identified or expenses incurred were included in previous claims or a statement that no such prior claims have been submitted;
4. Whether the matter proceeded to trial or not;

5. Reference to, and incorporation into the declaration of, a statement of services rendered and expenses incurred, as more particularly defined below;
6. The necessity for such services or expenses;
7. Reference to, and attachment to the declaration of, any orders authorizing the attorney's use of ancillary services; and,
8. An explanation of any discrepancy between the amount sought in the claim and the amount declared in court at the time the court informed the defendant of the value of the attorney services provided.

The statement of services rendered and expenses incurred shall consist of the following:

1. An itemized description of services provided, including the date of each service, the time devoted to each service and the sum requested for each service;
2. An itemized list of reasonably necessary expenses incurred, including the dates of such expenditures and the sum requested for each such expenditure;
3. Separate total amounts requested for payment for services and expenses;
4. A total amount requested for payment for both services and expenses; and,
5. Attached copies of billing statements and receipts for expenses incurred and for which the attorney seeks reimbursement.

The statement of services rendered and expenses incurred and any orders authorizing the attorney's use of ancillary services shall be attached to, and incorporated by reference as a part of, the declaration.

(B) APPLICATIONS FOR AUTHORIZATION TO USE ANCILLARY SERVICES

Before incurring expenses for ancillary services, which are defined to include, without limitation, services of investigators, experts, paralegals, and transcriptionists who are not salaried employees of the attorney, the attorney shall make written application for authorization from the court to do so. Such application shall be supported by a declaration made under penalty of perjury, setting forth the following facts:

1. The reason such services are reasonably necessary in the preparation of a defense;
2. The type of service being requested;
3. The name of the provider being requested and a brief statement of the provider's qualifications to provide the requested services; and,
4. Where the provider is required by law to possess a license to provide the requested services, the application shall include the provider’s license number or specify any exemption to the licensing requirement applicable to the provider; and,
5. A request for authorization to spend up to a specific dollar amount.

After the initial approval of ancillary services by the court, the attorney may reapply for authorization for additional expenditures if the attorney believes there is a reasonable possibility the amount originally authorized for ancillary services will be exceeded. Such reapplication shall include in the declaration in support of the request the amounts

previously authorized and the reason a greater amount is being requested. A copy of any previous orders authorizing expenditures shall be attached.

Only when exigent circumstances exist may an attorney engage ancillary services without prior court authorization. If an attorney does so, the attorney must immediately thereafter make application to the court for authorization of such services and show, in a declaration made under penalty of perjury, exigent circumstances justifying the use of such services without prior court authorization. Exigent circumstances may include, but are not limited to, circumstances in which there is a need to preserve or document physical evidence which would dissipate before court authorization could be obtained. The inadvertence, neglect, mistake, or negligence of counsel or counsel's office staff in seeking timely authorization, even if excusable, shall not constitute exigent circumstances.

If an attorney submits a claim for payment of ancillary services which exceeds the amount previously authorized by the court, such excess amount shall not be paid unless the attorney, in a declaration made under penalty of perjury, submitted with the claim, establishes a reasonable explanation for exceeding the authorized amount without obtaining additional prior court authorization.

Claims for payment for ancillary services are to be submitted at the time the attorney submits the claim for payment of services rendered and expenses incurred. The claim for payment for ancillary services shall be submitted by the attorney employing such services. If periodic claims are submitted pursuant to (A) above an accounting shall be included which details the original amount authorized by the court plus any additional authorized amount(s) if any, less expenditures to date and the balance remaining. Orders for payment will be directly to the providers of the ancillary services.

(C) COMPENSATION FOR POST-SENTENCING MATTERS

Attorneys will be compensated only for those post-sentencing matters for which they are specifically appointed by this court. They will also be compensated for any post-sentencing matter for which they are directed by this court to appear in court or to review specific matters. Attorneys will also be compensated for up to one half-hour for time spent filling out a "CCAP" questionnaire on matters for which a notice of appeal has been filed. A claim for any such services authorized by this paragraph shall be excepted from the single application requirement, shall be specifically identified as relating to post-sentence matters, and shall be presented in the form of a declaration.

(D) MISCELLANEOUS MATTERS

All claims and applications made pursuant to this Rule 13.04 shall include points and authorities, supporting declarations made under penalty of perjury, and proposed orders. If a claim is denied in whole or in part, the attorney may resubmit a claim for the denied portion within 30 days of being notified of the denial, if the attorney, in a declaration made under penalty of perjury, provides additional facts which establish a reasonable

basis for the attorney's belief the claim should receive additional consideration by the court. Each such resubmitted claim shall be expressly identified as such. If the court denies any such resubmission, the court shall state its reasons for denying the resubmitted claim in writing. In lieu of resubmitting the claim in writing, the attorney, within 30 days of being notified of the denial, may request an ex parte in-camera hearing. The hearing shall be on the record, and the transcript of such hearing shall be ordered sealed. If the court denies such resubmitted claim, the court shall state its reasons on the record. In no event shall the court consider any additional resubmissions.

The court shall act on all submitted claims within 90 days of submission of the claim.

All applications, including all supporting documentation, submitted and all orders made under the provisions of this rule are to be filed in the confidential portion of the files to which they pertain.

(E) FORMS

All claims for payment specified in this Rule 13.04 shall be made on LF-CRM-100, Claim for Payment by Court-Appointed Counsel, or on forms substantially the same. If forms substantially the same are used, such forms shall include the same information required to complete the forms in the appendix, and that information shall be listed in the same order as on the forms in the appendix.

(F) FAILURE TO COMPLY

Failure by the attorney to comply with the requirements of this rule, including the time for filing requirement, shall be deemed a waiver of the claim and right to reimbursement. Such failure to comply may be excused upon good cause shown by declaration under penalty of perjury submitted with the claim, or within 30 days of rejection of such claim for failure to comply. A failure to comply with the time requirement may also be excused if the attorney, in advance of expiration of such time period, makes an application for an extension of the time period, for up to 30 days, and shows good cause for an extension of the time period in a declaration made under penalty of perjury, submitted with the application for extension of the time period.

A failure to comply with the requirement that all claims be made in a single application will be deemed a waiver of any such subsequent claims unless exceptional circumstances justifying submission of a subsequent claim are shown in a declaration made under penalty of perjury submitted with the subsequent claim.
(Amended, effective July 1, 2012)

RULE 13.05 FELONY AND MISDEMEANOR HOME COURTS

(A) All felony cases initiated on or after January 1, 1995, and all felony cases pending any proceeding on or before January 1, 1995, shall be assigned by the Presiding Judge, effective January 1, 1995, to one of two specific "home court" departments for all proceedings and purposes except for trials. Reassignments may be made, from time to time, in the discretion of the courts, to assure the effective and efficient administration of justice.

(1) In order to formalize a policy that has been in place since March 1995 and that has been effective in promoting early settlement of felony matters and the avoidance of clogged trial calendars as had previously existed, the following rules shall apply:

(a) At the trial assignment calendar an unsettled case will be assigned to a trial department on the following Tuesday to commence trial. On the day the case is set to commence trial, the case may not be resolved short of trial other than by a plea to all charges then existing in the charging document or a dismissal by the district attorney, except as set forth below.

