

SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE



LOCAL RULES OF COURT

Effective: January 1, 2012

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CHAPTER 1 - GENERAL RULES

RULE 1.1 APPLICATION OF LOCAL RULES

These local rules apply to all matters filed in the Superior Court of California, County of Del Norte unless otherwise noted herein. Upon the effective date of these rules, all other rules previously adopted by this court are repealed.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 1.2 CONSTRUCTION, SCOPE, AND EFFECT OF RULES

These local rules are designed to promote and facilitate efficient and fair administration of judicial business and justice. These local rules are to be liberally construed and are intended to supplement and do not replace or reduce any requirements set forth in California statutes, the California Rules of Court (CRC), or other policies or standards adopted by the Judicial Council of California.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 1.3 STANDING ORDERS

The Court and each department may make standing orders governing administration, required practice and procedure, and of the conduct of its officers not inconsistent with law, the rules adopted and prescribed by the Judicial Council of California, and these local rules of court. (Government Code § 68070 (a); Code of Civil Procedure §187.)

(Eff. 1/1/12)

RULE 1.4 SANCTIONS

Failure to comply with any local rule or CRC may subject the party to sanctions pursuant to rule 2.30 of the CRC or Civil Code of Procedure sections 177.5 and 575.2.

(Eff. 1/1/12)

RULE 1.5 ABBREVIATIONS AND DEFINITIONS WITHIN THESE LOCAL RULES

- ADR - Alternative Dispute Resolution
- CALCRIM – Judicial Council of California Criminal Jury Instructions
- CACI – Judicial Council of California Civil Jury Instructions
- CAPTA - Child Abuse Prevention and Treatment Act
- CMC - Case Management Conference
- CRC - California Rules of Court
- ECT - Expedited Civil Track
- MCLE - Minimum Continuing Legal Education

“Court” means all departments and divisions of the Superior Court of California, County of Del Norte.

(Eff. 1/1/12)

RULE 1.6 INSPECTION AND COPYING OF LOCAL RULES

The Court’s local rules are available for inspection and copying at the Clerk’s Office during normal business hours. The Court may impose a reasonable fee for copying its local rules. The Court’s local rules are also posted on the Court’s website, which is www.delnorte.courts.ca.gov/.

(Eff. 1/1/12)

RULE 1.7 AMENDMENT AND REPEAL

These rules may be amended by a majority of the judges of the court in compliance with the CRC.

(Eff. 1/1/12)

CHAPTER 2 - ADMINISTRATION OF JUDICIAL BUSINESS

RULE 2.1 CALENDAR

All matters will be regularly calendared pursuant to the calendar policy determined by the Presiding Judge. The calendar policy is available for viewing at the Clerk's Office and is also posted on the Court's website: www.delnorte.courts.ca.gov/.

Unless otherwise ordered, cases will be assigned by department. Judges are regularly assigned to particular departments pursuant to standing orders available for viewing at the Clerk's Office and on the Court's website. A daily calendar for each department will be posted in a place for public inspection by the Court Clerk.

(Eff. 1/1/12)

RULE 2.2 CLERK'S OFFICE—HOURS OF OPERATION

As of the effective date of this rule, the Clerk's Office hours are from 8:00 a.m. – 5:00 p.m. on court days, except as otherwise ordered by the presiding judge. The Clerk's Office hours are determined by the judges and court administration and are subject to change with prior notice to the public.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 2.3 FACSIMILE FILING

(a) Pursuant to rule 2.300 of the CRC, a party may file all documents in civil, probate, and family law matters by facsimile. Proper transmission of a document is the responsibility of the filing party, not the Court. Facsimile filings must comply with rule 2.100 - 2.119 of the CRC and other applicable rules and statutes. Filing documents by facsimile is permissive and may be suspended or denied by the Court.

(b) A charge will be required for filing documents by facsimile. The amount of this charge is listed on a Court approved list of local Court charges and fees, which is available for viewing at the Clerk's Office and is also posted on the court's website: www.delnorte.courts.ca.gov/.

(c) Filing documents by facsimile must be done in the following manner. All faxed documents must be accompanied by a Facsimile Transmission Cover Sheet showing the name of the sender, a specific contact person, the sender's telephone and facsimile number, and sufficient instructions as to what the sender wishes to have done. The faxed documents must be an exact duplicate of the original document and must include a copy of a check for the applicable facsimile filing charge and any additional filing fees required by the Court. The check must arrive at the Clerk's Office within five (5) court days.

(d) The following facsimile number shall be used for direct facsimile filings to the Clerk's Office: (707) 465-4005. A party may also use a facsimile filing agency for filing documents by facsimile.

(e) Facsimile filings may not exceed a total of thirty-five (35) pages including the cover page and all attachments, exhibits, and declarations that are part of the original document. The Court may reject faxed filings exceeding thirty-five (35) pages.

(Eff. 1/1/12)

**RULE 2.4 PRESIDING JUDGE, ASSISTANT PRESIDING JUDGE, AND
PRESIDING JUDGE OF THE JUVENILE COURT**

The Court shall have a Presiding Judge who shall be elected by the judges of the Court. The Presiding Judge shall have the authority and duties specified by the CRC and statute. An Assistant Presiding Judge shall also be elected by the judges of the Court. The Assistant Presiding Judge shall assume the authority and duties of the Presiding Judge in the event of the absence or incapacity of the Presiding Judge. The term of office for the Presiding and Assistant Judge shall be one (1) year, but they shall continue in office if successors have not been elected by a majority of the judges of the Court. The Presiding Judge will appoint the Presiding Judge of the Juvenile Court.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 2.6 COURT EXECUTIVE OFFICER

A majority of the judges of the Court may appoint a Court Executive Officer pursuant to Government Code sections 71620 and 77001. The Court Executive Officer shall act as the Clerk of the Court.

(Eff. 1/1/12)

RULE 2.7 COURTROOM DECORUM AND ETIQUETTE

(a) These local rules have been adopted to promote orderly proceedings and respect for the judicial process. All persons present before the court are required to dress and conduct themselves in a manner consistent with the traditional dignity of the court and the judicial process.

(b) Attorneys appearing in court should be neatly dressed in professional attire that is consistent with the dress traditionally expected of attorneys appearing in court and in keeping with the seriousness, solemnity and formality of court proceedings. Immodest or distracting attire is not acceptable.

(c) Cellular phones, pagers, and all other electronic communication or recording devices not specifically authorized by a judge, must be turned off prior to entering a courtroom. Any cellular

phone, pager, or other electronic communication device which disrupts the proceedings shall be subject to confiscation by the bailiffs of the Court.

(d) The rules set forth herein shall apply to all proceedings unless a judicial officer orders otherwise in a particular circumstance. A judicial officer, upon appropriate application in a particular case, may waive the application of any particular courtroom decorum rule or impose any additional courtroom decorum rule applicable to such case.

(e) Pursuant to local rule 1.3, each judge may set additional decorum rules for his or her own courtroom by standing order.

(Eff. 1/1/12)

RULE 2.8 COURT RECORDS AND FILES

No person other than Court personnel may remove court files, papers contained therein, exhibits, or other records from the Clerk's Office without order of the Court.

(Eff. 1/1/12)

RULE 2.9 INTERPRETATION OF THE TERM "DAY"

"Court day" means a day on which judicial business may be transacted within the meaning of Code of Civil Procedure sections 133-136. "Day" means "Court day" unless otherwise specified.

(Eff. 1/1/12)

RULE 2.10 DEFINITION OF VACATION DAY FOR JUDGES

A day of vacation for a judge is defined as an approved absence from the court for one full court day. Other absences from the court listed in rule 10.603(c)(2)(H) of the CRC are excluded from this definition.

(Eff. 1/1/12)

CHAPTER 3 – EXPEDITED CIVIL TRACK MANAGEMENT SYSTEM (ECT)

RULE 3.1 OBJECTIVES

(a) These ECT rules are intended to implement the Trial Court Delay Reduction Act (Government Code § 68600 et seq.) and to bring general civil actions to disposition by trial, settlement, or other means as expeditiously as possible and within reasonable guidelines established by the court.

(b) These ECT rules apply to all general civil cases filed after the effective date of this rule. General civil cases filed prior to the effective date of this rule are subject to the provisions set forth in local rule 4.1 – 4.3.

(c) No action or proceeding may be removed from the process set forth in this chapter because of a challenge filed under Code of Civil Procedure section 170.6.

(Eff. 1/1/12)

RULE 3.2 DEFINITION

“General Civil Cases” means all civil cases except:

- Probate, guardianship;
- Conservatorship;
- Juvenile, and family law proceedings (including proceedings under divisions 6-9 of the Family Code, Uniform Parentage Act, Domestic Violence Prevention Act, and Uniform Interstate Family Support Act; freedom from parental custody and control proceedings; and adoption proceedings);
- Small claims proceedings;
- Unlawful detainer proceedings;
- Petitions to prevent civil harassment, elder abuse, and workplace violence;
- Petitions for name change;
- Election contest petitions;
- Petitions for relief from late claims.

(Eff. 1/1/12)

RULE 3.3 TIME STANDARDS

The court adopts the case disposition time standards as set forth in Standards of Judicial Administration, standards 2.1 and 2.2 and the Economic Litigation Act. It is the policy of the Court to strive to meet these time standards from the filing of the initial pleading to disposition of general civil cases in the following manner: 90% within 12 months, 98% within 18 months, and 100% within 24 months.

Timelines are as follows:

Filed Date

- + 90 Summons and complaint must be served no later than ninety (90) calendar days after the filing of the complaint on all named defendants. Except as otherwise provided by law, the court may extend any time requirements for service of process and return of summons upon a showing of good cause by the litigant.
- +120 Responsive pleadings will be served upon each party entitled to service no later than thirty (30) calendar days after service of the complaint or the cross-complaint upon each party.
- +135 Responsive pleadings will be served upon each party if an extension, not exceeding fifteen (15) calendar days, is obtained by stipulation of all parties or by order of the court granting the responding party's motion for relief from the time limit.
- +150/165 Cross-complaint(s) must be served within thirty (30) calendar days of filing responsive pleading(s), except that a cross-complaint against new parties must be served within fifteen (15) calendar days of filing the responsive pleading(s).
- +180/195 Filing and service of response(s) must be made within thirty (30) calendar days of service of the cross-complaint(s).
- +180 The case management conference (CMC) is set approximately one hundred and eighty (180) calendar days after the filing of the initial pleading.

