SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

LOCAL RULES
EFFECTIVE JULY 1, 2016

The following rules of court for the Superior Court, County of Mendocino are adopted July 1, 2016, and replace all rules previously adopted by the Superior Court of Mendocino County.

LIST OF CHANGES FOR JULY 1, 2016 RULES

Summary of Changes

Telephonic Appearance, Facsimile Filings, Requests to be Transported and Court Copies

Rule 11.2 – Corrects contact phone number.

Appendix CH 11: Telephonic Appearance and Facsimile Rules

Form #: MFL-147-Local – Removes closed courthouse from the caption.

Fees of Attorneys, Investigators, and Experts

Rule 19.5.1 – Rule added.

Appendix CH 19: Fees for Attorneys & Investigators

Form #: MPB-152-Local – Form added.

LOCAL RULES OF COURT
SUMMARY

		Amended Date	Effective Date	Repealed Date
CHAPTER 1 – INTRODUCTORY				
1.1	Adoption of Rules	07/01/08	01/01/99	
1.2	Repeal of Prior Rules	07/01/08	01/01/99	01/01/10
1.2	Citation		01/01/10	
1.3	Citation (Renumbered Rule 1.2)	07/01/08	01/01/99	
1.3	Failure to Comply with Local Rules or Orders of the Court		01/01/99	
1.4	Construction and Application			07/01/08
1.4	Failure to Comply with Local Rules or Orders of the Court (Renumbered Rule 1.3)	07/01/08	01/01/99	
1.4	Compliance Statement		07/01/08	
1.5	Definition of Terms			07/01/08
1.5	Compliance Statement (Renumbered Rule 1.4)		07/01/08	01/01/99
1.6	Clerks			07/01/08
1.6	Amendment and Repeal	07/01/08	01/01/99	01/01/10
CHAPTER 2 – ADMINISTRATION				
2.1	Location	01/01/10	01/01/99	
2.2	Sessions of the Court	07/01/08	01/01/99	
2.3	Holidays			07/01/08
2.3	Complaints re: Bias or Sexual Harassment	07/01/08	01/01/99	
2.4	Presiding Judge and Assistant Presiding Judge			07/01/08
2.4	Behavior in the Courtroom	07/01/08	01/01/99	
2.5	Duty to Prevent Bias			07/01/08
2.5	Attire	07/01/08	01/01/99	
2.6	Gender Neutral Language			07/01/08
2.6	Communications to Court or Jury	07/01/08	01/01/99	
2.7	Complaints re: Bias or Sexual Harassment (Renumbered Rule 2.3)			07/01/08
2.7	Telephone, Cellular Phones, and Beepers	07/01/08	01/01/99	
2.8	General Policy (Renumbered Rule 2.4)	07/01/08		
2.8	Addressing the Court	07/01/08	01/01/99	
2.9	Attire (Renumbered Rule 2.5)	07/01/08		
2.10	General Courtroom Behavior (Renumbered Rule 2.4)	07/01/08		
2.11	Communication to Court or Jury (Renumbered Rule 2.6)	07/01/08		
2.12	Telephones, Cellular Phones and Beepers (Renumbered Rule 2.7)	07/01/08		
2.13	Traversing the Well			07/01/08

		Amended Date	Effective Date	Repealed Date
2.14	Addressing the Court (Renumbered Rule 2.8)	07/01/08		
2.15	Examination from Counsel Table			07/01/08
2.16	Approaching a Witness			07/01/08
2.17	Stand to Object and Argue			07/01/08
2.18	Objections			07/01/08
2.19	Smoking			07/01/08
CHAPTER 3 – GENERAL INFORMATION				
3.1	Authority of Court Executive Regarding Settings (Repealed)			07/01/08
3.1	Document Filing	01/01/10	07/01/09	
3.2	No at Issue Memorandum Civil Cases (ACT)			07/01/08
3.2	Case Assignment	01/01/11	07/01/09	
3.3	Setting Cases for Trial			07/01/08
3.4	Requests for Changes in Trial Dates			07/01/08
3.5	Stipulations Regarding Calendared Matters			07/01/08
3.6	Ex Parte Applications		01/01/11	01/01/12
3.7	Conforming Copies	01/01/13	07/01/11	
3.8	Pre-Paid, Self-Addressed Envelopes Required		07/01/11	
3.9	Return of Exhibits Civil, Family Law and Probate		07/01/11	
3.10	Obtaining Certified Copies of Exhibits		07/01/11	
CHAPTER 4 – CIVIL LAW AND MOTION				
4.1	Parties must Meet and Confer prior to Filing Motion		01/01/13	
4.1	Objectives			07/01/08
4.1	Designation Statement			01/01/13
4.2	Ex Parte Applications and Orders		01/01/13	
4.2	ACT Civil Case Management Rules			07/01/08
4.2	Arbitration and Alternative Dispute Resolution			01/01/13
4.3	Tentative Rulings		01/01/13	
4.3	Disposition (Repealed)			07/01/08
4.4	Reporting of Law and Motion matters		01/01/13	
4.4	Service of Process/Filing of Responsive Pleadings			07/01/08
4.5	Reliance Upon Authorities Outside of California Official Reports		07/01/13	
4.5	Case Management			07/01/08
4.6	Motions to Compel Entry of Judgment		07/01/13	
4.6	Designation Statement (Renumbered Rule 4.1)			01/01/13
4.7	Short Cause Civil Cases			07/01/08
4.8	Arbitration and Alternative Dispute Resolution (Renumbered Rule 4.2)			01/01/13

		Amended Date	Effective Date	Repealed Date
4.9	Settlement Conference			07/01/08
4.10	Attorney's Compliance Statement (Renumbered Rule 1.5)			01/01/13
4.11	Notification of Settlement or Stay			07/01/08
4.12	Trial Setting, Settlement Conference and Pretrial Conferences			07/01/08
4.13	Failure to Comply with Local Rules or Order of the Court (Renumbered Rule 1.4)			01/01/13
CHAPTER 4 – APPENDIX CIVIL RULES				
App. 1	Declaration re: Notice upon Ex Parte Application for Orders		07/01/13	
App. 2	Ex Parte Request to Dismiss Restraining Order	01/01/15	07/01/13	
App. 3	Order Granting Ex Parte Request to Dismiss Restraining Order	01/01/15	07/01/13	
CHAPTER 5 – CONDUCT OF PRETRIAL CONFERENCE				
5.1	Case Management		01/01/13	
5.1	The Pretrial Conference			01/01/13
5.2	Continuances		01/01/13	
5.2	Pretrial Statements			01/01/13
5.3	The Pretrial Conference		01/01/13	
5.3	Form and Contents of Pretrial Statement			01/01/13
5.4	Motions in Limine		01/01/13	
5.4	Pretrial Order			01/01/13
5.5	Trial Briefs		01/01/13	
5.5	Objections to Proposed Testimony and Exhibits			01/01/13
5.6	Additional Requirements for Pretrial Conference Prior to Civil Jury Trial		01/01/13	
CHAPTER 6 – SETTLEMENT CONFERENCES				
6.1	Settlement Conferences			07/01/08
6.1	Duties of Counsel Prior to Mandatory Settlement Conference	01/01/10	01/01/99	
6.2	Settlement Conference Procedures; Duties and Requirements of Counsel, Parties and Insurers			07/01/08
6.2	Duties of Party at Conference	07/01/08	01/01/99	
6.3	Duties of Counsel Prior to Mandatory Settlement Conference (Renumbered Rule 6.1)	07/01/08		
6.3	Waiver of Rules	07/01/08	01/01/99	
6.4	Duties of Party at Conference (Renumbered Rule 6.2)	07/01/08		
6.5	Notice of Court upon Settlement; Return of Jury Fees			07/01/08

		Amended Date	Effective Date	Repealed Date
6.6	Waiver of Rules (Renumbered Rule 6.3)	07/01/08		
CHAPTER 7 – CIVIL TRIALS				
7.1	Trial Briefs, Motions and Jury Instructions must be exchanged at or prior to Pretrial Conference		01/01/13	
7.1	Proposed Judgments, Decrees and Orders in Uncontested Matters			07/01/08
7.1	Filing and Service of Orders			01/01/13
7.2	Exhibits		01/01/13	
7.2	Filing and Service of Orders (Renumbered Rule 7.1)			
7.2	Form of Documents Presented for Filing			01/01/13
7.3	Attorney as Witness in Jury Trial		01/01/13	
7.3	Entry of Court Orders in Minutes			07/01/08
7.3	Orders for Examination			01/01/13
7.4	Caption on Pleadings			07/01/08
7.5	Headings and Footers on Papers Identifying Parties and Papers; Amended Orders			07/01/08
7.6	Headings on Motions and Orders			07/01/08
7.7	Pleadings and Records in Eminent Domain Actions and Actions for Foreclosure of Bonds and Assessments Involving More Than one Parcel of Property			07/01/08
7.8	Form of Documents Presented for Filing (Renumbered Rule 7.2)			01/01/13
7.9	Presentation of Ex Parte Application			07/01/08
7.10	Orders for Examination (Renumbered Rule 7.3)			01/01/13
7.11	Order after Hearing and Notice of Entry of Judgment			07/01/08
7.12	Withdrawal or Substitution of Attorney			07/01/08
CHAPTER 8 – CIVIL LAW AND MOTION RULES				
8.1	Continuances (Renumbered Rule 5.2)		01/01/13	
8.2	Good Faith Effort to Resolve Prior to Filing (Renumbered Rule 4.1)		01/01/13	
8.3	Reliance upon Authorities Outside of California Official Reports (Renumbered Rule 4.5)		07/01/08	01/01/99
8.4	Ex Parte Applications			07/01/08
8.5	Motions to Compel Entry of Judgment (Renumbered Rule 8.4 and then 4.6)	07/01/08		
8.5	Ex Parte Orders (Renumbered Rule 4.2)		01/01/13	
8.6	Law and Motion after Continuance of Trial Date and after Arbitration (Repealed)			07/01/08
8.6	Tentative Rulings (Renumbered Rule 4.3)		01/01/13	