(i) If trial counsel on the day of trial present to the trial court a negotiated disposition, and they are able to articulate changed circumstances that are both material and demonstrated to have been unforeseeable at the trial assignment calendar, the home court judge is to be contacted by the trial court judge and advised of the foregoing. The purpose of this is to avoid “forum shopping.” If the home court judge approves of the settlement, the home court and trial court judges will discuss whether to take an “Arbuckle” waiver and return the case to the home court for sentencing. The plea will then be taken either in the trial department or in the home court, as directed by the home court judge.

(ii) If the home court judge indicates disapproval of the negotiated disposition, the parties will be referred to the home court judge for argument on the changed circumstances and a decision by the home court judge whether to approve or disapprove the negotiated disposition. If the home court judge, after hearing argument, still disapproves the negotiated disposition, the parties will be referred back to the trial department to commence trial.

(b) Prior to the start of trial, the judge shall not engage in, or initiate settlement discussions. The trial judge shall only communicate any already agreed upon proposed disposition and the asserted changed circumstances to the home court judge. Otherwise the trial judge shall simply begin trial.

(c) Once trial has commenced, any changed circumstances that arise during the course of the trial may be cause for the trial court to accept a negotiated plea. Under these circumstances the trial judge shall exercise its own independent discretion whether to accept a negotiated plea, and if it does so, shall conduct any sentencing proceedings that result from the negotiated plea.

(B) All misdemeanor cases initiated on or after January 1, 1995, and all misdemeanor cases pending any proceeding on or before January 1, 1995, shall be assigned by the Presiding Judge, effective January 1, 1995, to one of two specific "home court" departments for all proceedings and purposes, except for trials. Reassignments may be made, from time to time, in the discretion of the courts, to assure the effective and efficient administration of justice.

(C) When privately retained counsel has court appearances set in two or more court departments at the same time, he or she shall so advise the courtroom clerks and request priority handling in one department and that the proceeding in the other department(s) trail the first.
(Amended, effective July 1, 2012)

RULE 13.06 QUALIFICATIONS FOR APPOINTED TRIAL COUNSEL IN DEATH PENALTY CASES

(A) No attorney shall be appointed as defense counsel in a death penalty case after January 1, 2004, unless the attorney is first placed on the court's list of approved counsel by establishing that he or she meets the minimum qualifications specified in California Rules of Court, Rule 4.117, in compliance with this rule.

(B) An attorney who meets the minimum qualifications of California Rules of Court, Rules 4.117(d) and/or 4.117(e), shall file with the clerk of the court for submission to the presiding judge a completed LF-CRM-102, "Verification of Qualifications of Lead Counsel" or LF-CRM-103, "Verification of Qualifications of Associate Counsel."

(C) An attorney who does not meet the minimum qualifications of Rule 4.117(d) or (e) but believes that he or she has the ability to provide competent representation to a defendant shall file a completed LF-CRM-104 "Verification of Alternate Qualifications of Counsel."

(D) An attorney who seeks to be placed on the list of approved counsel pursuant to this rule may file a verification of qualifications at any time. To remain on the list, counsel must file a renewal verification by January 1 of each year. Counsel may be returned to the list at any time by filing a new verification of qualification.

(E) Upon actual appointment in a case, counsel must file a completed Judicial Council Form CR-191, Declaration of Counsel Seeking Appointment in Capital Cases, within 10 days.

(F) Compliance with this local rule shall not entitle any attorney to appointment.
(Amended, effective July 1, 2012)

SECTION 14
FAMILY LAW RULES

RULE 14.01 FAMILY COURT SERVICES COUNSELING

(A) **Recommendations of child custody recommending counselors**

Court designated child custody recommending counselors are hereby authorized to render a recommendation to the court as to the custody or visitation of the child or children, involved. The Court may, without foundation, consider the report and recommendation of the counselor.

(B) **Challenge of counselor**

The assignment of counselors is an administrative function of Family Court Services. Requests to assign or not assign a specific counselor will not be honored. Requests for a change in assigned counselor or reports of general problems related to Family Court Services shall be made to the Director of Family Court Services. Reports of general problems related to the Director of Family Court Services shall be made to the Supervising Family Law Judge.

(C) **Declarations**

All declarations submitted to the counselor for consideration shall comply with California Rules of Court, Rule 2.100. No single declaration shall exceed 10 pages in length nor shall the total number of pages submitted by or on behalf of any parent, including exhibits and attachments thereto, exceed 30 pages. All papers submitted to the counselor for consideration shall first be filed with the court and must be accompanied by a proof of service upon the opposing party or counsel, (with file stamped, conformed copies given to Family Court Services.) Service must be effected in a manner as to ensure actual physical receipt by the opposing party and/or counsel and Family Court Services, not later than noon of the court day preceding the scheduled mediation session. Notwithstanding the foregoing, declarations that are not timely served may be considered at the discretion of the counselor.

(Amended, effective July 1, 2012) (Renumbered January 1, 2000; previously 14.18)

RULE 14.02 CHILD CUSTODY EVALUATIONS

(A) **Appointments of Child Custody Evaluators**.

In any contested proceeding involving custody and/or visitation, the court may, in its discretion, appoint a child custody evaluator to perform an evaluation in accordance with Family Code section 3110 et seq., Evidence Code section 730, or Code of Civil Procedure section 2032.010 et seq. The court will use Judicial Council form FL-327, Order Appointing Child Custody Evaluator, to make any such appointment.

(B) **Payment for Child Custody Evaluations**.

The court will order payment of the evaluator at the time of the appointment. The evaluator may not withhold a report from the court because of the parties' failure to pay. The evaluator may bring the issue of a party's failure to pay to the attention of the court.

(C) **Conduct of Child Custody Evaluations**.

The evaluation shall be conducted in conformance with Rule 5.220 of the California Rules of Court by a child custody evaluator who satisfies the licensing, education, training and experience requirements of Rules 5.225 and 5.230 of the California Rules of Court. In the event that no evaluator who meets the requirements of Rule 5.225 is willing and available to perform an evaluation, the court may appoint an evaluator who does not meet the requirements under the circumstances permitted by Rule 5.225.

(D) **Qualifications of Evaluators**.

Any child custody evaluator appointed pursuant to this local rule must file Judicial Council form FL-326, Declaration of Private Child Custody Evaluator Regarding Qualifications, as required by Rule 5.225(k) of the California Rules of Court to establish that he or she is a qualified child custody evaluator. Peremptory challenges to any court-appointed child custody evaluator will not be allowed.

(E) **Withdrawal of Evaluator**.

Evaluators may petition the court to withdraw from a case, for good cause, in a writing directed to the judicial officer to whom the case has been assigned with copies to the parties/attorneys. The evaluator need not be present at the hearing unless directed by the court.

(F) **Complaints against Evaluators**.
If a party alleges that an evaluator has committed an unprofessional or inappropriate act during the course of the evaluation, he or she may discuss the complaint with the evaluator directly in order to handle misunderstandings. Any complaints regarding the evaluator that are not resolved informally should be directed to the appropriate licensing/regulatory board.

(G) **Reports.**

Evaluators shall prepare a written report. At least 10 days before the hearing regarding custody of the child, the evaluator shall file the report and serve it on the parties or their attorneys, and any counsel appointed for the child pursuant to Family Code section 3150.