(Eff. 1/1/12)

RULE 3.4 CASE MANAGEMENT

(a) Notice of Inclusion: At the time of filing the initial pleading, the clerk will prepare a notice of inclusion which contains dates in accordance with the rules prescribed herein. This form must be served with the complaint and a copy with proofs of service filed in the case.

(b) Case Management Statement: Each party must file and serve a case management statement on the other parties no later than fifteen (15) calendar days before the CMC. A case management statement must contain the following information, whether or not a Judicial Council form is used:

- (1) The names, addresses, phone and fax numbers of all attorneys of record and whom they represent;
- (2) A brief outline of the nature of the case;
- (3) The estimated court time to dispose of the case, including separate estimates of time for motions and trial;

- (4) The estimated date the case will be ready for trial and whether or not a jury trial is demanded;
- (5) The efforts made at settlement, what issues remain in dispute and whether further settlement conferences would be productive;
- (6) The status of discovery and if not completed, what type of discovery remains and the date it is scheduled to be completed;
- (7) A statement specifying the date, time spent, and results of the meet and confer required by local rule 3.4(c);
- (8) A statement indicating whether or not the case is suitable for judicial arbitration or alternative dispute resolution and reasons therefore;
- (9) The trial attorney's availability calendar for the fourth, fifth and sixth months following the month in which the CMC is heard;
- (10) Proof of service that the case management statement was served upon all necessary parties; and
- (11) Other information pertinent to the Court's ECT.

(c) Meet and Confer: Prior to the filing of the case management statement, parties must meet and confer in person or by telephone regarding the case. The results of this meet and confer must be summarized and included in the case management statement.

(d) Case Management Conferences (CMC):

(1) Calendaring: The CMC will be calendared as provided in the notice of inclusion (see local rule 3.4(a)) or to an earlier date if the parties sign a stipulation requesting such date. Counsel for each party and each self-represented party must participate in the CMC either by appearing in person or by telephone. Telephonic appearances are permitted, except for attorneys who have offices in Del Norte County or unless otherwise ordered or directed by the court.

(2) Participation: Each party must be fully prepared to discuss the following at the CMC:

(A) All items addressed in the case management statements.

(B) Any other matters that would achieve the interests of justice and the timely disposition of the case.

(3) Continuances:

(A) By Stipulation: Parties requesting an initial continuance must submit a stipulation signed by all parties and a declaration stating the reason for the request. The Clerk's Office must receive this request as soon as possible, but no later than the court day before the scheduled CMC. The

stipulation must include the date of the rescheduled CMC, which should be no later than thirty (30) calendar days after the initial CMC was set. Attorneys shall consult the Court website to determine the dates available to schedule the CMC. Any further continuances may only be granted upon filing of a proper motion and order of the court.

(B) Without Stipulation: Parties requesting a non-stipulated continuance must file a noticed motion and set a hearing date prior to the scheduled CMC. A declaration and proof of service must support the motion. The motion will be granted upon a finding of good cause.

(4) Orders: To achieve expeditious resolution of these matters, the court evaluates each case, takes appropriate actions, and makes necessary orders. Such actions or orders may include:

(A) Designating the case as an “uninsured motorist” case pursuant to rule 3.712 of the CRC.

(B) Designating the case as exempt from differential case management by reason of exceptional circumstances pursuant to rule 3.714(c) of the CRC, in which case there will be established a case progression plan and a procedure to monitor case progression in order to assure disposition within three (3) years.

(C) Consolidating cases.

(D) Setting the case for trial and mandatory settlement conference.

(E) Continuing the case for further CMC.

(F) Severing or bifurcating causes of actions or issues.

(G) Setting discovery schedules.

(H) Setting a date for a special settlement conference.

(I) Dismissing the action in whole or in part.

(J) Assigning the case, upon stipulation, to ADR.

(K) Determining whether the case is one in which a right to a jury trial is available.

(Eff. 1/1/12)

RULE 3.5 MOTIONS FOR RELIEF FROM TIME LIMITS

Motions for relief from any of the provisions of this chapter must be brought before the judge. Any relief motion must be signed by (i) the attorney, if any, and (ii) the moving party, except for good cause shown by declaration under penalty of perjury of the attorney, which declaration sets forth facts establishing the unavailability of the moving party. If the judge or his or her designee grants a motion for relief from time limits, the matter will be reset on a specific date at the time

the motion is granted. Motions for relief from time limits set forth in this chapter will be made and may be granted only upon a showing of good cause.

(Eff. 1/1/12)

RULE 3.6 MOTIONS

Notwithstanding these ECT rules, any party may file a motion on the law and motion calendar. The CMC calendar is not a law and motion calendar.

(Eff. 1/1/12)

CHAPTER 4 - NON-ECT CIVIL CASE MANAGEMENT

RULE 4.1 SCOPE

The cases covered by this chapter are those that are not included in the general civil case definition in local rule 3.2. These cases will be managed pursuant to rule 3.720 - 3.771 of the CRC. A civil case under this chapter may be brought into the ECT upon noticed motion and finding of good cause; upon stipulation and order thereon; or upon the court's own motion by service of a notice of a case management conference to all parties.

(Eff. 1/1/12)

RULE 4.2 AT-ISSUE MEMORANDUM

(a) Time Lines: In all civil cases specified in local rule 4.1, in which a responsive pleading has been filed, the plaintiff must file and serve an at-issue memorandum within one hundred and eighty (180) calendar days from the date the complaint is filed, unless there is a final disposition to the matter prior to the one hundred and eighty (180) calendar day time limit.

(b) Availability: For trials anticipated to last one day or less, the submitting party must designate available trial dates between sixty (60) and one hundred twenty (120) days following the date the at-issue memorandum or counter at-issue memorandum is submitted. For trials anticipated to last longer than one day, the submitting party must designate available trial dates between ninety (90) and two hundred ten (210) days following the date the at-issue memorandum or counter at-issue memorandum is submitted.

(c) Failure to File: If a timely at-issue memorandum is not filed, the case may be set for a CMC upon the court's own motion.

(Eff. 1/1/12)

RULE 4.3 CASE MANAGEMENT CONFERENCE

If either party requests a CMC, local rule 3.4 (b)-(d) will apply.

(Eff. 1/1/12)

CHAPTER 5 - SETTLEMENT CONFERENCES

RULE 5.1 SETTING A SETTLEMENT CONFERENCE

(a) The local rules set forth in this chapter are adopted to implement rule 3.1380 of the CRC and will apply to all settlement conferences whether mandatory or voluntary. A settlement conference may be set as follows:

- (1) At the request of any party on the at-issue memorandum or counter at-issue memorandum.
- (2) By the Court's own motion at any time in the interest of justice and to ensure timely disposition of civil cases.
- (3) By the Court or any party at the time of the CMC.
- (4) At the request of any party applying to the court for a specially-set settlement conference.
- (5) A further settlement conference may be set prior to the date set for trial at the request of a party or by the court at the time of initial settlement conference.

(b) This rule does not prohibit any party from filing a motion on the law and motion calendar, which is generally a separate calendar.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 5.2 SETTLEMENT CONFERENCE STATEMENT

Each party must prepare, file, and serve on all other parties a settlement conference statement, in pleading form, at least five (5) court days prior to the settlement conference. In addition to the requirements listed in rule 3.1380(c) of the CRC, the settlement conference statement must include:

- (a) A caption including the date and time of the settlement conference and trial date, if set;
- (b) The names of the parties and the dates, times, and locations giving rise to the controversy before the Court;
- (c) A summary of the important facts of the case indicating the parties' theories of liability;
- (d) A statement of any and all legal issues to be resolved by the Court;
- (e) Copies of all relevant portions of key documents upon which the litigation is based and upon which any party intends to rely;
- (f) A list of all motions in-limine to be made prior to the readiness conference;

- (g) A list of damages, current and future, and the legal and factual support thereof;
- (h) A summary of all previous settlement negotiations;
- (i) If an insurance carrier is involved and there are any reservations of rights or policy defenses, the legal and factual support therefore; and
- (j) Any other information as that may be directed by the Court.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 5.3 DUTY TO IMMEDIATELY NOTIFY COURT OF SETTLEMENT

It is the duty of counsel, or the self-represented party, to inform the Court immediately if the case is settled. Notice must be given to the Court by filing a written notice of settlement, including any required attachments. Failure to notify the Court in writing of settlement may be cause for sanctions.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 5.4 SETTLEMENT OF JURY TRIALS

- (a) Parties must, during the week preceding the date fixed for the trial, keep the Court advised as to the likelihood of settlement and any other factors that affect the readiness of the case.
- (b) In the interest of jurors and taxpayers, the Court strongly encourages parties to settle cases as soon as possible. The Court must be informed immediately of any settlement. Jury fees will be forfeited if the Court deems it was not timely notified.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 5.5 DUTIES OF PARTY TO ATTEND CONFERENCE

All parties, the attorneys who will try the case, and a representative with actual authority to settle on behalf of each insurance company involved in the case are required to be personally present at the settlement conference unless excused by order of the judge conducting the settlement conference.

(Eff. 10/15/90) (Rev. 1/1/12)

CHAPTER 6 – JURY SERVICE

RULE 6.1 JURY COMMISSIONER

The Court Executive Officer shall act as the Jury Commissioner. Whenever the business of the Court requires the attendance of a trial jury, the Jury Commissioner shall direct that a trial jury venire be drawn and summoned to attend before the Court in such a number and at such a time as shall be appropriate for the conduct of the trial for which a jury is required.

(Eff. 1/1/12)

RULE 6.2 DEPUTY JURY COMMISSIONER

The Court Executive Officer shall have the authority to appoint a Deputy Jury Commissioner as needed. The Deputy Jury Commissioner shall have the same authority and responsibilities as the Jury Commissioner.

(Eff. 1/1/12)

RULE 6.3 REQUESTS FOR EXCUSE FROM JURY SERVICE

All requests for excuse from jury service shall be presented in writing to the Jury Commissioner.

(Eff. 1/1/12)

CHAPTER 7 - GENERAL CIVIL LAW RULES

RULE 7.1 JURY TRIALS

(a) Deposit of Jury Fees

For all civil matters scheduled for a jury trial, other than unlawful detainer actions, jury fees for the first day of trial are due and payable no later than twenty-five (25) calendar days prior to trial. Unless otherwise ordered by the Court, a jury may not be drawn if the Clerk's Office does not timely receive jury fees.

In unlawful detainer actions, jury fees for the first day of trial are due and payable no later than five (5) calendar days prior to trial. A jury will not be drawn if the Clerk's Office does not timely receive jury fees.