		Amended Date	Effective Date	Repealed Date
8.7	Relief from Local Rules (Repealed)			07/01/08
8.7	Reporting of law and motion matters (Renumbered Rule 4.4)		01/01/19	
8.8	Sanctions			07/01/08
CHAPTER 8 – APPENDIX CIVIL LAW AND MOTION				
App. 1	Declaration re: Notice upon Ex Parte Application for Orders		01/01/12	07/01/13
App. 2	Ex Parte Request to Dismiss Restraining Order(s) *		01/01/11	07/01/13
App. 3	Order Granting Ex Parte Request to Dismiss Restraining Order(s) *		01/01/12	07/01/13
CHAPTER 9 – JUDICIAL ARBITARION				
9.1	Scope, Purpose and Authority			07/01/08
9.2	Mandatory Arbitration			07/01/08
9.3	Administration			07/01/0/
9.4	Arbitration Panel			07/01/08
9.5	Arbitration Conference			07/01/08
9.6	Arbitration Hearing List			07/01/08
9.7	Selection of Arbitrators			07/01/08
9.8	Arbitration Hearings			07/01/08
9.9	Awards, Dismissals and Requests for Trial			07/01/08
9.10	Settlement			07/01/08
CHAPTER 10 – CRIMINAL RULES				
10.1	Applicability of Chapter			07/01/08
10.1	Arraignment	07/01/08	01/01/99	
10.2	Accusatory Pleadings			07/01/08
10.2	Entry of Plea of Guilty or No Contest in Absentia		07/01/08	
10.3	Arraignment (Renumbered Rule 10.1)	07/01/08		
10.3	Motions to Suppress Evidence	07/01/08	01/01/99	
10.4	Motions to Suppress Evidence (Renumbered Rule 10.3)	07/01/08		
10.4	Discovery	07/01/08	01/01/99	
10.5	Discovery (Renumbered Rule 10.4)	07/01/08		
10.5	Pre-Preliminary Hearing Conference	07/01/08	01/01/99	
10.6	Transcripts of Taped Statements			07/01/08
10.6	Preliminary Hearing as VOP Hearing	01/01/10	01/01/99	
10.7	Pre-Preliminary Hearing Conference (Renumbered Rule 10.5)	07/01/08		
10.7	Pretrial Motions	07/01/08	01/01/99	
10.8	Preliminary Hearing (Renumbered Rule 10.6)	07/01/08		

		Amended Date	Effective Date	Repealed Date
10.8	Pretrial Conference Renumbered Rule 10.9)	07/01/08	01/01/10	
10.8	Request to Calendar		01/01/10	
10.9	Trial Setting (Renumbered Rule 10.7)	07/01/08		
10.9	Motions in Limine	07/01/08	01/01/99	
10.10	Pretrial Conference (Renumbered Rule 10.7)	07/01/08		
10.10	Sentencing (Renumbered Rule 10.11)	07/01/08	01/01/10	
10.10	Motions in Limine		01/01/10	
10.11	Trial Conduct			07/01/08
10.11	Sentencing		01/01/10	
10.12	Sentencing (Renumbered Rule 10.10)	07/01/08		

CHAPTER 10 – APPENDIX CRIMINAL RULES

App.1	Plea in Absentia Form *		07/01/08	

CHAPTER 11 – TELEPHONIC APPEARANCE, FACSIMILE FILINGS, REQUESTS TO BE TRANSPORTED AND COURT COPIES

11.1	Telephonic Appearance	01/01/10	01/01/99	
11.2	Facsimile Filing	07/01/16	01/01/99	
11.3	Transportation of prisoners to Juvenile or Family Law Hearings	01/01/10	07/01/09	
11.4	Provision of "Court Copies" for Specified Court Hearings	01/01/10	07/01/09	

CHAPTER 11 – APPENDIX TELEPHONIC APPEARANCE

App. 1	Request for Telephone Appearance for Evidentiary Hearing/Child Custody Mediation *		01/01/10	
App. 2	Order Re: Request for Telephone Appearance for Evidentiary Hearing /Child Custody Mediation*	07/01/16	01/01/10	
App. 3	Request to be transported Pursuant to Penal Code 2625 *		07/01/09	
App. 4	Request for Telephone Appearance *		01/01/11	
App. 5	Order re: Request for Telephone Appearance *		01/01/11	

CHAPTER 12 – JURY RULES

12.1	Request for Jury Trial in Equity Case, Etc.			07/01/08
12.1	Verdict Forms and Interrogatories	07/01/08	01/01/99	
12.2	Verdict Forms and Interrogatories (Renumbered Rule 12.1)	7/1/08		
12.2	Request for Jury Instructions	7/1/08	01/01/99	
12.3	Request for Jury Instructions (Renumbered Rule 12.2)	01/01/10		
12.3	Attorney Testifying may not Argue the Case	07/01/08	01/01/99	
12.4	Attorney Testifying May Not Argue the Case (Renumbered Rule 12.3)	07/01/08		

		Amended Date	Effective Date	Repealed Date
12.5	Deposit and Refund of Jury Fees			07/01/08

CHAPTER 13 – PROBATE RULES

13.1	Applicability of Rules		01/01/99	
13.2	Submission of Matter without Appearance by Counsel or Witness		01/01/99	
13.3	Nonresident Personal Representative to Furnish Bond		01/01/99	
13.4	Certificate of Death		01/01/99	
13.5	Required Form of Accounts	01/01/02	01/01/99	
13.6	Appointment of Expert to Analyze Complex Accounts and Surcharge of cost Against Representative		01/01/99	
13.7	Allowance of Claims of Personal Representative		01/01/99	
13.8	Statement Regarding Bond on Inventory and Appraisal		01/01/99	
13.9	Inventory and Appraisal – Certificate Required Under Revenue and Taxation Code, Section 480		01/01/99	
13.10	Order of Probate		01/01/99	
13.11	Instructions from the Court		01/01/99	
13.12	General Instructions to Conservator/Guardian		01/01/99	
13.13	Duties and Liabilities Statement	01/01/09	01/01/99	
13.14	Fees of Attorneys and Fiduciaries		01/01/99	
13.15	Ex Parte Applications		01/01/12	

CHAPTER 13 – APPENDIX PROBATE RULES

App. 1	Declaration re: Notice upon Ex Parte Application for Orders *		01/01/12	

CHAPTER 14 – COMPROMISE OF CLAIMS OF MINORS AND INCOMPETENT PERSON

14.1	Compromise of Claims	01/01/10	01/01/99	
14.2	Attorney's Fees for Compromise		01/01/99	
14.3	Withdrawal of Funds		01/01/99	
14.4	Ex Parte Applications		01/01/12	

CHAPTER 14 – APPENDIX COMPROMISE OF CLAIMS OF MINORS AND INCOMPETENT PERSON

App. 1	Declaration re: Notice upon Ex parte Application for Orders*		01/01/12	

CHAPTER 15 – FAMILY LAW

15.1	Law and Motion	01/01/10	01/01/99	

		Amended Date	Effective Date	Repealed Date
15.2	Time Limits on Law and Motion and Order to Show Calendar; Short Cause Setting	01/01/09	01/01/99	
15.3	Child and Spousal Support; Visitation Costs	07/01/08	01/01/99	
15.4	Ex Parte Orders	01/01/12	01/01/99	
15.5	Child Custody Evaluations	01/01/10	01/01/99	
15.6	Parent's Workshop Required when Children Involved in Action	01/01/12	01/01/99	
15.7	Attorney's Fees and Costs Award Request		01/01/99	
15.8	Mandatory Settlement Conferences Prior to Dissolution Trial	01/01/12	01/01/99	
15.9	Family Law Trial Setting and Rules	01/01/10	01/01/99	
15.10	Family Law Facilitator	07/01/08	01/01/99	
15.11	Miscellaneous Rules	01/01/10	01/01/99	
15.12	Court Appointed Counsel for Children		01/01/12	
15.13	Family Court Mediation		07/01/12	
15.14	Children's Participation in Custody Proceedings		07/01/12	
15.15	Family Law Case Management – Dissolution, Legal Separation, Nullity, Parentage		07/01/13	

CHAPTER 15 APPENDIX FAMILY LAW RULE

App. 1	Stipulation for Continuance of hearing or Trial		07/01/09	
App. 2	Request for Trial *		07/01/09	
App. 3	Ex parte Request to Dismiss Restraining Order(s) *		01/01/11	
App. 4	Order Granting Ex Parte Request to Dismiss Restraining Order(s) *		01/01/11	
App. 5	Mandatory Settlement Conference Statement		01/01/12	
App. 6	Declaration re: Notice upon Ex parte Application for Orders *		01/01/12	
App. 7	Declaration re: Notice Upon Ex Parte Application for Orders		07/01/13	
App. 8	Notice of Family Law Case Management Conference		07/01/13	

CHAPTER 16 – JUVENILE COURT RULES

16.1	Judicial Administration		01/01/99	
16.2	Noticed Motions and Requests to Place Matter on Calendar	07/01/04	01/01/99	
16.3	Pre-hearing Discovery	01/01/10	01/01/99	
16.4	Ex Parte Orders	07/01/07	01/01/99	
16.5	Attendance at Hearings (Cal. Rules of Court, rule 1610)	07/01/05	01/01/99	
16.6	Pretrial Conference (No Statute) (No Court Rule)	07/01/04	01/01/99	