(H) **Confidentiality; Sanctions for Violation.**

Reports from child custody evaluators shall be placed in a confidential envelope in the court file upon completion of the hearing, and may not be disclosed to anyone except the following persons: (a) a party to the proceeding and his or her attorney of record; (b) an attorney appointed for the child pursuant to Family Code section 3150; (c) those additional persons set forth in Family Code section 3025.5; and (d) any other person upon order of the court for good cause. Those persons entitled to disclosure of the report shall preserve the confidentiality of the document. Use of the report shall be limited to the pending litigation and no person who has access to the report shall make copies for dissemination or disclose its contents to any child who is the subject of the report or to anyone else not entitled to access, nor shall the parties attach such document to any pleading in the pending litigation or in any other litigation or proceeding. Substantial sanctions shall be imposed for inappropriate disclosure.

(I) **Ex Parte Communications with Evaluator.**

Communications with the child custody evaluator are governed by Family Code section 216 and Rule 5.235 of the California Rules of Court. In general, direct or indirect communications between the evaluator, any attorney for the parties, any attorney for a child appointed pursuant to Family Code section 3150, or the court are prohibited without the knowledge, presence or consent of all parties involved in the matter.
(Adopted January 1, 2010)

RULE 14.03 FAMILY LAW FACILITATOR

The Family Law Facilitator provided for pursuant to Division 14 of the Family Code shall, under the supervision, and at the direction of the Presiding Judge or the Presiding Judge's designee, and in addition to providing the services set forth in Family Code Section 10004, be responsible to discharge the additional duties set forth in Family Code Section 10005.
(Amended, effective January 1, 2010) (Renumbered January 1, 2010; previously 14.02)

RULE 14.04 EX PARTE APPLICATIONS

(A) **Time of notice to other parties.**

A party seeking an ex parte order must notify all parties no later than 10:00 a.m. the court day before the ex parte appearance, absent a showing of exceptional circumstances that justify a shorter time for notice. From **C.R.C. Rule 3.1203**

(B) **Contents of notice and declaration regarding notice.**

(1) Contents of notice

When notice of an ex parte application is given, the person giving notice must:

(a) State with specificity the nature of the relief to be requested and the date, time, and place for the presentation of the application; and
(b) Attempt to determine whether the opposing party will appear to oppose the application. From **C.R.C. Rule 3.1204(a)**

(2) Declaration regarding notice

An ex parte application must be accompanied by a declaration regarding notice stating:

(a) The notice given, including the date, time, manner, and name of the party informed, the relief sought, any response, and whether opposition is expected and that, within the applicable time under Local Rule 14.03(A), the applicant informed the opposing party where and when the application would be made.

(b) That the applicant in good faith attempted to inform the opposing party but was unable to do so, specifying the efforts made to inform the opposing party, or

(c) That, for reasons specified, the applicant should not be required to inform the opposing party. From **C.R.C. Rule 3.1204(b)**.

(C) **Filing and presentation of the ex parte application.**

Notwithstanding the failure of an applicant to comply with the requirements of Local Rule 14.03(A), the clerk must not reject an ex parte application for filing and must promptly present the application to the appropriate judicial officer for consideration. From **C.R.C. Rule 3.1205**.

(D) **Personal Appearance Requirements**

An ex parte application without a personal appearance will be considered in the following cases only:

1. Applications to file a memorandum in excess of the applicable page limit:

2. Applications for extension of time to serve pleadings:

3. Stipulations of parties for an order. From **C.R.C. 3.1207**.

(Amended, effective January 1, 2010)(Renumbered January 1, 2010, previously 14.03

RULE 14.05 FAMILY-CENTERED CASE RESOLUTION PROCESS

(a) **Purpose**

This rule is intended to implement a family-centered case resolution process in conformance with CRC 5.83.

(b) **Scope**

This rule applies to all dissolution, legal separation, nullity, parentage and grandparent cases filed after January 1, 2012.

(c) **All Purpose Assignment**

All cases subject to this rule shall be assigned to a judicial officer for all purposes, and shall be set for a status conference not longer than 170 days and not shorter than 160 days after the summons is issued. At the time that the summons is issued, the clerk shall issue LF-FAM-102, Notice of Assignment-Family Law Judge, or LF-FAM-103, Notice of Assignment-Family Law Commissioner, as applicable, which shall include the name of the judicial officer to whom the case has been assigned and the date of the status conference. The Petitioner shall serve the LF-FAM-102 or LF-FAM-103 on the respondent at the time of service of the petition, and all intervenors within ten (10) days of service of any motion to intervene in the action.

(d) **Status Conference; Case Review**

(1) All parties must attend the status conference. No pleading need be filed for the status conference.

(2) At the status conference, the assigned judicial officer will review the case to determine whether it is progressing towards disposition in a timely and effective manner in accordance with the milestones, disposition time standards, and additional factors set forth in CRC 5.83. The judicial officer may take any action authorized by CRC 5.83, including but not limited to setting additional status conferences, setting a family-centered case resolution conference, or scheduling the case for further review without appearances by the parties.

(e) **Disposition Goals; Milestones**

To accomplish the goal of disposing of 90 percent of all cases within 18 months of the date the petition was filed, it is expected that cases will meet the following milestones:

(1) A proof of service of summons and petition should be filed within 60 days of case initiation;

(2) If no response has been filed, and the parties have not agreed on an extension of time to respond, a request to enter default should be submitted within 60 days after the date the response was due;
(3) The preliminary declaration of disclosure should be served within 60 days of the filing of the petition; and

(4) When a default has been entered, a judgment should be submitted within 60 days of the entry of default.
(Amended, effective July 1, 2012)

SECTION 15
PROBATE RULES

RULE 15.01 ALL PURPOSE ASSIGNMENT

All probate, conservatorship and guardianship proceedings are assigned for all purposes to the supervising judge of the probate division as designated in administrative order no. 01 issued each year.
(Adopted, effective January 1, 2005)

RULE 15.02 CAPTION OF PETITIONS AND POSTING

The caption of a petition shall be all-inclusive as to the order sought so that the matter may be properly calendared and posted, and any filing fees determined. If any part of the estate is to be distributed to a trust, the caption shall so indicate.
(Amended, effective January 1, 2005)

RULE 15.03 SIGNING AND VERIFICATION OF PLEADINGS

Pleadings shall be signed by the attorney and each representative, trustee, guardian, or conservator. The pleadings shall be verified by a representative, trustee, guardian, or conservator personally and not by the attorney (CCP §446).
(Amended, effective January 1, 2005)

RULE 15.04 ADDITIONAL NOTICE REQUIREMENTS

A copy of the petition shall be served with each notice of hearing when served on a person requesting special notice or where the petition is the accounting of a testamentary trustee. Where the fiduciary or attorney is requesting fees or commissions other than those computed by Probate Code §10800 and §10810, the notice of hearing and a copy of the petition shall be served on all interested parties. The proof of service shall show service of the copy of the petition as well as the notice of hearing.
(Amended, effective January 1, 2005)