A schedule of jury fees for the first day of trial and subsequent trial days is listed on a Court approved list of local Court charges and fees, which is available for viewing at the Clerk's Office and is also posted on the court's website: *www.delnorte.courts.ca.gov/*.

(b) Waiver

Upon waiver of trial by jury by announcement or by operation of law, any demand for trial by jury by opposing counsel must be accompanied by a jury deposit as provided herein by this rule.

(c) Refund of Jury Fees

Code of Civil Procedure section 631, et seq. governs the refund of jury fees.

(d) Request for Jury Instructions in Civil Cases

(1) Requested jury instructions shall be delivered to the trial judge at the times provided herein, or at such other times as may be ordered by the court and in no event later than the first morning of trial. Additional supplementary instructions may be received by the trial judge at such times and on such conditions as may be just. Such instructions must comply with rule 2.1055 of the CRC.

(2) Jury instruction forms contained in the latest editions of CACI for civil cases shall be used when applicable. Counsel shall fill in all blanks and make any necessary changes on such forms to conform with fact related to the particular trial, such as the appropriate gender and number.

(3) Proposed pattern jury instructions that have been modified by a party shall specify in parenthesis or other appropriate manner the respect in which the instructions have been modified.

(e) Presentation of Jury Instructions to Jury in Civil Cases

Jury instructions to be presented to a jury shall be in a form that may be appropriately delivered to the jury for their use and reference in the jury room. Jury instructions prepared for a jury shall not be denominated or marked in any way that would identify the party that prepared them.

(f) Motions In-Limine

All motions in-limine must be in writing. Each motion and response must be filed no later than the readiness conference.

(g) Demand for Jury Trial

A plaintiff must affirmatively request and show an entitlement to a jury trial before the Court will order a jury trial in any civil case. A plaintiff may waive his or her right to a jury trial in writing, or in open court, or by failure to make a timely request. If the plaintiff waives a jury, any other party may demand a jury and be responsible for the jury deposit consistent with Code of Civil Procedure section 631.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 7.2 EX PARTE APPLICATIONS IN CIVIL CASES

Ex Parte Applications in civil cases are governed by, and all parties seeking an ex parte order must comply with, rule 3.1200 – 3.1207 of the CRC. These local rules are intended to remind and encourage parties seeking ex parte orders to follow the applicable rules of the CRC.

(a) Time of Notice

(1) 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 or waiver thereof. (See CRC, rule 3.1203.)

(2) A party seeking an ex parte order in an unlawful detainer proceeding may provide shorter notice than required under (a) provided that the notice given is reasonable.

(b) Contents of Notice

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

(1) State with specificity the nature of the relief to be requested and the date, time and place for the presentation of the application; and

(2) Attempt to determine whether the opposing party will appear to oppose the application.

(c) Declaration Regarding Notice

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

(1) 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 rule 3.1203 of the CRC, the applicant informed the opposing party where and when the application would be made;

(2) 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

(3) That, for reasons specified, the applicant should not be required to inform the opposing party.

(d) Filing and Presentation

Notwithstanding the failure of an applicant to comply with the requirements of local rule 7.2(a), the Clerk of the Court must not reject an ex parte application for filing and must promptly present the application to the appropriate judicial officer for consideration.

(e) Personal Appearance Requirements

An ex parte application without a personal appearance will be considered upon written application, declaration and in the discretion of the Court.

(Eff. 1/1/12)

RULE 7.3 ATTORNEY FEES IN DEFAULT ACTIONS

In default 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 (exclusive of costs and interest):

- (a) Twenty-five percent (25%) of the first two thousand dollars (\$2,000), with a minimum fee of one hundred and seventy-five dollars (\$175);
- (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 the next fifty thousand dollars (\$50,000).

In entering a default judgment in an action upon a note or contract providing for an attorney fee, the Clerk shall include in the judgment an attorney fee (not to exceed the amount prayed for) in accordance with the above schedule.

(Eff. 10/15/90) (Rev. 1/1/12)

CHAPTER 8 – CIVIL LAW AND MOTION RULES

RULE 8.1 CIVIL LAW AND MOTION DEPARTMENT

(a) There shall be one department of the Court designated by standing order to hear civil law and motion proceedings. In addition to the matters defined in rule 303 of the CRC, the designated department shall also hear petitions for change of name, emancipation of minors, petitions regarding harassment, and applications for appointment of a guardian ad litem.

(b) At the calling of the law and motion calendars as to any matter for which an appearance is required, a failure of the moving party to appear when called may, in the Court's discretion, cause the matter to be ordered off calendar or denial of the requested relief.

(c) When a matter is to be dropped from the law and motion calendar, counsel for the moving party shall immediately notify the Judicial Assistant for the department hearing the matter.

(d) By stipulation, the parties may continue a matter one (1) time only without the approval of the Court if the Court is informed at least five (5) days in advance of the hearing date. Except as herein expressly provided, no matter will be continued, even by stipulation of the parties, except with the approval by the Court for good cause shown. If good cause is shown to the satisfaction of the Court, the requesting party shall send a confirming letter via e-mail or U.S. Postal Service mail to the Judicial Assistant for the department hearing the matter and all other counsel.

(e) Unless otherwise ordered by the Court, the time the Court will hear civil law and motion matters will be designated by standing order. Unless otherwise changed by standing order or order of the Court, all civil law and motion matters will be heard at 9:00 a.m. on Fridays. Unless otherwise changed by standing order or order of the Court, unlawful detainer actions will be heard at 3:30 p.m. on Mondays.

(f) The Court may designate a separate law and motion calendar for family law cases.

(Eff. 1/1/12)

RULE 8.2 TELEPHONIC APPEARANCES

(a) Telephonic appearances are generally authorized pursuant to rule 3.670 (c) of the CRC.

(b) The Court designates CourtCall as the conference call provider to be used for telephonic appearances. Attorneys and parties wishing to appear by telephone are responsible for preparing, serving, and filing any required forms and paying a fee for each telephonic appearance. Prior arrangements, not less than three (3) court days prior to hearing date, should be made with CourtCall by calling the CourtCall at (888) 882-6878.

(c) The Court reserves the right to reject any request to appear by telephone. Telephonic appearances may generally be made for appearances that do not involve the introduction of contested evidence including pre-trial conferences, status conferences, and motions. Telephonic

appearances will not generally be allowed for contested summary judgment motions or for settlement conferences unless approved in advance by the Court.

(d) Notwithstanding any other provision of this rule, the Court may at any time require the personal appearance of a party.

(Eff. 1/1/12)

RULE 8.3 JUDICIAL NOTICE AND REPORTS OF OTHER JURISDICTIONS

A party requesting judicial notice of material under Evidence Code sections 452 or 453 shall provide the Court and each party with a copy of the material. If the material is part of a file in this Court, the party shall (a) state in writing the specific part of the Court file sought to be judicially noticed, including the name of the document and the date it was filed, and make a copy of it for the Court file; and (b) make arrangements with the Clerk of the Court to have the file in the courtroom at the time of the hearing. Ordinarily, such arrangements shall be made with the Clerk of the Court at least three (3) days in advance of the hearing; however, if the file is over five (5) years old, additional time may be required for an archive search and retrieval.

(Eff. 1/1/12)

RULE 8.4 GENERAL PROCEDURE FOR COURT ACTION WITHOUT APPEARANCE BY COUNSEL OR PETITIONER

A matter that by law may be determined by declaration, affidavit or verified pleading and without testimony, except petitions for confirmation of sale of real property or personal property, may ordinarily be submitted for appropriate action by the Court without appearance by counsel or the petitioner. The Court nonetheless reserves the right to require an appearance by counsel or the petitioner for matters which ordinarily would not require an appearance.

Any party intending to submit a matter for action without appearance shall notify the Court and opposing counsel at least three (3) days prior to the hearing by separate pleading. All necessary papers, including declarations, must be filed or lodged with the Court by the date required by law. Proposed orders must be filed or lodged with the Court at least five (5) days before hearing. Before denying any petition where appearance is not made under this local rule, the Court in its discretion may continue the matter to provide counsel or the petitioner an opportunity to appear.

(Eff. 1/1/12)

RULE 8.5 LATE-FILED PAPERS

(a) All law and motion papers must be filed and served within the time limits set by statute or the CRC. The Court reserves the option of not considering late-filed papers.

(b) When counsel or a party unavoidably must file papers late, a courtesy copy should be provided to the judge's judicial assistant, which, depending on the press of court business, may allow review prior to a hearing. Providing a courtesy copy does not ensure that the judge will review the late-filed papers.

(Eff. 1/1/12)

RULE 8.6 WRITS OF REVIEW, MANDATE, AND PROHIBITION

(a) Service of Petition - Code of Civil Procedure section 1107 requires service of the verified petition before it is filed, and also requires that the application for a writ be accompanied by proof of service of a copy of the application upon the respondent and the real party in interest. The petition may be filed without a proof of service, but no action (other than summary denial) can be taken on the petition unless there is compliance with the service provisions of Code of Civil Procedure sections 1107 and 1088.5 and local rule 8.7(e) below.

(b) Manner of Service - A petition must be served in the same manner as a summons and complaint.

(c) Persons to be Served - Where the respondent or real party in interest is a board or commission, service must be made upon the presiding officer, or upon the secretary, or upon a majority of the members of such board or commission.

(d) Orders to Show Cause and Motions

1. **Motions** - The hearing on a petition is the trial of the case. It may be set by noticed motion in the manner generally governing motions. Absent a need to appear ex-parte for a stay or other temporary order, use of the motion procedure is preferred.
2. **Order to Show Cause** - The hearing on a petition may be set by order to show cause but this is rarely done.

(e) Alternative Writs

1. **Prior Service of Application** - Absent a showing of good cause or waiver by the responding party, an alternative writ will not issue unless the application is served at least five (5) days before the ex-parte hearing.
2. **Briefing Schedule and Hearing Date** - Issuance of the alternative writ places the matter on the Court's calendar for hearing; it does not, in and of itself, accomplish a stay or afford any affirmative relief. It may issue without notice but not without compliance with proper ex-parte notification. If issued, it must be served in the same manner as a summons in a civil action unless the Court orders otherwise. A briefing schedule will be set by the Court at the time the alternative writ is issued.

(f) Pleadings - The rules of practice governing civil actions are generally applicable. The Court requires a clear and concise statement of facts to accompany any petition for writ of mandate.