		Amended Date	Effective Date	Repealed Date
16.7	Access to Courtroom by Non-Parties (Welfare and Institutions Code Section 345, 346, 676)	07/01/04	01/01/09	
	Release of Information Relation to Juveniles (Welfare and Institutions Sections 827, 828; Cal. Rule of Court, rule 5.552)	07/01/04	01/01/99	01/01/10
16.8	Informal Exchange of Juvenile Records		01/01/10	
16.8	Release of Information Relating to Juveniles by Law Enforcement	01/01/09	01/01/99	01/01/10
16.9	Medical Issues			
16.10	Informal Exchange of Juvenile Records (Renumbered Rule 16.8)	07/01/05	01/01/10	
16.11	Medical Issues (Renumbered Rule 16.9)	07/01/05	01/01/10	
16.12	Law Enforcement Contact with Minors Under Juvenile Court Supervision		07/01/04	
16.12	Inspection of Law Enforcement Holding Facilities	07/01/04	01/01/10	
16.13	Line-ups		07/01/04	
16.14	Inspection of Law Enforcement Holding Facilities (Renumbered Rule 16.12)	07/01/04	01/01/99	
16.14	Motion to Challenge Legal Sufficiency of Dependency Petition	07/01/04	01/01/99	
16.15	De Facto Parents/Relations/Interested Persons		07/01/04	
16.16	Motion to Challenge Legal Sufficiency of Dependency Petition (Renumbered Rule 16.14)	07/01/04	01/01/99	
16.16	Paternity Findings (Cal Rules of Court, Rule 3.822)	01/01/07	01/01/99	
16.17	Presentation of Evidence		07/01/04	
16.17	Representation of Parties (Welfare and Institutions Code Section 317-218, CRC 5.66, 5.663)	01/01/07	01/01/09	
16.18	Paternity Findings (Cal Rules of Court, Rule 3.822) (Renumbered Rule 16.16)			
16.18	Modification of Orders (Welfare and Institutions Code Sections 386-388, 775-779)	07/01/04	01/01/99	
16.19	Representation of Parties (Welfare and Institutions Code Section 317-318, CRC 5.660, 5.663) (Renumbered Rule 16.17)			
16.19	Creation of a Family court Order in Juvenile Court	01/01/09	01/01/99	
16.20	Modification of Orders (Welfare and Institutions Code Sections 386-388, 775-779) (Renumbered Rule 16.18)			
16.20	Guardians Ad Litem	01/01/04	01/01/99	

		Amended Date	Effective Date	Repealed Date
16.21	Creation of a Family Court Order in Juvenile Court (Renumbered Rule 16.19)			
16.21	Relating to Child Advocates			0701/04
16.22	Guardians Ad Litem (Renumbered Rule 16.20)			
16.22	Restitution Determination (W&I 730.6, 742)		07/01/05	
16.23	Relating to Child Advocates (Renumbered Rule 16.21)			
16.23	Interviewing Minors Who Are Alleged Victims of Child Abuse		07/01/05	
16.24	Court Appointed Special Advocate Program (CASA)		07/01/13	
16.24	Restitution Determination (W&I 730.6, 742) (Renumbered Rule 16.22)			
16.25	Interviewing Minors who are Alleged Victims of Child Abuse (Renumbered Rule 16.23)		07/01/05	
CHAPTER 16 – APPENDIX JUVENILE RULES				
App. 1	Certification of Attorney Competency Form *		07/01/05	
App. 2	Complaint about Performance of Court Appointed Attorney Form		07/01/05	
App. 3	Declaration: Informal exchange of Juvenile Records Form *	07/01/09	07/01/05	
CHAPTER 17 – SMALL CLAIMS				
17.1	Small Claims Procedures			07/01/08
17.2	Continuances			07/01/08
CHAPTER 18 – TRAFFIC RULES				
18.1	Traffic Filings		01/01/99	
18.2	Pretrial Appearances	07/01/08	01/01/99	01/01/10
18.2	Counter Arraignments	07/01/08	01/01/99	01/01/16
18.3	Counter Arraignments (Renumbered Rule 18.2)			
18.3	Continuance Policy	01/01/12	01/01/99	
18.4	Continuance Policy (Renumbered Rule 18.3)			
18.4	Traffic School	01/01/12	01/01/99	
18.5	Trial Procedures		01/01/99	01/01/10
18.6	Appeals	07/01/04	01/01/99	01/01/10
18.7	Traffic School (Renumbered Rule 18.4)			
18.8	Trial by Declaration	07/01/04	01/01/99	01/01/10
18.9	Trial by Declaration		07/01/12	
CHAPTER 19 – FEES OF ATTORNEYS, INVESTIGATORS AND EXPERTS				
19.1	Attorney's Fees in Cases Involving Claims of Minors, Insane or Incompetent Persons	01/01/09	01/01/99	

		Amended Date	Effective Date	Repealed Date
19.2	Attorney's Fees in Actions on Promissory Notes, Contracts Providing for Payment of Attorney's Fees and Foreclosures; Attorney's Fee Schedule	01/01/09	01/01/99	
19.3	Attorney's Fees in Guardianship and Conservatorship Proceedings	01/01/09	01/01/99	
19.4	Attorney's Fees and Representative's Fees for Extraordinary Services in Probate Proceedings or in any matter defined in the Probate Code for which a Statutory Fee is not established		01/01/99	
19.5	Fees of Guardians and Conservators		01/01/99	
19.5.1	Fees to be Paid for Guardianship or Conservatorship Investigations		07/01/16	
19.6	Notices		01/01/99	
19.7	Fees and Commission Must be Fixed by Court Prior to Payment		01/01/99	
19.8	Court Appointed Attorneys: Standards of Experience and Allowable Fees and Expenses	01/01/09	01/01/10	
19.9	Investigation Fees and Expenses	01/01/09	01/01/99	
19.10	Non-Psychiatric Expert Fees and Expenses		01/01/99	
19.11	Claim for Payment	01/01/09	01/01/99	

CHAPTER 19 – APPENDIX FEES FOR ATTORNEYS AND INVESTIGATORS

App.1	Fees of Attorneys, Investigators and Experts	01/01/12	01/01/99	
App. 2	Claim Form *	01/01/12	01/01/99	
App. 3	Sample Billing		01/01/99	
App. 4	Order for Payment of Guardianship Investigation Fees		07/01/16	

CHAPTER 20 – COURT REPORTERS AND INTERPRETERS

20.1	Court Reporters	01/01/13	01/01/99	
20.2	Requests for Court Reporter	07/01/12	01/01/99	
20.3	Reporter Fees – Civil Proceedings	01/01/13	01/01/99	
20.4	List of Approved Interpreters		01/01/99	
20.5	Requests for Interpreters; Deposit of Fees		01/01/99	
20.6	Fee of Interpreter		01/01/99	
20.7	Forfeiture of Fee Deposit		01/01/99	
20.8	Court Interpreters – Criminal and Juvenile Matters		01/01/99	
20.9	Use of Electronic Recording		01/01/13	

CHAPTER 20 – APPENDIX COURT REPORTERS AND INTERPRETERS

App.1	Request for a Court Reporter		07/01/12	

CHAPTER 21 – TRIAL JURY SERVICES

		Amended Date	Effective Date	Repealed Date
21.1	Jury Commissioner Duties		01/01/99	
21.2	Jury Services		01/01/99	
21.3	Court Policy	01/01/09	01/01/99	
21.4	Requests to be Excused		01/01/99	
21.5	Grounds Constituting Undue Hardship		01/01/99	
21.6	Prior Jury Service		01/01/99	
21.7	Failure to Appear for Jury Duty When Summoned		01/01/99	
21.8	Releasing Names and Address of Jurors		01/01/99	
21.9	Records Compiled and Maintained		01/01/99	
21.10	Jury Panel Composition	01/01/12		
CHAPTER 22 – COURT EXECUTIVE OFFICER				
22.1	Duties of Court Executive Officer	01/01/03	01/01/99	
22.2	County Clerk Powers, Duties and Responsibilities to be Exercised and Performed by the Executive Officer	07/01/08	01/01/99	
22.3	Duties Delegated to the Executive Officer		01/01/99	
22.4	Delegation of Duties		01/01/99	
CHAPTER 23 – ACTIONS ARISING UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT MANDATED ACTIONS UNDER PUBLIC RESOURCES CODE SECTION 21000, ET SEQ. (CEQA)				
23.1	Where Filed		07/01/00	
23.2	Ordering the Administrative Record		07/01/00	
23.3	Mediation		07/01/00	
23.4	Preparing the Administrative Record		07/01/00	
24.5	Format of Administrative Record	01/01/03	07/01/00	
23.6	Certifying and Lodging the Record	01/01/09	07/01/00	
23.7	Disputes		07/01/00	
23.8	Notice of Hearing		07/01/00	
23.9	Briefing Schedule and Length of Memoranda		07/01/00	
23.10	Settlement Meeting		07/01/00	
23.11	Trial Notebook		07/01/00	
CHAPTER 24 – APPELLATE DIVISION				
24.1	Assignments	07/01/08	07/01/04	
24.2	Regular & Special Sessions	07/01/08	07/01/04	
24.3	Oral Argument		07/01/04	
24.4	Brief	01/01/10	07/01/08	
24.5	Calendar & Notice or Hearing		07/01/04	01/01/10
24.6	Motions			07/01/08
24.6	Dismissal	07/01/08	07/01/04	01/01/10
24.7	Dismissal (Renumbered Rule 24.6)	07/01/08		

		Amended Date	Effective Date	Repealed Date
24.7	Misdemeanor, Traffic and Limited Civil Court Records	07/01/08	07/01/04	01/01/10
24.8	Misdemeanor, Traffic and Limited Civil Court Records (Renumbered Rule 24.7)	07/01/08		
24.8	Use of Recordings to Facilitate Settlement of Statements	07/01/08	07/01/04	01/01/10
24.9	Use of Recordings to Facilitate Settlement of Statements (Renumbered Rule 24.8)	07/01/08		
24.9	Clerk's Transcript on Appeal		07/01/02	
CHAPTER 25 – EMERGENCIES AND EVACUATIONS				
Emergencies and Evacuations			07/01/08	07/01/04
CHAPTER 26 – PHOTOGRAPHING OR RECORDING COURT PROCEEDINGS				
26.1	Media Coverage	01/01/15	07/01/04	
26.2	Filming Jurors		07/01/04	
26.3	Media Coverage in Other Areas of Courthouse	01/01/16	07/01/04	
26.4	Violations		07/01/04	
CHAPTER 27 – MISCELLANEOUS				
27.1	Check Cashing	01/01/11	07/01/05	07/01/11
27.1	Payment in Coins	07/01/08	07/01/05	
27.2	Payment in Coins (Renumbered Rule 27.1)			