RULE 15.05 WORDING OF PROBATE ORDER

The moving party shall submit a proposed order for every petition. Probate orders shall be worded so that their general effect may be determined without reference to the petition on which they are based.
(Amended, effective July 1, 2005)

RULE 15.06 TIME FOR SUBMITTING ORDERS AND AFFIDAVITS OF PUBLICATION

All orders prepared by the moving party and affidavits of publication shall be filed or lodged with the clerk at least three court days before the date of hearing.
(Amended, effective January 1, 2005)

RULE 15.07 UNCONTESTED MATTERS - APPEARANCE OF COUNSEL (Probate Code §1000)

(A) Except as otherwise provided by law, all verified petitions in probate matters shall be deemed submitted without an appearance, except that the attorney or petitioner shall appear on a petition for confirmation of sale of: (1) real property, or (2) personal property valued in excess of $100.00. As used in this rule, "verified" means verified by the petitioner. Before denying any petition where there is no appearance under this rule, the court will continue the matter two weeks, or until the next succeeding calendar, whichever is later, to give the petitioner or the petitioner's attorney opportunity to appear. If there is no appearance or other response by the petitioner or the petitioner's attorney at the continued hearing, the court may drop the matter from the calendar.

(B) The petitioner or the petitioner's attorney shall appear on all petitions for appointment of guardian or conservator.

Comment: While some courts mail notice of continued hearing, it is the responsibility of the attorney to determine whether the matter has been approved or continued.
(Amended, effective January 1, 2005)

RULE 15.08 ORDER FOR FAMILY ALLOWANCE

The duration of an order for family allowance is limited to six months if no inventory and appraisement has been filed, and is limited to one year if an inventory and appraisement has been filed.

Comment: The court discourages requests for retroactive (nunc pro tunc) payment of family allowance. Requests for family allowance should be made in a timely fashion.
(Amended, effective January 1, 2005)

RULE 15.09 COMMISSIONS AND FEES IN PROBATE ESTATES

(A) All petitions for allowance of statutory fees or commissions on account before final distribution must contain the information required by CRC Rule 7.701. Ordinarily, no more that 75% of the statutory compensation will be allowed before approval of final distribution. In the court's discretion, the full amount may be allowed where the estate or heirs will benefit (e.g., to reduce income taxes) or where ordinary services have been completed and final distribution is delayed only in order to perform extraordinary services.

(B) The court may deduct from the personal representative's statutory commission any sums paid from estate funds for the performance of the representative's ordinary duties.

(C) Community Property Election:

1. If both halves of the community property are properly included in the probate proceeding, statutory compensation calculated on both halves of the community property will be allowed.

2. In cases in which only one half of the community property is subject to probate, compensation for ordinary services may only be based upon the value of that part of the community property which is subject to probate.

(D) Extraordinary Services:

1. Ordinarily, compensation for extraordinary services will not be allowed or paid before the final accounting has been approved by the court.

2. Except as stated below for routine real property sales and federal estate tax work, petitions for fees or commissions for extraordinary services shall include the information specified in CRC Rule 7.702

(E) Sales of Real Property: In determining the compensation of any attorney for extraordinary services rendered with respect to real property sales, the court will consider the amount of time involved, whether or not a real estate broker was employed, the

involvement of the attorney in negotiations, the nature of other services rendered (e.g., drafting of the sales agreement and its complexity, preparation of deeds and other documents) and other similar information. In cases where there is a confirmation of sale hearing, the court will consider $ 750.00 to be reasonable compensation. If that amount is requested, detailed information as to services rendered will not be required. This guideline only applies to attorneys' compensation, however, a personal representative may also request compensation for extraordinary services in regard to sales of real property.

(F) Preparation of Federal Estate Tax Return: In determining the compensation of a personal representative or an attorney for the preparation of a federal estate tax return, the court will ordinarily consider the hours spent, the intricacy or peculiar nature of any of the issues or computations involved, the extent of any audit, the value of the gross estate, the amount of tax and other similar information.

If neither the personal representative nor an attorney provides the court with such information, the court will assume that the sum of $ 750.00 is a reasonable amount for the preparation of the Federal Estate Tax Return.

(G) Costs: Where reimbursement for costs incurred is requested by the personal representative or attorney, the cost items advanced by such party must be separately stated and described.

(Amended, July 1, 2008)

RULE 15.10 REQUIRED MATTERS IN A PETITION FOR FINAL DISTRIBUTION

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

(A) A full and complete description of all assets on hand.

(B) Facts specifically showing the entitlement of each heir to the portion of the estate to be distributed to that heir, including any information concerning predeceased children.

(C) A computation of the attorney fees and representative commissions requested.

(D) A statement regarding payment of all taxes pursuant to Probate Code §9650.

(E) If the decree of distribution is to distribute assets in kind in a manner that all persons will not share equally in each asset and the distribution is other than pursuant to the will or the laws of intestate succession, then an agreement must be signed by each heir and devisee with the signatures acknowledged accepting the plan of distribution.

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

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

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

(I) A schedule showing the proration of taxes, fees, and costs.

(J) A statement of what property is separate and what property is community.

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

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

(M) If the distribution is to be made to a minor or an incompetent, either facts showing compliance with Probate Code §3300, et seq., or current certified copies of letters of conservatorship or guardianship of the estate shall be filed.
(Amended, effective January 1, 2005)

RULE 15.11 ACCOUNTS IN PROBATE PROCEEDINGS

(A) In any probate proceeding in which an accounting must be filed, including guardianship, conservatorship, and trust proceedings, only the original summary of account shall be filed. Detailed supporting schedules must be lodged with the clerk, with a copy of the summary of accounts attached as a cover sheet. The supporting schedules shall be retained by the clerk and returned following judicial review.

(B) In addition to the information and documents required by Probate Code Sections 1060-1064 and 2620, the supporting documents for any accounting in a guardianship or conservatorship proceeding other than the first accounting shall include every “account statement”, as defined in Probate Code Section 2620(c)(1), that shows the balance of the account at the close of the preceding accounting period.

(C) All summaries of account shall be filed and all supporting schedules shall be lodged within 90 days of the close of the accounting period to which they relate.
(Amended, effective January 1, 2009)

RULE 15.12 PETITION TO ESTABLISH FACT OF DEATH

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

(A) A copy of any instrument relating to any interest in the property; and

(B) A copy of the death certificate.

Comment: There is no statutory provision for the determination by a court for attorney fees in proceedings for termination of joint tenancy or a life estate. No request for fees for services of this character should be made.
(Amended, effective January 1, 2005)

RULE 15.13 CONSERVATORSHIPS – CARE PLANS

(A) Conservators of the person and conservators of the estate for all conservatorships shall file a Care Plan with the court within 60 days from their appointment using LF-PRB-100, Conservatorship Care Plan. At the time of the initial hearing the court will set a date for the matter to be placed on calendar for confirmation of the filing of the Care Plan. No appearances are required if the plan has been filed within the prescribed time limits, unless otherwise ordered.

(B) The Care Plan is for the use of the court only and shall be filed by the clerk in a confidential envelope.