(g) Evidence and Procedure

1. Evidence - In administrative mandate proceedings, the evidence before the Court is confined to the administrative record, unless the exception in subdivision (e) of Code of Civil Procedure section 1094.5 applies and a declaration establishes the application of that exception. In other kinds of writ proceedings, evidence is presented by way of declarations and deposition testimony and not by oral testimony unless the Court, in its discretion, permits oral testimony. Setting the writ for hearing before the record is prepared or before the evidence is gathered serves only to unnecessarily clog the Court's calendar since the hearing must be continued if the record is not available or the evidence otherwise is incomplete.
2. Procedure - Prior to the first hearing in an administrative mandamus proceeding, parties and counsel are ordered to meet and confer on whether stipulations can be presented to the Court on the following issues: standard of review, who has the burden of proof, whether additional evidence may be allowed and whether the record is complete. The Court at the first hearing may require the attorneys to organize the administrative record and create an index.

The Court may require that each party present proposed findings in print and electronic format prior to taking the matter under submission.

(h) Scope of Review - The scope of the Court's review depends upon the nature of the relief sought and a variety of other factors. The parties must state their position on this issue in the memoranda filed in support of and in opposition to the issuance of the writ.

(i) Summary Denial - Petitions that are defective, incomplete, lack adequate supporting documentation, fail to state a prima facie claim for relief, or fall outside the scope of the Court's jurisdiction may be summarily denied. Abuse of the writ process may subject the petitioner to appropriate sanctions.

(Eff. 1/1/12)

CHAPTER 9 – CRIMINAL LAW RULES

RULE 9.1 APPLICABILITY OF CHAPTER

This chapter applies to all criminal proceedings.

(Eff. 1/1/12)

RULE 9.2 ACCUSATORY PLEADINGS

(a) Multiple defendant cases. Where co-defendants are charged jointly in a complaint, information or indictment, a separate file folder shall be prepared and maintained for each co-defendant. The prosecution shall present for filing a duplicate original of the accusatory pleading for each co-defendant so charged, and also shall provide sufficient copies for distribution to all co-defendants at the time of arraignment.

(b) Filing of Complaints. Except as ordered upon a showing of good cause, the complaint shall be presented to the Clerk for filing not later than 10:30 a.m. on the day of defendant's first appearance, if the defendant is in custody; or 3:30 p.m. of the second Court day preceding the date of first appearance, if the defendant is not in custody. The prosecution shall provide a copy of the complaint for distribution to the defendant at the time of arraignment.

(c) Filing of Information and Indictment. Except as ordered upon a showing of good cause, the information or indictment shall be presented to the Clerk for filing not later than 3:30 p.m. on the day before defendant's first appearance for arraignment on the information or indictment.

(Eff. 1/1/12)

RULE 9.3 ARRAIGNMENT

At the time of the first arraignment, the prosecution shall make available to the defense counsel a copy of the complaint with all discovery, including police report(s) unless they have already been so provided. If the defense counsel is not present at the first arraignment, the prosecution shall make discovery available within one (1) court day of the first arraignment.

(Eff. 1/1/12)

RULE 9.4 MOTIONS IN CRIMINAL LAW CASES

(a) Except for good cause shown, all pretrial motions shall be made in compliance with rule 4.111 of the CRC, which generally requires that motions and accompanying points and authorities be filed at least ten (10) court days, all opposing papers at least five (5) court days, and all reply papers at least two (2) court days before the hearing.

(b) Motions to suppress evidence under Penal Code section 1538.5 shall be made in accordance with all procedural requirements set forth in Penal Code section 1538.5.

(c) A search and seizure motion made before a preliminary hearing shall be made in compliance with Penal Code section 1538.5.

(d) For felony matters, any in-limine motions shall be filed by the day before the last pretrial conference unless otherwise ordered by the Court.

All other statutory and non-statutory motions to suppress, and all statutory and non-statutory motions to dismiss shall be calendared to be heard not later than five (5) days before trial unless the Court orders otherwise.

(Eff. 1/1/12)

RULE 9.5 READINESS CONFERENCE

(a) For all felony charges, a readiness conference date may be set by the Court, usually one day before the preliminary hearing. At the readiness conference, all counsel who will participate in the preliminary hearing shall be present. Counsel are expected to have discussed the case among themselves and exchanged offers with a view toward resolving the matter prior to the preliminary hearing. For cases that do not resolve at the readiness conference, the prosecution shall provide the Court with the name of the attorney who will conduct the preliminary hearing on behalf of the people and shall provide a reliable time estimate.

(b) Both counsel for the people and for the defendant shall inform the Court of any special needs, including but not limited to, interpreters or appointment of counsel for witnesses, that are needed at the preliminary hearing, at the time the preliminary hearing is set or as soon thereafter as the need is determined.

(Eff. 1/1/12)

RULE 9.6 TRIAL SETTING

(a) For misdemeanor cases, trial dates will be set upon entry of plea unless otherwise ordered by the Court.

(b) For felony cases, trial dates will be set as ordered by the Court.

(Eff. 1/1/12)

RULE 9.7 VOIR DIRE

(a) For misdemeanor cases, counsel for the people and for the defendant shall submit any proposed voir dire questions to the Court by the final Pretrial Conference or as otherwise ordered by the Court.

(b) For felony cases, counsel for the people and for the defendant shall be prepared to submit any proposed voir dire questions to the Court by the first Pretrial Conference or as otherwise ordered by the Court.

(Eff. 1/1/12)

RULE 9.8 PRETRIAL CONFERENCE

(a) A pretrial conference will be set prior to the trial date. Before the conference, counsel shall confer among themselves, their clients and any alleged victims or law enforcement personnel in a good faith effort to address any stipulation or agreement in testimony or procedure to reach a resolution of the case without trial.

(b) At the conference, counsel for the people and for the defendant will be expected to advise the Court if there is a possibility of disposition of the case without trial.

(c) The conference shall be attended by those attorneys who will try the case or are fully knowledgeable of the case with authority to take necessary action in the case. If the case does not settle, counsel shall inform the Court of the time estimate for the trial and any special requirements that would affect the conduct of the trial. Unless otherwise ordered by the Court, counsel shall submit a written statement of the case on or before the last pretrial conference.

(d) Except for good cause, the Court will not accept pleas on the morning of a jury trial unless the plea is to all charges in the charging document and without limitation to the Court's sentence.

(e) In misdemeanor cases, unless otherwise ordered by the Court, counsel shall submit a witness list, a statement of the case, and properly marked exhibits to the Court by 3:00 p.m. the day before the trial is set to begin.

(Eff. 1/1/12)

RULE 9.9 JURY INSTRUCTIONS IN CRIMINAL CASES

(a) Jury instruction forms contained in the latest editions of CALCRIM for criminal cases shall be used when applicable. Counsel shall fill in all blanks and make any necessary changes on such forms, such as making sure proper gender and number are used.

(b) For misdemeanor jury trials, proposed jury instructions shall be submitted no later than the final pretrial conference before the first day of trial or as otherwise ordered by the Court. The prosecution must submit a full packet to the Court and the defense only has to submit proposed jury instructions in special cases.

(c) For felony jury trials, proposed jury instructions shall be submitted by the first pretrial conference. The prosecution must provide a full packet to the Court and the defense only needs to provide proposed jury instructions if a special instruction or if a different format is requested

from what is provided by the prosecution.

(Eff. 1/1/12)

RULE 9.10 COURT CONDUCT

Counsel shall comply with standard courtroom protocol and be courteous and respectful to all persons in the courtroom. Counsel should not interrupt opposing counsel except to state an appropriate objection. All objections and comments must be addressed to the Court, and not to opposing counsel. Unless otherwise ordered by the Court, permission need not be obtained to enter the well and approach a witness on the stand. Counsel shall refrain from making derogatory remarks about opposing counsel, and will otherwise be expected to act in a professional manner at all times.

(Eff. 1/1/12)

RULE 9.11 SENTENCING

(a) Absent a showing of good cause, the Court will not consider letters or other written submissions which are not served on opposing counsel and timely lodged with the Court so that they can be placed in a defendant's file by 2:30 p.m. on the day before the sentencing hearing.

(b) A defendant should expect to be remanded to custody at the time for sentencing where he or she has failed to make or keep an appointment to be interviewed by the probation officer, when facing a terminal disposition in a misdemeanor case, or if the Court imposes a prison sentence.

(Eff. 1/1/12)

CHAPTER 10 – JUVENILE COURT RULES

RULE 10.1 PROCEDURES AND TIME FRAMES FOR CONTESTED ISSUES

Should any parent, child or social worker request a contested hearing on any issue pertaining to juvenile dependency proceedings, the request may be made orally during the weekly juvenile dependency calendar. The Court shall set the matter for hearing in accordance with the time limitations established by law.

(Eff. 1/1/12)

RULE 10.2 MEET AND CONFER REQUIREMENTS

(a) In the discretion of the Court, confirmation of a contested hearing may be scheduled prior to any contested hearing in a juvenile dependency or delinquency proceeding. The Court may require all counsel to meet and confer with the judicial officer assigned to the case at the confirmation hearing. Counsel shall meet with their respective clients before the confirmation hearing and shall 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 two (2) court days prior to the scheduled hearing of the names and addresses 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 two (2) court days in advance of the hearing.

(Eff. 1/1/12)

RULE 10.3 WRITTEN WAIVER OF RIGHTS

In order to facilitate the taking of admissions or no contest pleas from parents in juvenile dependency proceedings, counsel for parent(s) shall furnish to the Court, at the time of the plea, a written *Waiver of Rights - Juvenile Dependency* (form JV-190) that has been discussed with and completed by the parent(s).

(Eff. 1/1/12)

RULE 10.4 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 rule 5.660 of the CRC. In addition, all attorneys appearing in juvenile dependency 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 juvenile dependency proceeding shall have either:

(1) Within the proceeding three (3) years, participated in at least eight (8) hours of training or education in juvenile dependency law as specified in rule 5.660 of the CRC; or

(2) At least twenty-four (24) hours of experience within the preceding year in juvenile 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 juvenile 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 thirty (30) days of the effective date of these rules, the Certificate of Attorney Competency, local form DN-102. After the effective date of these rules, any attorney appearing in a juvenile dependency matter for the first time shall complete and submit a Certificate of Attorney Competency to the Court within ten (10) days of his or her first appearance in a juvenile dependency matter.