CHAPTER 1 – INTRODUCTORY

1.1 Adoption of Rules

These rules are adopted by the Superior Court of California, County of Mendocino pursuant to Government Code sections 68070 and 68071, and Code of Civil Procedure sections 128 and 187, and are effective January 1, 1999. *(Eff. 1/1/99; As amended, eff. 7/1/08.)*

Former Rule 1.2 Repeal of Prior Rules *(Eff. 1/1/99; Repealed eff. 1/1/10.)*

1.2 Citation

These rules shall be known and cited as the, "Local Rules of the Superior Court of California, County of Mendocino and at all time be supplementary to and subject to statutes, the California Rules of Court, and any rules adopted by the Judicial Council of California and shall be construed and applied so they do not conflict with such rules and statutes. *(Eff. as Rule 1.3 1/1/99; Amended eff. 7/1/08; Renumbered as Rule 1.2 eff. 1/1/10.)*

Former Rule 1.3 Citation (Renumbered)

1.3 Failure to Comply with Local Rules or Orders of the Court

In the event of any failure to comply with the Superior Court of California, County of Mendocino, Local Rules of Court, the California Rules of Court or any order of the court related thereto, the court may impose upon the offending party, attorney, or both, sanctions which may include, but are not limited to, requiring the filing of an attorney's compliance statement, attorney's case schedule, monetary sanctions, attorney's fees, expenses, striking pleadings, entering the default of any party, dismissal of the action, and/or contempt, and any other sanctions authorized by Government Code section 68609(d) and any other statute. *(Eff. as Rule 4.13 1/1/99; Amended eff. 1/1/03; Renumbered and amended eff. 7/1/08; Renumbered as Rule 1.4 eff. 1/1/10.)*

Former Rule 1.4 Construction and Application (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

1.4 Compliance Statement

At any time the court issues an order to show cause for failure to comply with any of the local rules, the person to whom the order is directed shall file a compliance statement with the court not later than five (5) court days before the date set for the hearing for the order to show cause. The compliance statement shall include a description of the action taken in the case to date, any action that should have been taken under these rules but has not, and the reasons for failure to take such action. The statement shall include a proposed schedule of future action and the dates by which such action must be completed.

Whenever a compliance statement is required, the person required to file such statement shall expect to have monetary sanctions imposed.

Whenever a compliance statement is required, the court will issue an order approving a schedule for future action and requiring adherence thereto. *(Eff. as Rule 4.10 1/1/99; Renumbered and amended eff. 7/1/08; Renumbered as Rule 1.4 eff. 1/1/10.)*

Former Rule 1.5 Definition of Terms (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

1.5 Amendment and Repeal (Repealed) *(Eff. as Rule 1.7 1/1/99; Renumbered as Rule 1.6 and amended eff. 7/1/08; Repealed eff. 1/1/10.)*

Former Rule 1.6 Clerks (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

Former Rule 1.7 Amendment and Repeal (Renumbered) *(Rule 1.7 renumbered as Rule 1.6 eff. 7/1/08.)*

CHAPTER 2 – ADMINISTRATION OF THE COURTS; FAIRNESS; COURTROOM PROTOCOL

ADMINISTRATION

2.1. Location

Sessions of the court shall be held in Ukiah, Covelo, Fort Bragg, and Point Arena, California. *(Eff. 1/1/99; Amended eff. 7/1/04; Amended eff. 7/1/08; As amended eff. 1/1/2010.)*

2.2. Sessions of the Court

The sessions are established to provide the most efficient operation of the court for the benefit of the public and cost-savings. Counsel should be aware, however, that calendared matters or court sessions may change; if there is any question regarding scheduling of matters to be heard by the court, counsel should contact that particular court for further information. *(Eff. 1/1/99; As amended eff. 7/1/08.)*

Former Rule 2.3 **Holidays (Repealed)** *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

Former Rule 2.4 **Presiding Judge and Assistant Presiding Judge (Repealed)** *(Eff. 1/1/99; Amended eff. 1/1/03; Repealed eff. 7/1/08.)*

FAIRNESS

Former Rule 2.5 **Duty to Prevent Bias (Repealed)** *(Eff. 1/1/99; Amended eff. 7/1/04; Repealed eff. 7/1/08.)*

Former Rule 2.6 **Gender Neutral Language (Repealed)** *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

Former Rule 2.7 **Complaints re: Bias Sexual Harassment (Renumbered)** *(Eff. 7/1/08; Renumbered as Rule 2.3 eff. 7/1/08.)*

2.3. Complaints re: Bias or Sexual Harassment

Court employees, attendants and officers of the court will not engage in any conduct or activity that produces or contributes to bias or sexual harassment in the court system.

Any person who observes or believes they have been subjected to bias or sexual harassment shall immediately report the incident to the Court's Human Resource Manager, who shall advise the Court Executive Officer. The Human Resource Manager or designee shall have the following duties and powers.

a. Investigate any complaints promptly and thoroughly.

b. Ensure that the complainant's rights are protected.

c. When appropriate, consult with attorneys and/or members of the public.

d. Maintain confidentiality, to the extent possible and unless disclosure is required by law, protect the confidentiality of the complainant, the person who is the subject of the complaint, and other interested persons.

e. Provide the Court Executive Officer with a quarterly report on complaints received, if any.

f. Make recommendations for policy or procedure changes, training, and any other means that will prevent and eliminate bias and/or sexual harassment in the court system.

(Eff. 1/1/99; Amended eff. 7/1/04; Renumbered as rule 2.3 and amended eff. 7/1/08.)

COURTROOM PROTOCOL

2.4. Behavior in the Courtroom

a. These rules have been adopted to foster orderly proceedings and respect for the Constitution of the United States, the Constitution of the State of California, the laws of this state, and the Superior Court.

b. The rules set forth herein shall apply in all superior court 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 rule or may impose additional rules applicable to such case.

c. Each attorney and or party who appears in court should:

1. "Maintain the respect due to the courts of justice and judicial officers."
2. Be polite and considerate toward opposing counsel, opposing parties, witnesses, and members of the court's staff.
3. Be familiar with the rules and guidelines set forth in this chapter as well as other applicable statutes and rules of conduct, ethics, and professionalism.
4. Make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules, and make a reasonable attempt to see that such persons abide by these rules.

d. Persons in the courtroom shall not:

1. Talk to clerks when the court is in session, except conversation that may be necessary in relation to the matter at that moment before the court.
2. Converse with anyone in a manner that is distracting to the proceedings then before the court.
3. Eat, drink, chew gum or read newspapers.
4. Visibly or audibly display approval or disapproval, agreement or disagreement with any testimony, ruling or statement of the court, counsel, or a witness.

(Eff. as Rule 2.8 1/1/99; Renumbered to Rule 2.4 eff. 7/1/08; As amended eff. 7/1/08.)

2.5. Attire

All litigants, witnesses and spectators shall be required to dress and conduct themselves in a manner consistent with the traditional dignity of the superior court.

a. Persons in the courtroom should dress in a manner that is not offensive or distracting to others of usual sensibilities. No person shall appear in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court: sunglasses, hats, shorts, tank tops, or any clothing that displays inappropriate words or pictures.

b. Attorneys should be neatly and appropriately dressed in business attire for all court appearances. By way of example, and not by way of limitation, the court deems it inappropriate for any attorney to appear in court wearing jeans, or tennis shoes or for male attorneys to be in court without a jacket and tie.

c. This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom, or to take such steps as he/she deems appropriate to enforce this rule.

(Eff. as Rule 2.9 1/1/99; Renumbered as Rule 2.5 7/1/08; As amended eff. 7/1/08.)

2.6. Communications to Court or Jury

a. Counsel shall instruct their staff, the parties they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with the court touching upon any subject of the pending litigation except on the record with all counsel or parties appearing in propia persona present.

b. Counsel shall instruct the parties that they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with any juror or alternate juror.

c. The court shall promptly disclose any violation of the rule set forth in paragraph (a) to all parties. If the court becomes aware of a violation of the rule set forth in paragraph (b), it shall promptly disclose such fact to the parties. In either event the court shall not make any such disclosure a part of the record of the case.

(Eff. as Rule 2.11 1/1/99; Renumbered as Rule 2.6 eff. 7/1/08.)

2.7. Telephone, Cellular Phones, and Beepers

a. No one other than a judicial officer or a member of the court's staff shall use a courtroom telephone without the specific permission of the court.

b. Cellular phones shall not be used within the courtroom at any time. All noise alert devices related to such cellular phones shall be turned off when in the courtroom.

c. All beepers and other noise alert devices shall be turned off in the courtroom.

(Eff. as Rule 2.12 1/1/99; Renumbered as Rule 2.7 eff. 7/1/08.)

Former Rule 2.8 General Policy (Renumbered) *(Renumbered as Rule 2.8 eff. 7/1/08)*

2.8. Addressing the Court

When addressing the trial judge in court, "Your Honor" is proper. When referring to the trial judge in the third person in court "The Court" is proper. When addressing the trial judge in court "Judge" or "Judge (Name)" is not proper. *(Eff. as Rule 2.14 1/1/99; Renumbered as Rule 2.8 eff. 7/1/08.)*

Former Rule 2.9 Attire (Renumbered) *(Renumbered as Rule 2.5 eff. 7/1/08.)*

Former Rule 2.10 General Courtroom Behavior (Renumbered) *(Renumbered as Rule 2.4 eff. 7/1/08.)*

Former Rule 2.11 Communication to Court or Jury (Renumbered) *(Renumbered as Rule 2.6 eff. 7/1/08.)*

Former Rule 2.12 Telephones, Cellular Phones, and Beepers (Renumbered) *(Renumbered as Rule 2.7 eff. 7/1/08.)*

2.13 Traversing the Well (Repealed) *(Eff, 1/1/99; Amended eff. 1/1/03; Repealed eff.7/1/08.)*

Former Rule 2.14 Addressing the Court (Renumbered) *(Renumbered as Rule 2.8 eff. 7/1/08.)*

2.15 Examination from Counsel Table (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

2.16 Approaching a Witness (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

2.17 Stand to Object and Argue (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

2.18 Objections (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

2.19 Smoking (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

CHAPTER 3 – GENERAL INFORMATION

Former Rule 3.1 Authority of Court Executive Regarding Settings (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

3.1. Document Filing

Filing of documents in Civil, Family Law and Probate Matters

Any pleading in civil, family and probate matters may be filed at any court location in the county that has a public counter for the acceptance for filing of Civil, Family Law and Probate documents except as indicated below:

a. The sole filing venue for actions involving the Lanterman-Petris-Short (LPS) is the Ukiah Courthouse

b. The sole filing venue for actions involving the False Claims Act under Government Code sections 12650-12656 (including Qui Tam) is the Ukiah Courthouse.

c. The sole filing venue for actions involving California Environmental Quality Act. (Pub. Resources Code Section 21000 et seq.) is the Ukiah Courthouse.