(C) This Rule does not apply to the Public Guardian.
(Amended, effective July 1, 2012)

RULE 15.14 GUARDIANSHIPS - ANNUAL REPORTS

To ensure compliance with the annual reporting requirement of Probate Code §1513.2 and California Rules of Court, Rule 7.1003, a hearing date will be scheduled for no later than one month after the anniversary date of the date of every order appointing a person as a guardian. The clerk will mail to the guardian Judicial Council Form GC-251, Confidential Guardianship Status Report, at least one month before the hearing date. If the report is filed prior to the date for the hearing, no appearance will be necessary unless the court orders otherwise, and the next annual reporting date will be scheduled.
(Amended, effective January 1, 2005)

RULE 15.15 TENTATIVE RULINGS

The court issues tentative rulings in advance of the time set for hearing. The rulings are posted on the court's website (www.shastacourts.com) and are available by clicking on the "Tentative Rulings" link, then clicking on the "Probate" link.
(Amended, effective January 1, 2008)

RULE 15.16 TELEPHONIC APPEARANCES

Counsel are encouraged to appear by telephone in probate hearings at which no witness will be called to testify. The provisions of local rule 5.13 shall apply to such appearances.
(Adopted, effective January 1, 2006)

RULE 15.17 FEES AND COMMISSIONS IN GUARDIANSHIPS, CONSERVATORSHIPS AND TRUSTS

(A) **Attorney Fees In General:**

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

(1) In any matter in which it is reasonably foreseeable that the total expenses to a client, including attorney fees, will exceed one thousand dollars ($1,000.00), there should be a written contract between the attorney and client for services in the matter containing all of the following:

(a) The hourly rate and other standard rates, fees and charges applicable to the matter.
(b) The general nature of the legal services.
(c) The respective responsibilities of the attorney and the client as to the performance of the contract.

(2) In any guardianship, conservatorship or trust within the jurisdiction of the court where there is no such written contract, reasonable attorney's fees will be determined by the court using hourly rates that are customary in Shasta County.

(3) In any case, attorney's fees may be denied or reduced below customary or contractually agreed amounts if the court determines that the services have not been performed in an efficient, timely or competent manner.

(4) Only legal fees for counsel appointed by the court to represent the conservatee may be approved and included in the Order Appointing Conservator.

(5) Where an attorney is the fiduciary and is a member of a law firm, attorneys' fees will not be allowed unless a declaration is executed by the fiduciary agreeing that the fiduciary will not share in the attorneys' fees to be received by the firm.

(B) **Guardianships and Conservatorships:**

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

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

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

(C) **Trusts:**

(A) Compensation of Trustees:

In determining or approving compensation of a trustee, the court will consider the factors set forth in CRC Rule 7.776. Compensation for the trustee will ordinarily be allowed as provided in the governing instrument, unless the Court fixes a greater or lesser amount pursuant to Probate Code section15680(b). If the instrument is not specific, the court will establish reasonable compensation.

(B) Attorney Fees:

Compensation for an attorney for the trustee will ordinarily be allowed as provided in the governing instrument. If the instrument is not specific, the court will establish reasonable compensation, based on a detailed description of the services rendered, their necessity, benefit to the estate, expertise required, time expended, and hourly rate.

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

(Adopted, Effective July 1, 2008)

RULE 15.18 COURT INVESTIGATION OF PETITIONS TO APPOINT GUARDIANS OR CONSERVATORS

(A) Every party petitioning to appoint a conservator shall provide a copy of the petition and all supporting documents to the court investigator. In the case of a guardianship, the petition and supporting documents shall be provided to the Clerk, who will deliver the documents to the Court Investigator.

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

(Amended, effective July 1, 2009)

SECTION 16
JUVENILE COURT RULES

RULE 16.01 ALL PURPOSE ASSIGNMENT

All juvenile dependency proceedings are assigned for all purposes to the supervising judge of the juvenile dependency division and all juvenile delinquency proceedings are assigned for all purposes to the supervising judge of the juvenile delinquency division as designated in administrative order no. 01 issued each year.
(Amended, effective January 1, 2005)

RULE 16.02 PROCEDURES AND TIME FRAMES FOR CONTESTED ISSUES

Should any parent, child or social worker request a contested hearing on any issue pertaining to child dependency proceedings, the request may be made orally during the law and motion calendar for dependency proceedings. The court shall set the matter for hearing in accordance with the time limitations established by law (e.g., Welfare and Institutions Code Section 334; California Rules of Court 5.680.
(Adopted, effective January 1, 1996)

RULE 16.03 MEET AND CONFER REQUIREMENT

(A) Within seven days but not less than two days prior to any contested hearing in a juvenile dependency proceeding, all counsel shall meet and confer with the court officer assigned by the Department of Social Services and/or the Deputy or Assistant County Counsel assigned to the case. Counsel will have previously met with their respective clients and will be ready to discuss the issues to be resolved. Meet and confer requirements of these rules do not apply to parties representing themselves in propria persona.

(B) If the parties are unable to resolve the issues, each party shall advise the other counsel orally or in writing not later than 24 hours prior to the scheduled hearing of the names and addressed of each anticipated witness (addresses of confidential foster parents need not be disclosed). Failure to comply may be cause for preclusion of the witness from testifying.

(C) Written reports of expert witnesses, if any, must be disclosed to all parties at least 24 hours in advance of the hearing.
(Amended, effective January 1, 2005)

RULE 16.04 WRITTEN WAIVER

In order to facilitate the taking of admissions or no contest pleas from parents in juvenile dependency proceedings, counsel shall furnish the court, at the time of the plea, a written Judicial Council waiver form which has been discussed with and completed by the parent(s).
(Amended, effective January 1, 2005)

RULE 16.05 ATTORNEYS FOR PARTIES

(A) General Competency Requirement. All attorneys appearing in juvenile dependency proceedings shall, at a minimum, comply with the standards of competence required by California Rules of Court, Rule 5.660. In addition, all attorneys appearing in juvenile proceedings shall comply with the minimum standards of training and experience set forth in these rules.

(B) Minimum Standards of Training and Experience. Each attorney appearing in a dependency proceeding shall have either:

(1) Within the preceding three (3) years, participated in at least eight (8) hours of training or education in juvenile dependency law as specified in California Rules of Court, Rule 5.660; or

(2) At least 24 hours of experience within the preceding year in dependency proceedings in which the attorney has demonstrated competence in the representation of his or her clients in said proceedings.

(C) Attorney Competency Certification.

(1) Each attorney appearing in dependency proceedings on the effective date of these rules, who believes that he or she meets the minimum standards of training and experience set forth in these rules shall complete and submit to the court, within 30 days of the effective date of these rules LF-JUV-101, Certification of Attorney Competency. After the effective date of these rules, any attorney appearing in a dependency matter for the first time shall complete and submit LF-JUV-101, Certification of Attorney Competency, to the court within ten (10) days of his or her first appearance in a dependency matter.

(2) Any attorney appearing before the court in a dependency proceeding pending on the effective date of these rules who does not meet the minimum standards of training and experience of these rules shall notify the court to that effect and shall have until April 30, 2002, to complete the minimum number of hours of training required to fulfill the requirements of these rules. If the attorney fails to complete such training, the court shall proceed under subdivision (F) of this rule.