(2) Any attorney appearing before the court in a juvenile 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, 2012 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 a 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 juvenile dependency proceedings unless the Court determines, based on the conduct or performance of the attorney before the Court in a juvenile dependency proceeding, 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 juvenile dependency proceedings, each attorney previously certified by the Court shall submit a new Certification of Attorney Competency to the Court on 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 Competency evidence that he or she has completed at least eight (8) hours of continuing training or education directly related to juvenile 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. The

attorney shall have twenty (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 juvenile 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 juvenile 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 rule 5.660 of the CRC. The attorney shall also serve as the child's CAPTA 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 individual who, in the Court's discretion, may be an attorney, a court appointed special advocate or other suitable person to serve as the child's CAPTA guardian ad litem.

(Eff. 1/1/12)

RULE 10.5 PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD

(a) At any time during the pendency of a juvenile 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 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 minor's behalf the attorney believes is necessary, whether the attorney is willing or able to pursue the matter on the minor'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 minor's interests and whether further investigation may be necessary.

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

(e) The Court may set a hearing date on the notice if the Court deems it necessary in order to determine the nature of the minor'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 minor is required, the Court will appoint an attorney for the minor if the minor 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 minor's behalf.

(3) Appoint a guardian ad litem for the minor 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 minor.

(Eff. 1/1/12)

RULE 10.6 COMPLAINTS AGAINST ATTORNEYS

All counsel appointed to represent a party in a juvenile dependency action shall advise his or her client age twelve (12) years or older, that they have the right to submit an oral or written complaint to the Judge of the Juvenile Court hearing the case 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 to by the Court, file a written response to the complaint. The Judge of the Juvenile Court hearing the case shall review the complaint and any response of the attorney and shall take appropriate action including, but not limited to, permitting hearing on the 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.

(Eff. 1/1/12)

RULE 10.7 COURT APPOINTED SPECIAL ADVOCATE PROGRAM

(a) Compliance with California Rules of Court. The Court Appointed Special Advocate Program of Del Norte County ("CASA") shall comply with all provisions of rule 5.655 of the CRC.

(b) Approval by Presiding Judge of the Juvenile Court. The CASA Program Director shall submit written procedures, including any changes or amendments thereto, for approval by the Presiding Judge of the Juvenile Court for the following:

(1) Recruitment, screening, and selection of CASA volunteers in compliance with rule 5.655(c) of the CRC.

(2) Initial training of CASA volunteers in compliance with rule 5.655(d) - (g) of the CRC.

(3) Selection of cases and the appointment of CASA volunteers for children in Juvenile Court in compliance with rule 5.655(h) of the CRC.

(4) Oversight, support, and supervision of CASA volunteers in compliance with rule 5.655(i) of the CRC.

(5) Removal, resignation and termination of a CASA volunteer in compliance with rule 5.655(j) of the CRC.

(6) Other policies and procedures as may be required by the Court, by statute or by the Judicial Council of California.

(c) Advocates' Functions. Advocates serve at the pleasure of the Court presiding over the proceeding in which the advocate has been appointed. In general, an advocate's functions are as follows:

(1) To support the child throughout the court proceedings;

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

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

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

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

(6) To the fullest extent possible, to communicate and coordinate efforts with the case managing social worker; and

(7) To investigate the interests of the child in other judicial or administrative proceedings outside Juvenile Court; report to the Juvenile Court concerning these proceedings; and, with the approval of the Court, offer his or her services on behalf of the child to such other courts or tribunals.

(d) Sworn Officer of the Court. An advocate is an officer of the Court and is bound by these rules. Before assignment to any case, each advocate must take a Court-administered oath describing the duties and responsibilities of the advocate and the advocate must sign a written affirmation of that oath. (CRC, rule 5.655(e).)

(e) Specific Duties. The Court may, in its initial order of appointment and in any subsequent order, specifically delineate the advocate's duties in each case. Specific duties may include independently investigating the circumstances of the case; 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; communicating and coordinating efforts with Indian Child Welfare Act representatives; investigating and recommending appropriate action concerning a child's educational rights, tribal enrollment, eligibility for tribal benefits, and eligibility for any other public or private benefit; and reporting back and making recommendations directly to the Court as indicated. If no specific duties are outlined by Court order, the advocate must discharge his or her obligation to the child and the Court in accordance with the general duties set forth above.

(f) Court Authorization. To accomplish the appointment of an advocate, the judicial officer making the appointment will sign an order granting the advocate the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the Court.

(g) Access to Records. An advocate will have the same legal rights to records relating to the child he or she is appointed to represent as any case manager/social worker, including records held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, mental health provider or law enforcement agency. The advocate will present his or her identification as a court-appointed advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the advocate to have access to any records relating to the child.

(h) Report of Child Abuse. An advocate is a mandated child abuse reporter with respect to the case to which the advocate is appointed.

(i) Communication with Others. There will be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the advocate, case managing social worker, child's attorney, attorneys for parents, relatives, foster parents, and any therapist for the child.

(j) Right to Notice. In any motion concerning the child for whom the advocate has been appointed, the moving party must provide the advocate timely notice.

(k) Right to Social Worker's Report. In any case for which an advocate has been appointed, the advocate has a right to receive the social worker's report at the time of filing with the Court.

(l) Visitation. An advocate must visit the child regularly until the child is secure in a permanent placement. Thereafter, the advocate must monitor the case as appropriate until dependency is dismissed or the advocate is relieved from appointment.

(m) Family Law Advocate. If the Juvenile Court dismisses dependency and creates a family law order pursuant to Welfare and Institutions Code section 362.4, the advocate's appointment may be continued in the family law proceedings, with the approval of CASA, in which case the Juvenile Court orders will set forth the nature, extent and duration of the advocate's duties in the family law proceeding.

(n) Right to Appear. An advocate will have the right to be heard at all court hearings, and will not be subject to exclusion by virtue of the fact that the advocate may be called to testify at some point in the proceedings.

(o) Distribution of CASA Reports. The advocate must submit his or her report to the Court and serve a copy of the report on all parties at least two (2) court days prior to the hearing for which the report was prepared. For purposes of this rule, the parties to the case include (as applicable): county counsel; case managing social worker; child's attorney; parents' attorney(s); child (via foster family agency); Indian Child Welfare Act representative; and de facto parents.

(Eff. 1/1/12)

CHAPTER 11 – FAMILY LAW RULES

RULE 11.1 GENERAL RULES

(a) Types of Actions: The Court will hear non-Title IV-D actions (child support), including orders to show cause, motions, and other requests for relief under the Family Law Act and other domestic relations matters on the family law and motion calendar.

(b) Meet and Confer Requirement: The Court may decline to hear any family law matter unless and until self-represented parties and counsel, with their respective clients either physically present or immediately physically available, have met and conferred in good faith in an effort to resolve all or part of their issues.

At the meeting, all parties must exchange documents that may be relevant to contested issues or that may be offered into evidence at the outset of the hearing on the matter and attempt to reach agreement on the admissibility of documents being offered. Each self-represented party or counsel must represent to the Court that there has been compliance with this rule. Non-compliance with this rule may result in (i) the matter being dropped from the calendar or continued, (ii) the rejection of non-exchanged documents into evidence, or (iii) other sanctions as deemed appropriate by the Court.

(c) Matters Going Off Calendar: Parties must inform the Court immediately through a proper Court filing when matters are going off calendar.

(d) Proposed Findings of Fact and Statements of Decision: Unless otherwise ordered by the Court, parties submitting proposed Findings of Fact, Statements of Decision, or any other formal written Court findings or determinations must submit them in writing to the Court and via electronic mail in a readable Microsoft Word format to the appropriate judicial assistant. Judicial assistant's electronic mail addresses are listed on the Court's website: www.delnorte.courts.ca.gov/.

(e) Completion of Forms: Parties must file all Judicial Council forms, including attachments as required by CRC and statute, in a timely manner as prescribed by CRC and statute. All blanks on the forms must be answered with a response or "n/a" designation.

(Eff. 1/1/12)

RULE 11.2 FINANCIAL ISSUES

(a) *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155): The Court may decline to hear a family law matter with financial issues, including child support, spousal support, payment of debts or attorney fees, unless each party to the action has completed, served, and filed in compliance with rule 5.118 of the CRC a current (executed within sixty (60) calendar days of the hearing or trial) and accurate *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155). If there has been any change within the previous sixty (60) calendar days, a party may file with the Court a

declaration under penalty of perjury to that effect in lieu of a new *Income and Expense Declaration* or *Financial Statement (Simplified)* with current verification of earnings or income attached to the declaration.

(b) Documentation: If the parties have not exchanged current documentation five (5) court days before the scheduled hearing, the parties must exchange the following documents: (i) current wage verification for the prior three (3) month period and (ii) most recent state and federal income tax returns with W-2 statements. If a party is self-employed, the party must also produce all year-end 1099 forms for the prior year, and a current profit and loss statement and balance sheet of the self-employed party's business entity. The submitting party may strike confidential information.

(c) Public Assistance: A party receiving public assistance benefits must disclose that fact, including appropriate aid and/or District Attorney identification of file numbers, to all parties and the Court.

(d) Certified Calculations: Parties requesting child support or temporary spousal support must submit with their application a printout of a certified computer calculation supporting the application. Parties can use any software that is approved by the Judicial Council of California. Matters involving Child Support Title IV-D cases must use the automated child support system.

(e) Any party seeking a default judgment of child support, when the parties have not stipulated to the amount of support, shall open a case with the Del Norte County Department of Child Support Services.

(Eff. 1/1/12)

RULE 11.3 CHILDREN OF DIVIDED FAMILIES WORKSHOP

(a) Purpose of Children of Divided Families Workshop - The purpose of the workshop is to assist parents to better understand their children's point of view, to learn new ways to help their children through parental separation, to acquire new skills in interacting with their children and the other parent, to reduce acrimony between family members, and to help parents identify when their children may be in need of further assistance in coping with parental separation.

(b) Requirement to Attend Children of Divided Families Workshop - All parties to a family law proceeding in which there are minor children and custody or visitation is a disputed issue, including actions for dissolution, legal separation, actions to establish paternity, or actions to establish or modify custody or visitation, must attend and complete the workshop.

For family law cases commenced after the effective date of this rule, the parties must attend the workshop prior to mediation or other services provided through Family Court Services, or upon order of the Court. All parties to family law cases commenced prior to the effective date of this rule must attend the workshop when seeking to establish or modify custody or visitation orders. A waiver due to prior attendance may be obtained by court order.

(c) Payment of Registration Fees and Services of Forms - The Court will provide written instructions regarding the attendance, registration, and payment of the fee for the workshop to any party filing pleadings to commence an action or seeking relief of a nature concerning the subject of this workshop. The filing party must serve a copy of these written instructions on the opposing party along with the pleadings. The filing party must file proof of service with the Court. The fee is listed in the Court schedule of fees and will not normally be waived; however, a party may apply to Family Court Services for a fee adjustment if the party is receiving public assistance payments.