(Eff. 7/1/09; As amended eff. 1/1/10.)

Former Rule 3.2 No At Issue Memorandum Civil Cases (ACT) (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

3.2. Case Assignment

Assignment of Limited and Unlimited Civil Matters

a. All Civil matters, whether limited, or unlimited, including Unlawful Detainers and Small Claims will be set for hearing at the Ukiah Court or at the Ten Mile Branch Court.

b. Any Civil Jury Trial scheduled at the Ten Mile Branch Court with a time estimate exceeding two (2) days may be transferred to the Ukiah Court.

Assignment of Family Law Matters

All Family Law matters, including those filed under the Domestic Violence Prevention Act, may be heard at the Ukiah Court or at the Ten Mile Branch Court. In the court's discretion, child custody mediation may be set at the Ukiah Court.

Assignment of Probate Matters

a. All Probate Code matters shall be set for hearing at the Ukiah Court or at the Ten Mile Branch Court.

b. Matters arising under the Lanterman-Petris-Short Act (LPS) will be set for hearing at the Ukiah Courthouse.

(Eff. 7/1/09; Amended eff. 1/1/10; Amended eff. 1/1/11; As amended eff. 1/1/12.)

3.3. Setting Cases for Trial (Repealed) *(Eff. 1/1/99; Amended eff. 1/1/03; Repealed eff. 7/1/08.)*

3.4. Requests for Changes in Trial Dates (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

3.5. Stipulations Regarding Calendared Matters (Repealed) *(Eff. 1/1/11; Repealed eff. 7/1/08.)*

3.6. Ex Parte Applications (Repealed) *(Eff. 1/1/11; Repealed eff. 1/1/12.)*

3.7. Conforming Copies

The court clerk will conform a maximum of three (3) copies of any document at the time of filing. Additional copies will be provided by photocopying and the standard copy fee, per the Statewide Civil Fee Schedule, will be charged. *(Eff. 7/1/11; As amended eff. 1/1/13.)*

3.8. Pre-Paid, Self-Addressed Envelopes Required

A self-addressed envelope of sufficient size and with sufficient postage affixed is required for the mailed returned copies of papers submitted for filing. Copies submitted without such an envelope will be placed at the clerk's counter pending the receipt of a pre-paid, self-addressed envelope. Any conformed copies of papers that are still at the clerk's counter thirty (30) days from the date of filing will be destroyed. *(Eff. 7/1/11.)*

3.9. Return of Exhibits Civil, Family Law and Probate

All exhibits and other materials offered in evidence or otherwise presented at trials/hearings, including transcripts of depositions and administrative records, will be returned at the conclusion of the matter to the custody of the offering party, unless otherwise ordered.

The custodial party must sign for all exhibits and other materials from the court clerk and must maintain all exhibits and other materials in the same condition as received from the clerk until 60 days after a final judgment or dismissal of the entire case is entered. *(Eff. 7/1/11.)*

3.10. Obtaining Certified Copies of Exhibits

At the conclusion of a trial/hearing and before the exhibits and other materials are returned to the offering party, any party may request that the court provide certified copies of the exhibits and the court clerk will prepare and provide such copies at the expense of the requesting party. *(Eff. 7/1/11.)*

CHAPTER 4 – CIVIL LAW AND MOTION

4.1. Parties must Meet and Confer prior to Filing Motion

Prior to filing any motion, the moving party must make a reasonable, good faith attempt to resolve the matter. A declaration setting forth facts supporting the party's attempt to meet and confer or explaining why such an attempt would not be reasonable must be filed with the motion. If resolution is not possible, the moving party shall attempt to coordinate a hearing date with the opposing party or parties. *(Eff. as Rule 8.2; Renumbered eff. 1/1/13.)*

4.2. Ex Parte Applications and Orders

a. **Time of Ex parte Hearing**
To obtain a date and time for an exparte hearing, call the court clerk's office.

b. **Filing of Ex Parte Applications**
All ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders sought in a Civil matter shall be filed with the court clerk no later than 11:00 a.m. the day of the hearing.

c. **Notice of Ex Parte Applications and Hearing**

1. Prior to any Civil Harassment, Work Place Violence, or Elder Abuse Restraining Order hearing on any ex parte application for a court order, Local Form No. MMC-121 *Declaration re: Notice upon Ex Parte Application for Orders* shall be completed and filed with the court indicating that the opposing party has been noticed of the pending hearing for requested ex parte orders.

2. Regardless of how notice to the opposing party was given, pursuant to CRC 3.1206 copies of the ex parte application filed with the court, excluding those for a restraining order, shall be served on the opposing party as soon as is reasonably practicable, but in no event later than the commencement of the hearing on the ex parte application.

d. **Ex Parte Request for Dismissal of Restraining Order**
At any time before the expiration of a Civil Harassment, Domestic Violence, Work Place Violence or Elder Abuse Restraining Order, a Protected Party may request to have the Restraining Order dismissed by submitting Local Form No. MCV-120 *Ex Parte Request to Dismiss Restraining Order(s)* and Local Form No. MCV-121 *Order Granting Ex Parte Request to Dismiss Restraining Order(s).* Upon granting of the dismissal, the court clerk shall notice the Protected Party of the dismissal.

(Eff. as Rule 8.5; Renumbered eff. 1/1/13.)

4.3. Tentative Rulings

a. **Tentative Rulings available by Telephone and on the Court's Website**

Tentative rulings on civil and probate matters set on the law and motion calendar *which is heard each Friday at 9:30 a.m.* will be issued no later than 3:00 p.m. on the court day before the scheduled hearing using the procedures set forth in California Rule of Court 3.1308(a)(1). Tentative rulings will be available by telephone (707) 468-2007, Option 1 and on the court's website.

b. **Oral Argument**

1. The court may indicate in its tentative ruling that oral argument is requested, and may further specify the issues on which the court desires further argument.

2. If the court has not requested oral argument, oral argument will be permitted only if a party notifies all other parties and the court by 4:00 p.m. on the court day before the hearing of the party's intent to appear. Pursuant to California Rule of Court 3.1308(a) (2), a party must notify all other parties by telephone or in person. The party requesting oral argument may notify the court by telephone or email to the clerk in the civil department.

c. The tentative ruling will become the ruling of the court if the court has not requested oral argument in its tentative ruling and notice of intent to appear has not been given. The prevailing party shall thereafter prepare and submit a proposed order as required by California Rule of Court 3.1312(a) unless a proposed order consistent with the tentative decision has previously been lodged with the court.

d. This local rule does not require any judge to issue tentative rulings.

(Eff. as Rule 8.6; Renumbered eff. 1/1/13; As amended eff. 1/1/13.)

4.4. Reporting of Law and Motion Matters

This court does not regularly provide for reporting or electronic recording of hearings in civil or probate matters. Any party who wishes to obtain an official verbatim transcript of a law and motion hearing shall follow the procedure set forth in local rule 20.2 *(California Rule of Court 3.1310). (Eff. as Rule 8.7; Renumbered eff. 1/1/13)*

4.5. Reliance Upon Authorities Outside of California Official Reports

If counsel relies on authority other than that currently printed in the official California Reports, a legible, complete copy of such authority shall be submitted to the court and other counsel. This

rule applies to federal cases from California jurisdictions, Daily Journal D.A.R. citations, Administrative Code citations, Attorney General opinions, local ordinances, etc. as well as citations to other state and federal cases. In all other respects California Rule of Court, rule 3.1113 will apply. *(Eff. 1/1/99; Amended eff. 7/1/13; Renumbered as rule 8.2 eff. 7/1/13.) (Eff. as rule 313(e); Renumbered and amended eff. 1/1/07.)*

4.6. Motions to Compel Entry of Judgment

Motions to compel entry of judgment pursuant to Code of Civil Procedure section 664.6 shall be heard in the department of the judge before whom the parties stipulated. *(Eff. as rule 8.5 1/1/99; Renumbered as rule 8.4 and amended eff. 7/1/08; Renumbered eff. 7/1/13.)*

CHAPTER 4

APPENDIX

CIVIL LAW AND MOTION RULES

Local Rules for the Mendocino Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, Address, Phone No.) Attorney for:	*FOR COURT USE ONLY*
☐ UKIAH BRANCH, 100 NORTH STATE STREET, UKIAH, CA 95482 ☐ TEN MILE BRANCH, 700 SOUTH FRANKLIN STREET, FORT BRAGG, CA 95437	
PETITIONER/PLAINTIFF: **RESPONDENT/DEFENDANT:**	
DECLARATION re: NOTICE upon EX PARTE APPLICATION for ORDERS	Case Number _____ Hearing Date: Time: Dept.:

In most cases, you must notify all parties that you are requesting a court order. This is called "notice". Regardless of how you notice the other side that you are requesting a court order, copies of the documents that you have filed with the court, excluding those for a restraining order, MUST be served on the other party as soon as is reasonably practicable, but in no event later than the time of the hearing set. (Local Rules 8.5; 13.15; 14.4; 15.4)

I, the undersigned, declare:

1.) I am the (choose one):

☐ attorney for the Petitioner/Plaintiff ☐ attorney for the Respondent/Defendant ☐ attorney for the Child(ren)
☐ Self-represented Petitioner/Plaintiff ☐ self-represented Respondent/Defendant

2.) Pursuant to CRC 3.1203 and 3.1204, I have informed _____ of this ex parte request for
(name of person you notified)
_____ and that s/he will
(type of relief sought)
have to appear before the court on the above listed date and time if s/he objects to this ex parte request.