(D) Deemed Competent. Upon submission of LF-JUV-101 Certification of Attorney Competency which demonstrates that the attorney has met the minimum standards of training and experience of these rules, the attorney shall be deemed competent to practice before the court in dependency proceedings unless the court determines, based on conduct or performance of the attorney before the court in a dependency proceeding within the six (6) month period prior to the submission of the certification to the court, that the attorney does not meet minimum competency standards. In such case, the court shall proceed under subdivision (F) of this rule.

(E) Renewal of Competency Certification. In order to retain his or her certification to practice in dependency proceedings, each attorney previously certified by the court shall submit a new Certification of Attorney Competency to the court in or before January 31 of the third year after the year in which the attorney is first certified, and then every third year thereafter. The attorney shall attach to the renewal Certification of Attorney Competence evidence that he or she has completed at least eight (8) hours of continuing training or education directly related to dependency proceedings since the attorney was last certified. If a certified attorney fails to comply with this rule, the court shall proceed under subdivision (F) of this rule.

(F) Failure of Attorney to be Certified. If an attorney fails to meet the minimum competency standards of these rules, the court shall notify the attorney that he or she will be decertified. That attorney shall have 20 days from the date of the mailing of the notice to submit evidence of compliance with the training and education requirements for

certification or renewal of certification to practice in dependency proceedings in the court. If the attorney fails to submit the required evidence, the court shall order that certified counsel be substituted for the counsel who fails to complete the required training, except in cases where a party is represented by retained counsel. In the case of retained counsel, the court shall notify the party that his or her attorney has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute private counsel shall be solely within the discretion of the party so notified.

(G) Out-Of-County Attorneys. In the case of an attorney who maintains his or her principal office outside of this county, proof of certification by the juvenile court of the California county in which the attorney's principal office is located shall be sufficient evidence of competence to appear in dependency proceedings in this county.

(H) Attorneys and Guardians Ad Litem for Children. An attorney will be appointed for any unrepresented child who is the subject of a petition under Welfare and Institutions Code Section 300 and in any case in which a prosecution is initiated under the Penal Code arising from neglect or abuse of the child. Any such court-appointed attorney shall maintain a caseload that allows him or her to perform the duties required by Welfare and Institutions Code section 317(e) and meet the standards of representation required by California Rules of Court, Rule 5.660. The attorney shall also serve as the child's guardian ad litem in the proceeding unless the court determines a conflict exists between the roles and responsibilities of the child's attorney and the child's guardian ad litem, in which event the court will appoint another attorney to serve as the child's guardian ad litem. The court may also appoint a Court Appointed Special Advocate to serve as guardian ad litem jointly with the attorney appointed as such.
(Amended, effective July 1, 2012.)

RULE 16.06 AUTHORIZATION FOR USE OF PSYCHOTROPIC DRUGS

The administration of psychotropic drugs to minors who are wards or dependent children of the court shall only occur upon the authorization of a duly licensed physician. A Request for Psychotropic Medication Therapy shall be prepared by the minor's physician and provided to CPS/Probation for submission to the minor's parent or guardian to obtain consent, or in the absence of or unwillingness of parent or guardian to consent, to the Juvenile Court in support of an application for authority to administer the medication.

The administering physician may initiate or continue the use of such drugs for a five to seven day temporary period (the longer period applicable when the last day occurs on a weekend or court holiday) while Probation or CPS attempts to obtain parental or guardian consent. As soon as it becomes known that the minor, a parent, guardian, parent/guardian's attorney and/or the minor's attorney objects to administration of psychotropic drugs, the matter will be set for hearing in the Juvenile Court. In the absence of written objections, the court will review and consider the Request for Psychotropic Medication Therapy, and issue such orders as it deems appropriate within two (2) days after submission. If the minor has been involuntarily detained pursuant to Welfare and Institutions Code §5585, et seq., the Juvenile Court and the Superior

Court shall have concurrent jurisdiction to issue orders regarding involuntary administration of psychotropic drugs. Prior to issuance of an order for such treatment by the Superior Court, the Court must conduct a hearing pursuant to Welfare and Institutions Code §5332 and find that the minor lacks capacity to make an informed decision to refuse the medication.
(Adopted, effective January 1, 1999)

RULE 16.07 PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD

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

(B) Notice to the court may be given by the filing of Judicial Council form JV-180 or by the filing of a declaration. In either case, the person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected, and the nature of the proceedings being contemplated or conducted there.

(C) If the person filing the notice is the counsel for the minor, the motion shall state what action on the child's behalf the attorney believes is necessary, whether the attorney is willing or able to pursue the matter on the child's behalf, whether the association of counsel specializing in practice before that agency or court may be necessary or appropriate, whether the appointment of a guardian ad litem may be necessary to initiate or pursue the proposed actions, whether joinder of an administrative agency to the juvenile court proceedings pursuant to Welfare and Institutions Code section 362 may be appropriate or necessary to protect or pursue the child's interests and whether further investigation may be necessary.

(D) If the person filing the notice is not the attorney for the child, a copy of the notice shall be served on the attorney for the child, or, if the child is unrepresented, the notice shall so state.

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

(F) If the court determines that further action on behalf of the child is required, the court will appoint an attorney for the child if the child is unrepresented by counsel, and will do one or more of the following:

(1) Refer the matter to the appropriate agency for further investigation, and require a report to the court within a reasonable time;

(2) Authorize the minor's attorney to initiate and pursue the matter on the child's behalf;

(3) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);

(4) Take any other action the court may deem necessary or appropriate to protect or pursue the welfare, interests and rights of the child. [effective date 7/1/01]; (Adopted, effective January 1, 2002)

RULE 16.08 COMPLAINTS AGAINST ATTORNEYS FOR PARTIES IN DEPENDENCY PROCEEDINGS

All counsel appointed to represent a party in a dependency action shall advise his or her client, age 12 years or older, that they have the right to submit a written complaint concerning the performance of the attorney. Written complaints shall be lodged with the court, stamped "RECEIVED" and shall be copied to the attorney in question. The attorney may, if he or she so chooses, or shall if directed so by the court, file a written response to the complaint. The presiding judge of the juvenile dependency court shall review the complaint and any response of the attorney and shall take appropriate action including, but not limited to, permitting a hearing on the written complaint at the next scheduled court appearance. A party may also advise the attorney at the time of any hearing that he or she wishes to have the court consider appointment of a different attorney. The attorney shall then advise the court of the party's request. (Adopted, effective January 1, 1999)

RULE 16.09 CONFIDENTIALITY OF RECORDS/PETITIONS (Dependency and Delinquency Proceedings)

Welfare and Institutions Code §827/828 Petitions:

With the exception of those persons or agencies permitted to inspect juvenile court records without court authorization under the above-entitled code sections, every person or agency seeking to inspect or obtain juvenile records must petition the court for authorization. All Petitions for Disclosure of Confidential Juvenile Records and Petitions to Obtain Report of Law Enforcement Agency/Juvenile (Judicial Council Form JV-570 and JV-575, respectively) shall be filed in Room112 of the Shasta County Courthouse, 1500 Court Street, Redding, CA 96001.

(A) Filing Petition. Petitioner shall submit one original and two copies for filing. If a conformed copy is requested, additional copies with a self-addressed stamped envelope shall be included.