(d) Failure to Attend and Remedies - If only one party has attended and completed the workshop, that party may apply to the Court for an order or judgment. If the Court enters any order or judgment for good cause when one party has not completed the program, the non-complying party may neither seek affirmative relief regarding child custody or visitation, nor contest the relief sought by the other, until that party has completed the workshop or has obtained leave of Court to proceed upon a showing of good cause.

(e) Domestic Violence or Child Abuse - Due to the complexity of issues in cases in which there are incidents of domestic violence or child abuse, the alleged victim will have the right to attend a separate session of the workshop from the alleged perpetrator.

(f) Out of County/State Residents - If a party resides in another county or state, the Court may require or allow attendance by a party at an equivalent workshop located in that county or state if attendance at the local workshop is found to be a hardship to that party. The party who requests attendance elsewhere has the burden of providing information regarding the other workshop to the Court as part of his or her application.

(g) Certificate of Attendance - The provider of the workshop will prepare and file with the Clerk of the Court a certificate of attendance verifying the completion of the workshop by each attending party. The provider will also provide verification to each party upon completion of the workshop.

(h) Non-English Speaking Participants - The Court offers the program in English only. A participant who speaks a language other than English may arrange at his or her own expense to have an interpreter attend the workshop with him or her.

(Eff. 1/1/12)

RULE 11.4 FAMILY COURT SERVICES MEDIATION

(a) Non-Recommendating Mediators – Except as otherwise ordered by the Court, Court-designated mediators of child custody and visitation disputes do not render recommendations to the Court as to the custody of or visitation with a child(ren) involved in the proceeding.

(b) Challenge to Mediator – The assignment of mediators is an administrative function of Family Court Services. Requests to assign or not to assign a specific mediator will not be honored. Requests for a change in the assigned mediator or reports of general problems related to Family

Court Services shall be made to the Court Executive Officer. If it is determined by the Court Executive Officer that a mediator has a conflict of interest and should not mediate a case, then the mediator shall not participate in any way in the mediation of the matter.

(Eff. 1/1/12)

RULE 11.5 APPOINTMENT OF COURT INVESTIGATOR OR EVALUATOR

(a) Applicability: In any case in which custody or visitation is in dispute, the Court may appoint an investigator or evaluator and order that a child custody/visitation investigation and evaluation be conducted. The Court will appoint an investigator in accordance with rule 5.220(g) of the CRC, Evidence Code section 730, Family Code section 3110 et seq., and Code of Civil Procedure section 2032.010 et seq.

(b) Challenges: The Court does not allow peremptory challenges for court-appointed investigators/evaluators.

(c) Withdrawal: A court-appointed investigator/evaluator for purposes of child custody or visitation purposes may withdraw from a case upon filing a petition showing good cause. The Court will make the findings after consideration of (i) the petition, (ii) the best interests of the child(ren), and (iii) other relevant factors as determined by the Court.

(d) Ex Parte Contact Prohibited: No party or attorney for a party may initiate contact with a court-appointed investigator/evaluator, orally or in writing, to discuss the merits of the case without (i) notice to the other party and (ii) allowing the other party to be present or to receive a copy of the written communication. Nothing in this rule will prohibit the court-appointed investigator/evaluator from contacting any party or any attorney.

(e) Contact Between Court-Appointed Investigator/Evaluator and Minor Child(ren): The Court considers and generally relies on the opinion and judgment of the court-appointed investigator/evaluator in making determinations as to whether children will be interviewed. The court-appointed investigator/evaluator will justify his or her determination(s) in each case, and will determine under what circumstances the interviews will take place. Except in extraordinary circumstances, including potentially dangerous situations for minor child(ren), minor children will be informed that the information they provide may not remain confidential.

(f) Investigation/Evaluation Report: The court will specify the date on which the court-appointed investigator/evaluator must file his or her report. The written report will be distributed to the Court, parties, and counsel in accordance with Family Code section 3111, and will remain confidential and unavailable to all other persons unless otherwise ordered by the Court. No person who has access to such a report may make copies of the report or disclose its contents to any child(ren) whether or not a party to the action.

(g) Grievance Process:

(1) Procedure: All grievances in connection with a court-appointed investigator/evaluator must be presented to the Court by noticed motion or objection. A written declaration signed under penalty of perjury and addressed to the judge presiding over the proceeding must be included in the motion or objection. The declaration must state specifically what alleged issue(s) is the basis for the grievance and what remedy is requested.

(2) Determination: Upon receipt of a grievance, the judge will review it and solicit a response to the alleged grievance from the court-appointed investigator/evaluator. The judge will make a determination within a reasonable period of time and notify all parties in writing of his or her decision. The grievance and the judge's findings will be maintained as a confidential record, and not as part of the file, for a period of one (1) year. No one will be permitted to inspect the grievance or findings of the judge without prior Court order.

(h) Court Rules Regarding Court-Appointed Investigations/Evaluations: When the Court orders an investigation or evaluation, the Court will provide a copy of this local rule to each party.

(i) Payment of Investigator's/Evaluator's Fees and Costs: If the court orders an investigation or evaluation, the court will also order the payment of associated fees and costs. In dividing the fees and costs between the parties, the Court may consider Family Code sections 271, 2030, and 2032. The party or parties must pay the fees and costs directly to the Clerk's Office.

(j) Cross-Examination of Investigators/Evaluators: It is the policy of this Court to develop policies and procedures for expeditious and cost-effective cross-examinations of court-appointed investigators/evaluators when necessary. As necessary, the Court will determine, on a case-by-case basis, whether video and/or telephone conferences or examinations may be used in conducting a cross-examination of a court-appointed investigator/evaluator. All parties must schedule such appearances as directed by the Court or as otherwise provided by local rule, statute, or CRC. Unless otherwise ordered by the Court, if a party calls a court-appointed investigator/evaluator as a witness, then that party shall be responsible for all fees and costs for the testimony of the investigator/evaluator.

(k) List of Qualified Evaluators: The Clerk of the Court will maintain a list of qualified evaluators, and make this list available to the public upon request.

(Eff. 1/1/12)

RULE 11.6 CHILD SUPPORT COMMISSIONER

The Child Support Commissioner provided for pursuant to Article 4, Chapter 2, Part 2 of Division 9 of the Family Code shall perform all the duties listed in Family Code section 4251.

(Eff. 1/1/12)

RULE 11.7 FAMILY LAW FACILITATOR

The Family Law Facilitator provided for pursuant to Division 14 of the Family Code shall provide the following services: providing educational materials to parents concerning the process of establishing parentage and establishing, modifying, and enforcing child support and spousal support; distributing necessary court forms and voluntary declarations of paternity; providing assistance in completing forms; preparing support schedules based upon statutory guidelines; and providing referrals to the local child support agency, family court services, and other community agencies and resources that provide services for parents and children.

(Eff. 1/1/12)

RULE 11.8 COURT COMMUNICATION PROTOCOL FOR DOMESTIC VIOLENCE AND CHILD CUSTODY ORDERS

The purpose of this rule is to establish mechanisms for assuring appropriate communication and information sharing among Criminal, Family, Juvenile and Probate Courts concerning orders and cases that involve the same parties so as to permit a civil order to co-exist with a Criminal Court protective order. Safety of all parties shall be the Court's paramount concern.

(a) Court Communication Regarding Restraining Orders and Custody Orders

- (1) All counsel and self-represented parties must disclose to the Court all known existing restraining, protective, custody, or visitation orders that are in effect anywhere involving the parties to the proceeding or their children.
- (2) Any order that permits contact between a party subject to any restraining order or any criminal protective order and his or her children shall provide for the safe exchange of the children and shall not contain language either printed or handwritten that violates a known “no contact order” issued by a criminal court.
- (3) Any order that permits contact between a restrained party and his or her children must contain specific language setting forth the place and manner of the transfer of the children in order to limit the child’s exposure to potential domestic conflict or violence and to ensure the safe exchange of children. The order may not contain language that conflicts with a criminal protective order.
- (4) Any judge issuing any orders involving child custody or visitation will make reasonable efforts to determine whether a criminal court protective order exists that involves any party to the proceeding.
- (5) Any judge issuing a criminal protective order will make reasonable efforts to determine whether a child custody or visitation order exists that involves any party to the proceeding.

(b) Modification of Criminal Protective Orders

Any Court responsible for issuing custody or visitation orders that becomes aware of a possible conflicting Criminal Court order may, on its own motion or at the request of a defendant, protected person, or other interested party, calendar a hearing before the Criminal Court on the issue of whether the criminal order should be modified. The Family, Juvenile, or Probate Court shall provide the Criminal Court with copies of existing or proposed orders relating to the matter. Notice of the hearing will be provided to all counsel and parties by the Court.

(Eff. 1/1/12)

CHAPTER 12 – PROBATE COURT RULES

RULE 12.1 PROBATE CALENDAR

In noticing petitions for probate of wills and other matters where publication is required, the party shall allow sufficient time to file the affidavit of publication prior to the date of hearing or trial.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 12.2 SUBMISSION OF MATTER WITHOUT APPEARANCE BY COUNSEL

A matter that by law may be determined by declaration, affidavit or verified pleading and without testimony, except petitions for confirmation of sale of real property or personal property, may ordinarily be submitted for appropriate action by the Court without appearance by counsel or the petitioner. Any party intending to submit a matter for action without appearance shall notify the Court at least three (3) court days prior to the hearing by separate pleading. All necessary papers, including declarations and proposed orders, must be filed or lodged with the Court by the date required by law or at least five (5) court days before hearing on the probate calendar. Before denying any petition where appearance is not made under this local rule, the Court in its discretion may continue the matter to provide counsel or the petitioner an opportunity to appear.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 12.3 LODGING OF PROPOSED ORDERS

A proposed form of order shall be lodged with the Court at the time any verified petition in probate is filed. Failure to provide a proposed form of order may, in the Court's discretion, cause the matter to be ordered off calendar or continued to another date.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 12.4 APPOINTMENT OF COURT INVESTIGATOR

(a) Applicability: The Court will appoint an investigator in any probate proceeding as required by law and may do so as otherwise authorized by law.

(b) Order Appointing Court Investigator in Probate Guardianship Cases - Unless otherwise ordered by the Court, the Court requires the use of local form DN-100, Order Appointing Court Investigator, for the appointment of a court investigator in any probate guardianship case.