3.) Notice was given by (check all that apply):

☐ **Telephone Notification** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ at _____ a.m. / p.m.
(date) *(time)*

☐ **Personal Delivery** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ at _____ a.m. / p.m.
(date) *(time)*

☐ **First Class Mail** (copy of ex parte application mailed at least 5 days before the ex parte appearance): _____ at _____ a.m. / p.m.
(date) *(time)*
at _____
(address)

☐ **Fax Delivery** (copy of ex parte application faxed no later than 10:00 a.m. the court day before the ex parte appearance):
_____ at _____ a.m. / p.m. at _____ **(attach proof showing fax was received)**.
(date) *(time)* *(fax number)*

☐ **If notice was provided later than 10:00 a.m. the court day before the ex parte appearance, explain why:**
_____

4.) I received the following response to the above notice:

☐ See attached written response.
☐ Oral response received: _____

5.) I **have not** given notice of this request for ex parte orders because:

☐ Notice would frustrate the purpose of the orders sought (explain below or in an attachment).
☐ Great or irreparable injury will result to me before orders can be issued and/or I fear for my safety (explain below or in an attachment).
☐ A good faith effort was made to notify the opposing party but notice was unable to be given (explain notice attempts below).
☐ The opposing party agrees to the orders requested.
☐ No significant burden or inconvenience to the opposing party will result from the orders requested (explain below or in an attachment)
☐ Other (explain): _____

I declare under penalty of perjury that the foregoing is true and correct.
Date: _____ Signed: _____

(Adopted for Mandatory use effective 7/01/13-Form #MMC-121-local)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

☐ **Ukiah Main Courthouse** 100 North State Street Ukiah, CA 95482	☐ **Ten Mile Branch** 700 South Franklin Street Fort Bragg, CA 95437

Petitioner: **Respondent:**	
EX PARTE REQUEST TO DISMISS RESTRAINING ORDER	**Case No.:**

COMES NOW _____, the PROTECTED PARTY, who requests that the restraining order currently in effect in the above entitled matter be dismissed (check 'a' or 'b'):

a.) ☐ in its entirety.

b.) ☐ with the exception of the provisions in the restraining order for child custody and/or visitation which shall remain in full force and effect.

Dated:

_____
Signature of Protected Party

Restrained Party: _____

Date of Birth of Restrained Party: _____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

☐ **Ukiah Main Courthouse** 100 North State Street Ukiah, CA 95482	☐ **Ten Mile Branch** 700 South Franklin Street Fort Bragg, CA 95437

Petitioner: **Respondent:**	
ORDER GRANTING EX PARTE REQUEST TO DISMISS RESTRAINING ORDER	**Case No.:**

Pursuant to an *Ex Parte Request to Dismiss Restraining Order* filed in the above entitled matter, **it is so ordered**:

- ☐ The Restraining Order currently in effect is hereby dismissed in its entirety.
- ☐ The Restraining Order currently in effect is hereby dismissed **with the exception** of the provisions in the Restraining Order for child custody and/or visitation which shall remain in full force and effect.
  - ☐ There is currently not a hearing date set for this matter.
  - ☐ The hearing date currently set on _____ is hereby vacated.
  - ☐ The hearing date currently set on _____ remains as set for purposes of child custody and/or visitation only.
- ☐ The Restraining Order currently in effect remains in full force and effect and Petitioner is directed to appear in court on _____ at _____ in Department ____ for further review of the filed *Ex Parte Request to Dismiss Restraining Order.*

Dated: _____ _____
Judge of Superior Court

Restrained Party: _____

Date of Birth of Restrained Party: _____

Copy provided to CLETS clerk this _____ day of _____ 20_____

ORDER GRANTING EX PARTE REQUEST TO DISMISS RESTRAINING ORDER(S)

MCV-121-local (revised1/1/15) CLETS entry: _____

(Adopted for Mandatory use effective 7/01/13-Form #MCV-121-local)

CHAPTER 5 – CIVIL CASE MANAGEMENT

5.1. Case Management

Case Management Conferences shall be conducted for Unlimited Civil matters in accordance with California Rules of Court 3.700 – 3.763. The court does not conduct Case Management Conferences for Limited Civil matters. *(Eff. 1/1/13.)*

5.2. Continuances

a) By stipulation and upon payment of the applicable fees the parties may continue a civil hearing or trial to a date approved by the clerk one (1) time only without the approval of the court.

b) Subsequent continuances may be obtained by written stipulation of the parties with approval of the court for good cause shown. The parties shall submit a fully executed stipulation which demonstrates good cause for the continuance and a proposed order in advance of the scheduled hearing/trial date.

c) Any party or attorney who announces in open court that a law and motion hearing has been continued by stipulation shall thereafter file and serve written notice on all parties of the continued hearing date.

d) Absent stipulation of the parties, any party seeking a continuance of any motion or trial shall do so by noticed motion, ex parte application, or oral motion in open court with good cause shown. The court will not entertain motions to continue which are made by letter, telephone or email communication to the court or the court clerk.

(Eff. as Rule 8.1 1/1/13; Renumbered eff. 1/1/13; As amended eff. 1/1/13.)

5.3. The Pretrial Conference

a. A pretrial conference may be held in any long cause matter on the civil active list, whether a jury trial or court trial. The pretrial conference shall be attended by counsel who actually will try the case and by all unrepresented parties.

b. **Pretrial Statement Required**

(1.) As directed by the order setting the action for pretrial conference, counsel shall file either a Joint Pretrial Statement or separate Pretrial Statement not less than five (5) court days before the date of the pretrial conference. Pretrial statements shall be limited to ten (10) pages.

(2.) Not less than fifteen (15) days before the date of the pretrial conference, counsel and all unrepresented parties shall meet and confer in good faith in order to prepare the pretrial statement or statements, to narrow down the legal and factual issues which the court will have to try, to arrive at stipulations and to attempt settlement of the action.

(3.) **Form and Contents of Pretrial Statement**

The pretrial statement shall state the name of the party or parties on whose behalf it is presented and set forth the nature of the action and the following matters under the following captions and in the following order.

a. **Jurisdiction and Venue.** A statement as to whether any party disputes jurisdiction or venue and, if so, the legal and factual issues presented.

b. **Substance of the Action.** A brief description of the substance of the claims and defenses presented and of the issues to be decided. In jury cases, this description shall be couched in impartial and non-argumentative languages so that it will be suitable for reading to the jury at the outset of the trial.

c. **Undisputed Facts.** A plain, concise statement of the facts that is undisputed. Counsel shall make a good faith effort to stipulate to all facts not reasonably disputable for incorporation into the trial record without the necessity of supporting testimony and exhibits.

d. **Disputed Factual Issues.** A plain, concise statement of all disputed factual issues.

e. **Disputed Evidentiary Issues.** A plain, concise summary of any reasonably anticipated disputes concerning admissibility of evidence.

f. **Relief Sought.** A detailed statement of the relief claimed, including a particularized itemization of any monetary damage sought.

g. **Abandoned Issues.** A statement of all issues raised by the pleadings that have been abandoned including, for example, causes of action and affirmative defenses.

h. **Previous Motions.** A list of all previous motions made in the action or proceeding and the disposition of each.

i. **Witnesses.** A list of all witnesses likely to be called at trial, whether offered in person or by deposition, except for impeachment or rebuttal, together with a brief statement following each name, describing the substance of the testimony to be given.

j. **Exhibits, Schedules and Summaries.** A list of all documents and other items to be offered as exhibits at the trial, except for impeachment or rebuttal, with a brief statement following each describing its substance and purpose and the identity of the sponsoring witness. Only exhibits so listed will be permitted to be offered at trial except as may be otherwise provided in the pretrial order.

k. **Discovery Documents.** A list of all answers to interrogatories and responses to requests for admission that the party expects to offer at trial.

l. **Further Discovery or Motions.** Any requests for further discovery or pretrial motions.

m. **Stipulations.** Any stipulations requested or offered for pretrial or trial purposes.

n. **Amendments and Dismissals.** Any requested amendments to pleadings, dismissals, additions or substitutions of parties, or dispositions as to defaulting parties.

o. **Settlement Discussion.** A statement summarizing the status of settlement negotiations and indicating whether further negotiations or settlement conferences are likely to be productive.

p. **Agreed Statement.** A statement whether presentation of the action or proceeding in whole or in part upon agreed statement of facts is feasible and desired.

q. **Bifurcation, Separate Trial of Issues.** A statement whether bifurcation or a separate trial of specific issues is feasible and desired.

r. **Appointment and Limitation of Experts.** A statement whether appointment by the court of an impartial expert witness and whether limitation of the number of expert witnesses is feasible and desired.

s. **Estimate of Trial Time.** An estimate of the number of court days expected to be required for the presentation of each party's case.

Counsel are expected to make a good faith effort to reduce the time required for trial by all means reasonable feasible, including stipulation, agreed statement of facts, expedited means of presenting testimony and exhibits and the avoidance of cumulative proof.

t. **Attorney's Fees.** A statement whether attorney's fees are sought, the legal and factual basis therefore, and the time and manner in which they are to be ascertained.

u. **Miscellaneous.** Any other appropriate comments, suggestions or information that might aid in the efficient or economical determination of the action.

(Eff. 1/1/13.)

5.4. Motions in Limine

Unless otherwise ordered, each party shall file and serve all motions in limine on significant disputed issues of law and foreseeable procedural or evidentiary issues five (5) court days before the date of the pretrial conference. Written opposition to a motion in limine, if any, shall be filed and served at least one court day prior to the pretrial conference. Counsel and self-represented litigants shall be prepared to argue motions in limine at the pretrial conference. *(Eff. 1/1/13.)*

5.5. Trial Briefs

Trial briefs on disputed legal issues shall be filed and served on or before the date of the pretrial conference. *(Eff. 1/1/13.)*

5.6. Additional Requirements for Pretrial Conference Prior to Civil Jury Trial

At least five (5) days prior to the pretrial conference, each party shall lodge with the court and serve on opposing parties copies of each of the following;

a. Proposed voir dire questions;
b. Proposed jury instructions which comply with California Rules of Court 2.1055, 2.1058; and
c. Proposed general or special verdict forms.