(B) Completing Petition. The Petition shall be completed with specificity regarding the records sought and the relevance and necessity of said records. If access is sought in relation to pending civil litigation the attorney of record shall attach a separate declaration signed under penalty of perjury pursuant to Code of Civil Procedure §2015.5 that he/she is the attorney of record in a pending action or potential action which relates to the petition. The declaration must contain: a) the type of action being pursued; b) identification of the party represented by said attorney; c) specification of the necessity and relevance of access to said juvenile records sought, including a copy of the complaint; d) evidence of designation as counsel of record (e.g., minute order or other court documentation with such identification, copy of complaint or a valid retainer agreement.) The petitioning attorney shall include in his/her declaration, under penalty of perjury, that any records or reports or information relating to the contents of these records or reports shall not be disseminated to any persons or agencies not authorized to receive documents under Welfare and Institutions Code §827 without further court order and comport with the requirements pursuant to Navajo Express v. Superior Court of San Mateo County (1986) 186 C.A. 3d 981.

(C) Notice. At least five calendar days before the petition is filed with the court, petitioner shall personally or by first class mail serve, or attempt to serve, a copy of the petition on the following: county counsel, district attorney, child, attorney of record for child, parent or guardian of a child under the age of 18, probation department, and child welfare services program. Requests for Orders Shortening Time will only be granted upon a showing a good cause based upon exceptional circumstances.

(D) Objections. Any objections to the petitioner's request for access to juvenile records must be submitted in writing to, and received by, the Juvenile Court Presiding Judge no later than 5 actual days after the filing date of the petition. Prompt telephonic notice to the court that such an objection is forthcoming must be provided, in order to ensure proper consideration of such an objection. The judicial secretary may be reached for that purpose at (530) 225-5116.

(E) Hearings. Petitions will be handled without a hearing unless the Presiding Judge of the Juvenile Court or his/her designee sets one.

(F) Order. If the court orders disclosure of juvenile court records, the court will issue Judicial Council Form JV-574. It is incumbent upon the Petitioner to present the Order to the respective agency and to comply with all agency rules and procedures including but not limited to the payment of any costs associated with the copying of records as identified in the Order.

(Amended, effective July 1, 2012)

RULE 16.10 COURT-APPOINTED SPECIAL ADVOCATES

(A) **Establishment of CASA Program.**

(1) **Adoption of guidelines**. The court hereby adopts as a Local Rule of Court the guidelines for court-appointed special advocate (CASA) programs set forth in .Welfare and Institutions Code Sections 100-109 and California Rules of Court, Rule 5.655, by incorporation.

(2) **Appointment of Special Advocates**. The court may appoint child advocates (Special Advocates) to represent the interests of dependent children. In order to qualify for appointment, the Special Advocate must be trained by and function under the auspices of a CASA program formed and operating under the guidelines adopted in subsection (A) above.

(3) **Reports of compliance**. The CASA program shall report regularly to the Presiding Judge of the Juvenile Court with evidence that it is operating under the guidelines for CASA programs.

(4) **Confidentiality**. The CASA program and all Special Advocates appointed under this Local Rule of Court shall comply with the confidentiality requirements of California Rules of Court, Rule 5.655, subdivision (m).

(B) **Duties of Special Advocates**.

(1) **Sworn officer of the court**. A Special Advocate is an officer of the court and is bound by these rules. Each Special Advocate shall be sworn in by a judge or court commissioner before beginning his or her duties, and shall subscribe to a written oath. Special Advocates serve at the pleasure of the court having jurisdiction over the proceeding in which the Special Advocate has been appointed.

(2) **Functions**. In general, a Special Advocate's functions are as follows:

(a) To support the child throughout the court proceeding;

(b) To establish a relationship with the child to better understand his or her particular needs and desires;

(c) To communicate the child's needs and desires to the court in written reports and recommendations;

(d) To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;

(e) To provide continuous attention to the child's situation to insure that the court's plans for the child are being implemented;

(f) To the fullest extent possible, to communicate and coordinate efforts with the case manager (probation officer or social worker);

(g) To the fullest extent possible, to communicate and coordinate efforts with the child's attorney; and

(h) To represent the interests of the child in other judicial or administrative proceedings.

(3) **Specific duties**. In its initial order of appointment, and thereafter in subsequent orders as appropriate, the court may specifically delineate the Special Advocate's duties in each case, including interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, consideration of visitation rights for the child's grandparents and other relatives, and reporting back directly to the court as indicated. If no specific duties are outlined by the court order, the Special Advocate shall discharge his or her obligation to the child and the court in accordance with the functions set forth in section 16.10(B)(2) above.

(4) **Report of child abuse**. A Special Advocate is a mandated child abuse reporter with respect to the case in which he or she is appointed.

(5) **Visitation throughout dependency**. A Special Advocate shall regularly visit the child to whose case he or she has been appointed. The Special Advocate shall monitor the case as appropriate until dependency is dismissed.

(6) **Communication**. There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the Special Advocate, case manager, child's attorney, attorneys for parents, relatives, foster parents, and therapist for the child.

(7) **Family law advocacy**. Should the court dismiss the dependency action and create family law court orders pursuant to Welfare and Institutions Code section 362.4, the Special Advocate's appointment may be continued in the family law proceeding, in which case the court order shall set forth the nature, extent and duration of the Special Advocate's duties in the family law proceeding

(C) **Rights of special advocates**.

(1) **Investigations and access to records**. To accomplish the appointment of a Special Advocate, the judge or commissioner making the appointment shall sign an order granting the Special Advocate the authority to interview parties involved in the case, as well as persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the court. Upon appointment, a Special Advocate shall have the right to

inspect and copy records relating to the child he or she is appointed to represent that are in the possession of the child's case manager (social worker or probation officer). Pursuant to Welfare & Institutions Code section 107, the Special Advocate may be granted access to records regarding the child that are not in the possession of the case worker upon further order of the court. The Special Advocate shall present the further order of the court and his or her identification as a Court Appointed Special Advocate to the holder of any such records in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the Special Advocate to have access to any records relating to the child.

(2) **Timely notice**. The moving party shall provide the Special Advocate timely notice of any motions concerning a child for whom a Special Advocate has been appointed.

(3) **Right to appear**. A Special Advocate shall have the right to be present and be heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings. A Special Advocate shall not be deemed to be a "party" as described in Title III of Part 2 of the Code of Civil Procedure. However, the court at its discretion shall have the authority to grant the Special Advocate amicus curiae status, which includes the right to appear with counsel.

(D) **Distribution of CASA reports**. CASA reports shall be submitted to the court at least five (5) court days prior to the hearing. CASA shall serve a copy of the report on the parties to the case, including but not limited to county counsel, attending case social worker, child's attorney, parents attorney, child (via foster family agency), ICWA representative (if applicable) and de facto parents. CASA shall serve a copy of the report on the parties entitled to receive a copy at least two (2) court days prior to the hearing.

(Adopted, January 1, 2010)

SECTION 17
APPELLATE DIVISION RULES

RULE 17.01 RECORD ON APPEAL – TRIAL COURT FILE INSTEAD OF CLERK'S TRANSCRIPT

In accordance with California Rules of Court, Rules 8.833, 8.863, and 8.914, the appellate division elects to use the original trial court file in lieu of a clerk's transcript on appeal in appeals of limited civil, misdemeanor, and infraction cases.