(c) Challenges: The Court does not allow peremptory challenges for court-appointed investigators.

(d) **Withdrawal:** A court-appointed investigator may withdraw from a case upon filing a petition showing good cause. The Court will make the findings after consideration of (i) the petition, (ii) the best interests of the parties, and (iii) other relevant factors as determined by the Court.

(e) **Contact Between Court-Appointed Investigator and Minor Child(ren):** The Court considers and generally relies on the opinion and judgment of the court-appointed investigator in making determinations as to whether children will be interviewed. The court-appointed investigator will justify his or her determination(s) in each case, and will determine under what circumstances the interviews will take place. Except in extraordinary circumstances, including potentially dangerous situations for minor child(ren), minor children will be informed that the information they provide may not remain confidential.

(f) **Investigation Report:** The court will specify the date on which the court appointed investigator must file his or her report. The written report will be distributed to the Court, parties, and counsel in accordance with the Court's order, and will remain confidential and unavailable to all other persons unless otherwise ordered by the Court. No person who has access to such a report may make copies of the report or disclose its contents to any child(ren) whether or not a party to the action.

(g) **Grievance Process:**

(1) **Procedure:** All grievances in connection with a court-appointed investigator must be presented to the Court by noticed motion or objection. A written declaration signed under penalty of perjury and addressed to the judge presiding over the proceeding must be included in the motion or objection. The declaration must state specifically what alleged issue(s) is the basis for the grievance and what remedy is requested.

(2) **Determination:** Upon receipt of a grievance, the judge will review it and solicit a response to the alleged grievance from the court-appointed investigator. The judge will make a determination within a reasonable period of time and then notify all parties in writing of his or her decision. The grievance and the judge's findings will be maintained as a confidential record, and not as part of the file, for a period of one (1) year. No one will be permitted to inspect the grievance or findings of the judge without prior Court order.

(h) **Court Rules Regarding Court-Appointed Investigations:** When the Court orders an investigation, the Court will provide a copy of this local rule to each party.

(i) **Payment of Investigator's Fees and Costs:** When the Court orders an investigation, the Court will also order the payment of associated fees and costs. Unless otherwise ordered, the party or parties must pay the fees and costs directly to the Clerk's Office.

(i) **Cross-Examination of Investigators:** It is the policy of this Court to develop policies and procedures for expeditious and cost-effective cross-examinations of court-appointed investigators when necessary. As necessary, the Court will determine, on a case-by-case basis, whether video and/or telephone conferences or examinations may be used in conducting a cross-

examination of a court-appointed investigator. All parties must schedule such appearances as directed by the Court or as otherwise provided by local rule, statute, or CRC.

(Eff. 1/1/12)

RULE 12.5 NONRESIDENT PERSONAL REPRESENTATIVE TO FURNISH BOND

Notwithstanding a waiver of bond by operation of law, or contained in a will, every nonresident of the State of California who is not a sole heir or devisee and who requests independent powers, shall furnish the required statutory bond as a condition of his or her appointment as personal representative, unless a waiver of bond is filed by all of the heirs or devisees of the decedent's estate or bond is otherwise waived by the Court for good cause.

(Eff. 1/1/12)

RULE 12.6 CERTIFICATION REQUIREMENTS FOR COURT-APPOINTED COUNSEL

The Clerk of the Court shall maintain a list of attorneys who meet the qualifications for Court appointment in probate proceedings pursuant to Probate Code section 1456 and rule 7.1101 of the CRC.

(a) Initial Certification of Qualification

Any attorney who would like to be eligible for Court appointments in probate proceedings shall certify his or her qualifications by completing and providing a *Certification of Attorney Concerning Qualification for Court Appointment in Conservatorships or Guardianships* (form GC-010) to the Clerk of the Court for review. If the attorney meets all of the qualifications, the attorney's name shall be placed on the Court's list of attorneys eligible for Court appointment in probate proceedings.

(b) Annual Post-Qualification Reporting and Certification

In order to maintain eligibility for Court appointments in probate proceedings, an attorney must immediately advise the Court of the imposition of any State Bar discipline. Before the end of March of each year after initial certification, an attorney must report any change in his or her qualifications for Court appointment in probate proceedings and whether the attorney has completed continuing education requirements under rule 7.1101 of the CRC.

(Eff. 1/1/12)

CHAPTER 13 – COURT REPORTERS

RULE 13.1 COURT REPORTING SERVICES

Unless otherwise ordered by the Court or upon waiver by parties or counsel (except in capital cases), a court reporter shall report the following court proceedings:

- (a) Felony criminal proceedings, except for bail reviews, arraignments and readiness conferences prior to preliminary hearing;
- (b) All suppression motions;
- (c) All probation violations unless waived by parties;
- (d) All proceedings, including in-chambers, for capital cases;
- (e) Law and motion matters;
- (f) All jury trials;
- (g) All requests for restraining orders in domestic violence cases;
- (h) All contempt proceedings.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 13.2 REQUESTS FOR COURT REPORTER

Unless otherwise ordered by the Court, each party in a civil proceeding must inform the Court whether the party requests the presence of an official court reporter. In accordance with Government Code section 68086 and rule 2.956 of the CRC, when a party requests a court reporter and the reporter is not required by local rule 13.1 or by statute to report the court proceedings, such party shall provide and pay for a certified court reporter approved by the Court.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 13.3 COURT REPORTER FEES IN CIVIL PROCEEDINGS

All civil proceedings, except for small claims and unlawful detainer actions, of less than one (1) hour in duration will be reported without cost to any party upon request. A fee for reporting services shall be charged for all proceedings lasting more than one (1) hour. Fees are due and payable at the conclusion of each day's court session.

(Eff. 10/15/90) (Rev. 1/1/12)

CHAPTER 14 - INTERPRETERS

RULE 14.1 LIST OF APPROVED INTERPRETERS

The Clerk of the Court shall maintain a list of Certified Court Interpreters approved by the Court. An interpreter will be approved for inclusion upon the list only after the interpreter's competency has been satisfactorily demonstrated to the Court by such examination or other means as the Court shall require.

(Eff. 1/1/12)

RULE 14.2 INTERPRETER SERVICES PROVIDED BY THE COURT

(a) The Court provides interpreters or translators in the following instances:

1. All defendants in criminal and delinquency matters who have limited ability to speak or understand English. (California Constitution, Article I, Section 14)
2. All civil proceedings where a party or witness is an individual who is deaf or hearing impaired. (Evidence Code § 754)
3. Whenever a witness is incapable of understanding the English language or is incapable of expressing himself or herself in the English language so as to be understood directly by counsel, the Court and jury. (Evidence Code § 752)
4. Whenever the written characters in a writing offered in evidence are incapable of being deciphered or directly understood. (Evidence Code §753)
5. In small claims cases, domestic violence cases, and family law cases where domestic violence is an issue, when a party needs an interpreter and appears *informa pauperis*. (Evidence Code § 755(b))

(b) In civil cases not meeting the criteria listed in local rule 14.2(a), the Court may, in its discretion, impose a fee for interpreters or translators. At the time a party requests translator services, the party shall indicate the specific purpose for the services and the Clerk of the Court shall inform the party whether a fee may be required for such services pursuant to local rule 14.4.

(Eff. 1/1/12)

RULE 14.3 REQUESTS FOR INTERPRETERS

In civil cases, a party who requests an interpreter shall, at least fifteen (15) court days before the date of trial or hearing, notify the Clerk of the Court in writing of such request and of the particular language or service needed and shall pay any required fee to the Court. The Court in its discretion may waive interpreters' fees. Failure by a party to make such a written request or

to pay such fee as may be required, may be considered as a withdrawal of the request and the Court in its discretion may proceed without an interpreter or upon terms as may be just with an interpreter.

(Eff. 1/1/12)

RULE 14.4 COURT INTERPRETERS IN CRIMINAL AND JUVENILE PROCEEDINGS

(a) Notice to the Court

In adult criminal proceedings, the Court shall be notified prior to in-custody arraignment, or at arraignment or first appearance by counsel, that the services of an interpreter are needed. Said notice shall be directed to the Clerk of the Court and shall include the court case number, the type of interpreter service needed, and whether the service is for a parent, witness, defendant or child.

(b) Responsibility for Notice

Notification shall be made by jail staff prior to an in-custody arraignment or by the defendant or defendant's attorney at arraignment or first appearance. Any attorney calling any witness in need of an interpreter is responsible to provide notice. A party not represented by counsel calling any witness in need of an interpreter is responsible to provide notice. The probation officer is responsible to provide notice for any juvenile delinquency proceeding and the child welfare social worker is responsible to provide notice for any juvenile dependency proceeding. Said notice on juvenile proceedings shall be made at the time of filing a petition.

(Eff. 1/1/12)

CHAPTER 15 – ARBITRATION

RULE 15.1 GENERAL UNAVAILABILITY OF JUDICIAL ARBITRATION

Except as otherwise ordered by the Court, the Court generally does not refer cases to judicial arbitration. This policy is based on the Court's past experience with judicial arbitration in Del Norte County and the corresponding finding that judicial arbitration has not reduced the time and expense of resolving litigation in Del Norte County.

(Eff. 1/1/12)

CHAPTER 16 – PHOTOGRAPHING, RECORDING AND BROADCASTING OF COURT PROCEEDINGS

RULE 16.1 AUTHORITY

Rule 1.150 of the CRC governs photographing, recording and broadcasting of courtroom proceedings.

(Eff. 1/1/12)

RULE 16.2 GENERAL POLICY

Photographing, recording and broadcasting courtroom proceedings are not permitted at any time except as otherwise ordered by the Court pursuant to rule 1.150 of the CRC. Photographing or recording of any juror or summoned prospective juror is prohibited anywhere in the courthouse.

(Eff. 1/1/12)

RULE 16.3 REQUESTS FOR MEDIA COVERAGE

Pursuant to rule 1.150 of the CRC, a request for media access must be filed using form MC-500, *Media Request to Photograph, Record or Broadcast*, not less than five (5) days in advance. Form MC-510, *Order on Media Request to Permit Coverage*, must be filed with the request. Any opposition to media request must be filed within one (1) day of receipt of notice of request.