(Eff. 1/1/13.)

CHAPTER 6 – SETTLEMENT CONFERENCES

Former Rule 6.1 Settlement Conferences (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

6.1. Duties of Counsel Prior to Mandatory Settlement Conference

At least five (5) court days before the conference, each party, or counsel for each party, shall submit to the court and serve upon all other counsel a detailed Settlement Conference Statement that complies with Cal. Rules of Court, rule 3.1380.

In addition to the foregoing:

a. Each party claiming damages in a personal injury action shall bring to the conference all reports and records of any and all examining doctors, shall include in the settlement conference statement a list of all special damages claimed and shall supply corroborating evidence to be available for examination by the settlement conference judge.

   In a personal injury action, the special damages for each plaintiff should be up-to-date, listed separately, totaled and categorized as health care (including medical, hospital, ambulance and drugs) and loss of earnings, if any.

   Opposing parties shall bring with them copies of all reports and records of all examining doctors employed by them or their insurance carrier, if any, who examined the plaintiff to be available for consideration by the settlement conference judge.

b. All parties shall organize in advance and bring to the conference such medical reports and records, and any depositions (with relevant pages and lines pre-marked) photographs, books, records, diagrams, maps, bills, contracts, memoranda and all other documents pertinent to settlement of the case for examination by the settlement conference judge.

c. All parties shall set forth the date, the amount and terms of the highest offer and the lowest demand by each party and the limits of insurance coverage available to each party defendant or plaintiff.

d. All parties shall ascertain whether there are claims or liens which may affect a settlement, and if so, request in writing the claimants or lienholders or their representatives to attend the settlement conference. A copy of such written request shall be brought to the settlement conference.

(Eff. as Rule 222 1/1/99; Renumbered as rule 3.1380 and amended eff. 1/1/07; Renumbered as rule 6.1 and amended eff. 7/1/08; Amended eff. 1/1/09; As amended eff. 1/1/10.)

Former Rule 6.2 Settlement Conference Procedures; Duties and Requirements of Counsel, Parties and Insurers (Repealed) *(Eff. 1/1/99; Amended eff. 7/1/05; Repealed eff. 7/1/08.)*

6.2. Duties of Party at Conference

Each party attending a mandatory settlement conference has a duty to be thoroughly familiar with the relevant evidence available to him/her pertaining to all issues and shall be prepared to discuss all aspects of the case. In addition, the attorney for each party who has requested a jury trial in a case where the right thereto is not guaranteed by law or in a case in which special verdicts or findings of the jury will be required, shall present the form of any special verdict or interrogatories which will be required for the resolution of the case by the jury. *(Eff. 1/1/99; Renumbered eff. 7/1/08.)*

Former Rule 6.3 Duties of Counsel Prior to Mandatory Settlement Conference (Renumbered) *(Renumbered as rule 6.1 eff. 7/1/08.)*

6.3. Waiver of Rules

Waiver of the provision of rules contained in this chapter is disfavored. However, the court may, in its discretion, waive any such provision for good cause shown; provided that absent the extraordinary circumstances, the court will not waive the provisions of subdivision 6.1. *(Eff. as rule 6.6 1/1/99; Renumbered and amended eff 7/1/08.)*

Former Rule 6.4 Duties of Party at Conference (Renumbered) *(Rule 6.4 renumbered as rule 6.2 effective 7/1/08)*

6.4. Telephone Appearance at Mandatory Settlement Conference

a. All persons whose consent is required to settle a case, including but not limited to named parties, corporate officer(s) or insurance representatives ("Necessary Parties"), shall personally attend the mandatory settlement conference unless excused by the court.

b. If the residence or usual place of business of a Necessary Party is located more than 150 miles from the location of the mandatory settlement conference, the Necessary Party may submit an ex parte application to appear by telephone. The application must be filed and served on each party and /or attorney of record at least 5 court days prior to the mandatory settlement conference.

c. The court in its discretion, may require the personal attendance of a Necessary Party at the mandatory settlement conference even if travel in excess of 150 miles is required.

(Eff. 1/1/10.)

6.5 Notice of Court upon Settlement; Return of Jury Fees (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

6.6 Waiver of Rules (Renumbered) *(Eff. as rule 6.6 1/1/99; Renumbered eff. 7/1/08.)*

CHAPTER 7 – CIVIL TRIALS

7.1. Trial Briefs, Motions and Jury Instructions must be exchanged at or prior to Pretrial Conference

Unless otherwise ordered, all motions in limine, jury voir dire questions, proposed jury instructions and verdict forms shall be filed and served five (5) court days prior to the pretrial conference (see Local Rules 5.4, 5.6). The parties shall also exchange a list of exhibits which they expect to offer at trial. Trial briefs shall be filed and served on or before the date of the pretrial conference (Local Rule 5.5). *(Eff. 1/1/13.)*

7.2. Exhibits

a. Parties to Meet and Confer re Trial Exhibits

Prior to the Pretrial Conference, parties shall meet and confer about documentary evidence, as well as any deposition excerpts, discovery responses, summaries, charts, or other physical evidence each party may wish to offer at trial. The parties shall attempt to resolve such objections as may arise. The parties shall bring any unresolved evidentiary issues to the court's attention at the pretrial conference.

b. Pre-Marking Exhibits for use at Trial

Parties are encouraged to pre-mark exhibits for use at trial. The court clerk will be available to pre-mark exhibits at the pretrial conference and before court starts on each day of trial. Please do not ask the clerk to pre-mark exhibits while court is in session.

c. Exhibit list

Each party shall provide the clerk with a list of exhibits that party expects to offer at trial. The list shall briefly describe each document in a manner suitable for use by the clerk when preparing the clerk's official exhibit list.

d. Copies of Exhibits

Parties are encouraged to bring extra copies of documentary exhibits for opposing counsel and the court. To assist the court clerk in keeping track of trial exhibits, the parties may stipulate to show witnesses copies in lieu of the marked trial exhibits.

e. **Trial Binders**

Trial binders which contain multiple exhibits will not be marked with evidence tags. Each exhibit must be removed from a trial binder and separately marked for identification.

f. **Exhibits Returned Post-Trial**

Unless otherwise ordered, all deposition transcripts, discovery responses, administrative records and exhibits of any type will be returned to the custody of the offering party at the conclusion of trial. Prior to the exhibits being returned, any party may request that the clerk provide a certified copy of any exhibits at the requesting party's expense.

(Eff. 1/1/13.)

7.3. Attorney as Witness in Jury Trial

An attorney testifying on the merits of the case as a witness on behalf of his client shall not argue the case to the jury unless by permission of the court. *(Eff. 1/1/13.)*

CHAPTER 8 – CIVIL LAW AND MOTION RULES

Former Rule 8.1 **Continuances (Renumbered)** *(Eff. as 8.1 1/1/99; Amended eff. 1/1/03; Amended eff. 7/1/08; Amended eff. 7/1/12; Amended eff. 1/1/13; Renumbered as rule 5.2 eff. 1/1/13.)*

Former Rule 8.2 **Good Faith Effort to Resolve Prior to Filing (Renumbered)** *(Eff. as rule 8.2 1/1/99; Amended eff. 7/1/08; Renumbered as rule 4.1 eff. 1/1/13.)*

Former Rule 8.2 **Reliance Upon Authorities Outside of California Official Reports** *(Eff. as 8.2 1/1/99; Renumbered as rule 4.5 eff. 7/1/13) Eff. as rule 313(e) renumbered and amended eff. 1/1/07.)*

Former Rule 8.3 **Motion to Compel Entry of Judgment** *(Eff. as rule 8.5 1/1/99; Renumbered as 8.4 and amended eff. 7/1/08; Renumbered 8.3 as rule 4.6 eff. 7/1/13.)*

Former Rule 8.4 **Ex Parte Applications (Repealed)** *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

8.2 **Motions to Compel Entry of Judgment (Renumbered)** *(Renumbered as rule 8.4 eff. 7/1/08.)*

Former Rule 8.5 **Ex Parte Applications and Orders (Renumbered)** *(Reinstated and amended rule 8.5 1/1/11; Amended eff. 1/1/12; Renumbered as rule 4.2 eff. 1/1/13.)*

8.3 **Law and Motion After Continuance of Trial Date and After Arbitration (Repealed)** *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

Former Rule 8.6 **Tentative Rulings (Renumbered)** *(Eff. 7/1/12; Renumbered as rule 4.3 eff. 1/1/13.)*

8.4 **Relief from Local Rules (Repealed)** *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

Former Rule 8.7 **Reporting of Law and Motion matters** *(Eff. 7/1/12; Renumbered as rule 4.4 eff. 1/1/13.)*

8.5 **Sanctions (Repealed)** *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

CHAPTER 8

APPENDIX

CIVIL LAW AND MOTION RULES

Local Rules for the Mendocino Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, Address, Phone No.) Attorney for:	*FOR COURT USE ONLY*
☐ UKIAH BRANCH, 100 NORTH STATE STREET, UKIAH, CA 95482 ☐ TEN MILE BRANCH, 700 SOUTH FRANKLIN STREET, FORT BRAGG, CA 95437	
PETITIONER/PLAINTIFF: **RESPONDENT/DEFENDANT:**	
DECLARATION re: NOTICE upon EX PARTE APPLICATION for ORDERS	Case Number _____ Hearing Date: Time: Dep't.:

In most cases, you must notify all parties that you are requesting a court order. This is called "notice". Regardless of how you notice the other side that you are requesting a court order, copies of the documents that you have filed with the court, excluding those for a restraining order, MUST be served on the other party as soon as is reasonably practicable, but in no event later than the time of the hearing set. (Local Rules 8.5; 13.15; 14.4; 15.4)

I, the undersigned, declare:

1) I am the (choose one):
   - ☐ attorney for the Petitioner/Plaintiff
   - ☐ attorney for the Respondent/Defendant
   - ☐ attorney for the Child(ren)
   - ☐ self-represented Petitioner/Plaintiff
   - ☐ self-represented Respondent/Defendant

2) Pursuant to CRC 3.1203 and 3.1204, I have informed _____ of this ex parte request for
   (name of person you notified)
   _____ and that s/he will
   (type of relief sought)
   have to appear before the court on the above listed date and time if s/he objects to this ex parte request.