(Adopted, effective July 1, 2009)

SECTION 18
FORMS

Rule 18.01 LOCAL FORMS

Local forms that have been adopted for either optional or mandatory use are listed in Appendix A by form number and in Appendix B by subject matter. Local forms are available on the court's website at www.shastacourts.com under the "Forms" link, and are available at the clerk's counter.
(Adopted, effective January 1, 2012)

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LIST OF LOCAL FORMS BY NUMBER

Form Number		Mandatory or Optional Use
LF-ADP-100	Petition for Birth Record Information	Optional
LF-ADP-101	Adoption Agreement - Adult	Optional
LF-ADP-102	Adoption Petition - Adult	Optional
LF-ADP-103	Adoption – Adult - Consent of Spouse of Adoptee	Optional
LF-ADP-104	Order of Adoption - Adult	Optional
LF-ADP-105	Adoption -Adult - Consent (spouse adopting)	Optional
LF-APL-100	Notice of Appeal - Civil Limited	Optional
LF-APL-101	Notice of Appeal - Parking	Optional
LF-APL-102	Notice of Abandonment of Appeal/Lower Court	Optional
LF-CIV-100	Notice of Assignment for All Purposes and Status Conference-Civil	Mandatory
LF-CIV-101	Notice – Collections Case	Mandatory
LF-CIV-102	Early Disposition Case Notice	Mandatory
LF-CIV-103	Alternative Dispute Resolution (ADR) Information Package	Mandatory
LF-CIV-104	Stipulation – Alternative Dispute Resolution	Optional
LF-CRM-100	Claim for Payment by Court-Appointed Counsel	Mandatory
LF-CRM-101	Order for Payment of Attorney's Fees and Costs	Mandatory
LF-CRM-102	Verification of Qualifications of Lead Counsel – Capital Cases	Mandatory
LF-CRM-103	Verification of Qualifications of Associate Counsel – Capital Cases	Mandatory
LF-CRM-104	Verification of Alternate Qualifications of Counsel – Capital Cases	Mandatory
LF-FAM-100	Family Law At-Issue Memorandum	Optional

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LF-FAM-101	Declaration of Notice for Emergency Temporary Order	Optional
LF-FAM-102	Notice of Assignment- Family Law Judge	Mandatory
LF-FAM-103	Notice of Assignment Family Law Commissioner	Mandatory
LF-PRB-100	Conservatorship Care Plan	Mandatory
LF-PRB-101	Order Appointing Court Investigator	Optional
LF-PRB-102	Affidavit Under California Probate Code Section 13101	Optional
LF-JUV-100	Notification of Last Known Address/Change (Juvenile Dependency)	Optional
LF-JUV-101	Certification of Attorney Competency – Juvenile Court	Mandatory
LF-MSC-100	Sister State Judgment	Optional
LF-MSC-101	Bench Warrant Identification Sheet	Optional
LF-MSC-103	Request and Order for Return of Exhibits/Records	Optional
LF-SCL-100	Stipulation for entry of judgment (Plaintiff Claim)	Optional
LF-SCL-101	Stipulation for entry of judgment (Cross-Claim)	Optional
LF-SCL-102	Declaration and Order - Satisfaction of Judgment	Optional
LF-SCL-103	Order on Change of Venue/Transfer	Optional
LF-TRF-100	Application for order of rehearing, modification or set aside order of traffic hearing officer	Optional
LF-UD-100	Application And Declaration For Order, Service Of Summons And Complaint In Unlawful Detainer Action By Posting And Mailing	Optional
LF-UD-101	Order for Service of Summons and Complaint by Posting and Mailing - Unlawful Detainer	Optional

APPENDIX A

LIST OF LOCAL FORMS BY SUBJECT MATTER

Form Number		Mandatory or Optional Use
	ADOPTION	
LF-ADP-100	Petition for Birth Record Information	Optional
LF-ADP-101	Adoption Agreement - Adult	Optional
LF-ADP-102	Adoption Petition - Adult	Optional
LF-ADP-103	Adoption – Adult - Consent of Spouse of Adoptee	Optional
LF-ADP-104	Order of Adoption - Adult	Optional
LF-ADP-105	Adoption -Adult - Consent (spouse adopting)	Optional
	APPEALS	
LF-APL-100	Notice of Appeal - Civil Limited	Optional
LF-APL-101	Notice of Appeal - Parking	Optional
LF-APL-102	Notice of Abandonment of Appeal/Lower Court	Optional
	CIVIL	
LF-CIV-100	Notice of Assignment for All Purposes and Status Conference-Civil	Mandatory
LF-CIV-101	Notice – Collections Case	Mandatory
LF-CIV-102	Early Disposition Case Notice	Mandatory
LF-CIV-103	Alternative Dispute Resolution (ADR) Information Package	Mandatory
LF-CIV-104	Stipulation – Alternative Dispute Resolution	Optional
	CRIMINAL	
LF-CRM-100	Claim for Payment by Court-Appointed Counsel	Mandatory

APPENDIX B

LF-CRM-101	Order for Payment of Attorney's Fees and Costs	Mandatory
LF-CRM-102	Verification of Qualifications of Lead Counsel – Capital Cases	Mandatory
LF-CRM-103	Verification of Qualifications of Associate Counsel – Capital Cases	Mandatory
LF-CRM-104	Verification of Alternate Qualifications of Counsel – Capital Cases	Mandatory

FAMILY LAW

LF-FAM-100	Family Law At-Issue Memorandum	Optional
LF-FAM-101	Declaration of Notice for Emergency Temporary Order	Optional
LF-FAM-102	Notice of Assignment- Family Law Judge	Mandatory
LF-FAM-103	Notice of Assignment Family Law Commissioner	Mandatory

GUARDIANSHIP

LF-PRB-100	Conservatorship Care Plan	Mandatory
LF-PRB-101	Order Appointing Court Investigator	Optional
LF-PRB-102	Affidavit Under California Probate Code Section 13101	Optional

JUVENILE DEPENDENCY

LF-JUV-100	Notification of Last Known Address/Change (Juvenile Dependency)	Optional
LF-JUV-101	Certification of Attorney Competency – Juvenile Court	Mandatory

MISCELLANEOUS

LF-MSC-100	Sister State Judgment	Optional
LF-MSC-101	Bench Warrant Identification Sheet	Optional
LF-MSC-103	Request and Order for Return of Exhibits/Records	Optional

SMALL CLAIMS

LF-SCL-100	Stipulation for entry of judgment (Plaintiff Claim)	Optional
LF-SCL-101	Stipulation for entry of judgment (Cross-Claim)	Optional
LF-SCL-102	Declaration and Order - Satisfaction of Judgment	Optional
LF-SCL-103	Order on Change of Venue/Transfer	Optional

TRAFFIC

LF-TRF-100	Application for order of rehearing, modification or set aside order of traffic hearing officer	Optional

UNLAWFUL DETAINER (EVICTION)

LF-UD-100	Application And Declaration For Order, Service Of Summons And Complaint In Unlawful Detainer Action By Posting And Mailing	Optional
LF-UD-101	Order for Service of Summons and Complaint by Posting and Mailing - Unlawful Detainer	Optional