(Eff. 10/15/90) (Rev. 1/1/12)

RULE 16.4 VIOLATION AS UNLAWFUL INTERFERENCE WITH COURT PROCEEDINGS

Any violation of this chapter or an order made under this rule is an unlawful interference with the proceedings of the Court and may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

(Eff. 1/1/12)

CHAPTER 17 – MISCELLANEOUS

RULE 17.1 MEET AND CONFER REQUIREMENT

Whenever counsel are required to "meet and confer," the Court expects counsel to exercise good faith and diligent efforts to engage in civil conversation about the matter. Assertive demand letters; perfunctory e-mails; arbitrarily setting unreasonably short deadlines for response to a communication; or placing a single, unreturned telephone call do not satisfy this requirement.

(Eff. 1/1/12)

RULE 17.2 AVOIDANCE OF CONFLICTING COURT APPEARANCES

Counsel must make reasonable efforts to avoid scheduling conflicting court appearances. Counsel shall advise the Court when scheduling trials or hearings of any conflicting, previously-set Court appearances are likely to proceed.

If counsel has conflicting appearances scheduled, he or she shall advise the Court as provided by this rule. In cases where counsel does not expect to be delayed more than fifteen (15) minutes, he or she may check in with the clerk of the department where he or she will be delayed and so advise the clerk. In other cases, counsel shall contact opposing counsel and arrange a consultation with the judge of the department where counsel expects to be delayed. Such consultations will generally be held at least one (1) court day prior to the hearing, or as soon thereafter as practical if not possible within that time.

(Eff. 1/1/12)

RULE 17.3 INHERENTLY DANGEROUS EXHIBITS

(a) Proposed exhibits that are inherently dangerous must be examined, secured and approved by the Court bailiff prior to being brought into the courtroom. Any party wishing to bring any type of inherently dangerous item into the courtroom must make prior arrangements with the Court bailiff so that the Court bailiff may examine, secure and approve or reject the item for admittance into the courtroom. For purposes of this local rule, "inherently dangerous" exhibits include, but are not limited to, the following:

1. Firearms;
2. Any type of explosive powder;
3. Explosive chemicals, toluene, or ethane;
4. Explosive devices, such as grenades or pipe bombs;
5. Flammable liquids such as gasoline, kerosene, lighter fluid, paint thinner, or ethyl-ether;
6. Canisters containing tear gas or mace;
7. Rags which have been soaked with flammable liquids;
8. Liquid drugs such as phencyclidine (PCP), methamphetamine, corrosive liquids, pyrrolidine, morpholine, or piperidine;

9. Samples of any bodily fluids, liquid or dried;
10. Controlled or toxic substances;
11. Corrosive or radioactive substances.

(b) All firearms shall be secured by a nylon tie or trigger guard, and shall only be allowed into the courtroom after being examined by the Court bailiff to determine that they are inoperable. Any firearm that has been previously inspected, secured and approved by the Court bailiff to come into the courtroom must be re-examined by the Court bailiff prior to coming back into the courtroom.

(c) Evidence received in any case may be limited to those items required by the case and, unless otherwise ordered by the Court, will generally be retained by the Court for the minimum time required by law.

(Eff. 1/1/12)

RULE 17.4 ELECTRONIC RECORDINGS OFFERED IN EVIDENCE

Electronic recordings offered into evidence are governed by rule 2.1040 of the CRC. This local rule is intended to remind and encourage parties to follow rule 2.1040 of the CRC.

Unless otherwise ordered by the Court, a party offering into evidence an electronic sound or sound-and-video recording must tender to the Court and to any opposing party a typewritten transcript of the electronic recording. This rule includes, but is not limited to, cell phone recordings, answering machine recordings, and any other audio recording that is offered in evidence.

Unless otherwise ordered by the Court, the court reporter does not need to take down or transcribe any electronic or audio recording that is admitted into evidence for which a transcript has been submitted.

(Eff. 1/1/12)

RULE 17.5 TEXT MESSAGES AND E-MAILS OFFERED IN EVIDENCE

The Court generally does not read text messages or electronic mail transmissions in open court and instead requires parties to print out such communications and offer them as written evidence. Any party offering into evidence printouts of text messages or electronic mail transmissions may highlight with a yellow highlight marker the relevant portion(s) of the printout(s) for the Court's consideration.

(Eff. 1/1/12)

APPENDIX A - LOCAL FORMS

By Form Number

FORM NO.	TITLE	REVISION DATE	MANDATORY
DN-100	Order Appointing Court Investigator	01/12	Yes
DN-101	Ex Parte Request & Order re: Fine Payments and Community Work Service	01/12	Yes
DN-102	Certificate of Competency - Juvenile Court	01/12	Yes

Alphabetical

FORM NO.	TITLE	REVISION DATE	MANDATORY
DN-102	Certificate of Competency - Juvenile Court	01/12	Yes
DN-101	Ex Parte Request & Order re: Fine Payments and Community Work Service	01/12	Yes
DN-100	Order Appointing Court Investigator	01/12	Yes

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): ATTORNEY FOR (<i>Name</i>):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF DEL NORTE Street Address: 450 H Street Mailing Address: 450 H Street City and Zip Code: Crescent City, CA 95531 Branch Name:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>): <input type="checkbox"/> Relative Guardian <input type="checkbox"/> Non-Relative Guardian Date of Hearing: _____ PROPOSED WARD	
ORDER APPOINTING COURT INVESTIGATOR AND GIVING ACCESS TO RECORDS Guardianship	CASE NUMBER:

TO (*name*):

You are hereby appointed Court Investigator in the matter entitled above.

1. Prior to appointment of a Guardian YOU ARE DIRECTED TO:

a. Conduct an investigation and file with the court a report and recommendation concerning each proposed guardianship of the person or guardianship of the estate. Among other things, the investigation shall include visiting the home where it is proposed that the minor will live and interviewing the minor.

b. The report for guardianship of the person shall include, but need not be limited to, an investigation and discussion of all the following:

- (1) A social history of the guardian.
- (2) A social history of the proposed ward, including to the extent feasible, an assessment of any identified developmental, emotional, psychological, or educational needs of the proposed ward and the capability of the petitioner to meet those needs.
- (3) The relationship of the proposed ward to the guardian, including the duration and character of the relationship, where applicable, the circumstances whereby physical custody of the proposed ward was acquired by the guardian and a statement of the proposed ward's attitude concerning the proposed guardianship, unless a statement of attitude is affected by the proposed ward's developmental, physical, or emotional condition.
- (4) The anticipated duration of the guardianship and the plans of both the natural parents and the proposed guardian for the stable and permanent home of the proposed ward.

c. At least four days before the date set for hearing file the report with the Court and mail a copy of your report to all of the following:

- (1) the attorney, if any, for the petitioner and if the petitioner is not represented by an attorney, then to the petitioner.
- (2) the attorney, if any, for the proposed ward;
- (3) other persons ordered by the court:

2. For purposes of writing the report and in doing the investigation authorized in this order, the person making the investigation and report shall have access to the proposed ward's school records, probation records, and public or private social service records and to any oral or written summary of the proposed ward's medical records and psychological records prepared by any physician, psychologist or psychiatrist who made or who is maintaining those records.

3. Petitioner is ordered to reimburse the court for the cost of the investigator's report.

4. Additional orders are attached on *Attachment 1*.

Date: _____

 Judge of the Superior Court

Copies to: Department of Social Services Court Investigator _____ Other _____

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF DEL NORTE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

Defendant.

) EX PARTE REQUEST & ORDER RE: FINE
) PAYMENTS/COMMUNITY WORK
) SERVICE

) CASE NO.:

I am currently ordered:

- To make fine payments of \$ _____ per month to begin _____
- To pay fine amount of \$ _____ in full on or before _____
- To do community work service of at least _____ hours per month.

I hereby request:

My fines be converted to community work service. I am able, and agree, to complete at least _____ hours per month. If this request is granted I understand that within 7 days I must report to the community work service office located at the Probation Department, 450 H Street, Room 202, Crescent City, CA 95531 between the hours of 8:00 a.m.-5:00 p.m. to sign up for the program. I understand I cannot work off the portion of my fine attributable to Penal Code §1202.4 (restitution) or Penal Code §1465.8 [eff. 8-17-03] (\$30 surcharge) and agree I will pay that portion if I have not already done so. I can pay \$ _____ per month.

My community work service be converted to fines. I am able to pay at least \$ _____ per month no later than the 10th (other day): _____ of each month, beginning the calendar month after this request is filed, Other: _____

My fines/community work service be suspended for the following months: _____

Request is made for the following reason(s): _____

Fines in this case be consolidated with the following cases: _____ with a total monthly payment of \$ _____

To serve out my fines in jail.

I understand that if this request is granted and I am on probation that my probation terms will be amended to require conformance with the granted request. I consent to such an order and amendment of my probation terms.

Dated: _____

Defendant's Signature

Street Address

City, State, Zip Code

For Clerk Use:

Defendant is on not on probation. Expires: _____

Current fine balance \$ _____ Payment history is attached.

Warrant is currently outstanding for nonpayment/failure to do community work service.

OSC for fine/CWS is set for the following date: _____

Defendant owes does not owe P.C. 1465.8 (\$30.00)

This is first second third or more requests for conversion of the fine/CWS.

Clerks Initials: _____

ORDER

Request is granted as made. Defendant is ordered to comply and if on probation, probation terms are so amended. §1202.4 fine and §1465.8 surcharge is to be paid at the rate of \$_____ per month beginning: _____

Request is denied. Reason: _____

Request will be heard at (time): _____ a.m. p.m. on (day): _____ (date): _____. Defendant is ordered to be personally present or arrange for counsel to be present. Comment: _____

Request is granted as modified: _____

Warrant is recalled.
 OSC mentioned above is hereby vacated. Defendant need not appear.
 Other: _____

DATED: _____

 Judge of the Superior Court

CC: District Attorney
 Defense Counsel
 Defendant
 Community Work Service

SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE
JUVENILE COURT

CERTIFICATION OF COMPETENCY - JUVENILE DEPENDENCY

I, _____
Name

Office address

Telephone number

am an attorney at law licensed to practice in the State of California. My State Bar Number is _____. I hereby certify that I meet the minimum standards for practice before a juvenile court set forth in rule 5.660 of the California Rules of Court, and Chapter 10 (Juvenile Court Rules) of the local rules of court for the Superior Court of California, County of Del Norte, and that I have completed the minimum requirements for training, education and/or experience as set forth below.

Training and Education: (Attach copies of MCLE certificates or other documentation of attendance)

<u>Course Title</u>	<u>Date Completed</u>	<u>Hours</u>	<u>Provider</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Juvenile Dependency Experience: (Initial certification only)

<u>Case #</u>	<u>Contested Hearings</u>	<u>Date of Last Appearance</u>	<u>Party Represented</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Dated

Signature

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