3) Notice was given by (check all that apply):
   - ☐ **Telephone Notification** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ *(date)* at _____ *(time)* a.m. / p.m.
   - ☐ **Personal Delivery** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ *(date)* at _____ *(time)* a.m. / p.m.
   - ☐ **First Class Mail** (copy of ex parte application mailed at least 5 days before the ex parte appearance): _____ *(date)* at _____ *(time)* a.m. / p.m.
     at _____ *(address)*
   - ☐ **Fax Delivery** (copy of ex parte application faxed no later than 10:00 a.m. the court day before the ex parte appearance):
     _____ *(date)* at _____ *(time)* a.m. / p.m. at _____ *(fax number)* **(attach proof showing fax was received)**.
   - ☐ **If notice was provided later than 10:00 a.m. the court day before the ex parte appearance, explain why:**
     _____

4) I received the following response to the above notice:
   - ☐ See attached written response.
   - ☐ Oral response received: _____

5) I **have not** given notice of this request for ex parte orders because:
   - ☐ Notice would frustrate the purpose of the orders sought (explain below or in an attachment).
   - ☐ Great or irreparable injury will result to me before orders can be issued and/or I fear for my safety (explain below or in an attachment).
   - ☐ A good faith effort was made to notify the opposing party but notice was unable to be given (explain notice attempts below).
   - ☐ The opposing party agrees to the orders requested.
   - ☐ No significant burden or inconvenience to the opposing party will result from the orders requested (explain below or in an attachment).
   - ☐ Other (explain): _____

I declare under penalty of perjury that the foregoing is true and correct.

Date: _____ Signed: _____

(Adopted for Mandatory use effective 1/01/12-Form #MMC-121-local)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

☐ **Ukiah Main Courthouse** 100 North State Street Ukiah, CA 95482	☐ **Ten Mile Branch** 700 South Franklin Street Fort Bragg, CA 95437
Protected Party	
EX PARTE REQUEST TO DISMISS RESTRAINING ORDER(S)	**Case No.:**

_____, the PROTECTED PARTY, requests that the restraining order(s) currently in effect in the above entitled action be dismissed.

Dated:

_____
Signature of Protected Party

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

☐ **Ukiah Main Courthouse** 100 North State Street Ukiah, CA 95482	☐ **Ten Mile Branch** 700 South Franklin Street Fort Bragg, CA 95437

Protected Party	
ORDER GRANTING EX PARTE REQUEST TO DISMISS RESTRAINING ORDER	**Case No.:**

Pursuant to an Ex Parte Request to Dismiss Restraining Order, the restraining order currently in effect in the above entitled matter is hereby dismissed.

☐ There is currently not a hearing date set for this matter.

☐ The hearing date currently set on _____ is hereby vacated.

IT IS SO ORDERED.

Dated: _____

_____
Judge of Superior Court

Name of Restrained Party: _____

Date of Birth of Restrained Party: _____

ORDER GRANTING EX PARTE REQUEST TO DISMISS RESTRAINING ORDER(S)
MCV-120-local (rev 08/10/11) CLETS entry: _____

(Adopted for Mandatory use effective 1/01/12-Form #MCV-121-local)

CHAPTER 9 – JUDICIAL ARBITRATION

9.1 Scope, Purpose and Authority (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

9.2 Mandatory Arbitration (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

9.3 Administration (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

9.4 Arbitration Panel (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

9.5 Arbitration Conference (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

9.6 Arbitration Hearing List (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

9.7 Selection of Arbitrators (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

9.8 Arbitration Hearings (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

9.9 Awards, Dismissals and Requests for Trial (Repealed) *(Eff. 1/1/99; Repealed eff.7/1/08.)*

9.10 Settlement (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

CHAPTER 10 – CRIMINAL RULES

Former Rule 10.1 Applicability of Chapter (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

10.1 Arraignment

At the time of the first arraignment the district attorney shall make available to the defense counsel a copy of the police report and any other discovery in their possession unless it has already been so provided. *(Eff. 1/1/99; Renumbered as 10.1eff. 7/1/08.)*

Former Rule 10.2 Accusatory Pleadings (Repealed) *(Eff. 1/1/99; Amended eff. 7/1/05; Repealed eff. 7/1/08.)*

10.2 Entry of Plea of Guilty or No Contest in Absentia

a. At the time of entry of a plea of guilty or no contest to charges of violation of California Vehicle Code sections 23152, 23153 and 23103.5, counsel for the defendant appearing pursuant to Penal Code section 977(a) shall present to the court a form of Defendant's Certification executed by both counsel and the defendant certifying that counsel is authorized to:

1. Enter the plea in the defendant's absence.
2. That any plea entered is intelligently, voluntarily, expressly and knowingly made by the defendant after advisement as to the consequences of the plea.
3. That the defendant has personally and voluntarily placed answers in the boxes of the waiver of constitutional rights form.

The defendant's certification shall be executed by both the defendant and counsel on a form of "Plea in Absentia" to be provided by the Court.

The Court reserves the right to require a defendant charged with 23152, 23153 and 23103.5 of the California Vehicle Code to be personally present for arraignment, entry of plea and or sentencing.

(Eff. 7/1/08.)

Former Rule 10.3 Arraignment (Renumbered) *(Renumbered as 10.1 eff. 7/1/08; As amended eff. 7/1/08.)*

10.3 Motions to Suppress Evidence

All motions to suppress evidence pursuant to Penal Code Section 1538.5, and all motions to dismiss pursuant to Penal Code Section 995 shall be calendared no later than five court days

before trial. *(Eff. as 10.4 1/1/99; Amended eff. 1/1/03; Renumbered as 10.3 eff. 7/1/08; As amended eff. 7/1/08.)*

Former Rule 10.4 Motions to Suppress Evidence (Renumbered) *(Renumbered as rule 10.3 eff. 7/1/08; As amended eff. 7/1/08.)*

10.4 Discovery

Motions for discovery shall be focused upon specific items which remain in dispute after presentation of informal requests. 'Boilerplate" discovery motions are disfavored. Counsel shall meet and confer before the hearing of any discovery motion in a good faith effort to resolve or narrow the disputed issues. *(Eff. as rule 10.5 1/1/99; Renumbered as 10.3 eff. 7/1/08; As amended eff. 7/1/08.)*

Former Rule 10.5 Discovery (Renumbered) *(Eff. as rule 10.4 7/1/08; Renumbered as 10.4 eff. 7/1/08; As amended eff. 7/1/08)*

10.5 Pre-Preliminary Hearing Conference

For all felony charges a pre-preliminary hearing conference date shall be set. At the 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 preliminary hearing. Should the case not settle at the pre-preliminary hearing 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.

Both counsel for the people and for the defendant shall inform the court of any special needs, such as interpreters or appointment of counsel for witnesses, that are needed for the preliminary hearing, and the estimated time for the hearing. *(Eff. as rule 10.7 1/1/99; Renumbered as 10.5 eff. 7/1/08.)*

Former Rule 10.6 Transcripts of Taped Statements (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

10.6 Preliminary Hearing as VOP Hearing

At the discretion of the court, and as permitted by law, the preliminary hearing shall also constitute a violation of probation hearing for any trailing probation matter. *(Eff. as 10.8 1/1/99; Renumbered eff. 7/1/08; As amended eff. 1/1/10.)*

Former Rule 10.7 Pre-Preliminary Hearing Conference (Renumbered) *(Renumbered as rule 10.5 eff. 7/1/08)*

10.7 Pretrial Motions

Unless otherwise ordered, all pretrial motions shall be noticed in writing with a date obtained from the court clerk. Counsel shall provide the clerk with a description of, and a reliable time estimate for, any anticipated motions. All papers pertaining to motions shall be served and filed in compliance with California Rules of Court, rule 4.111. *(Eff. 1/1/99; Amended eff. 7/1/04; Renumbered as Rule 10.9 eff. 01/1/07; Renumbered as rule 10.7 eff. 7/1/08; As amended eff. 1/1/10.)*

Former Rule 10.8 Preliminary Hearing (Renumbered) *(Renumbered as rule 10.6 7/1/08.)*

Former Rule 10.8 Pretrial Conference (Renumbered) *(Renumbered as rule 10.9 1/1/10.)*

10.8 Request to Calendar

In order to place a matter on calendar, counsel or a party must provide five (5) court days written notice to the court and opposing counsel by filing a Request to Place Matter on Calendar with the court clerk's office, along with supporting documents. Any request to Place Matter on Calendar for emergency matters that need to be heard sooner than the five (5) day notice requirement requires a Declaration in Support of Order Shortening Time and an Order Shortening Time.

The only exceptions to the five day rule are the following:

1. Motion to Continue (Penal Code Section 1050)
2. Filing of Conflict of Interest Papers
3. OR/Bail Motion
4. Motion for Consolidation

(Eff. 1/1/10.)

Former Rule 10.9 Trial Setting (Renumbered) *(Renumbered as rule 10.7 eff. 7/1/08.)*

10.9 Pretrial Conference

At the time the defendant's not guilty plea is entered, the case shall be set for pretrial conference at the discretion of the court. Normally, pretrial conferences are set two weeks before the trial date, and if not settled on that date, are continued one week for further pretrial and readiness conference.

Before the conference, counsel shall confer among themselves, their clients and any alleged victims or law enforcement personnel in a good faith effort to achieve resolution of the case without trial.

At that conference counsel for the people and for the defendant will be expected to advise the court either that (a) the defendant desires to change his/her plea to one that is acceptable to the People, or that (b) there is no possibility of a disposition of the case without trial.

The conference will be attended by those lawyers who will try the case. If the case does not settle, counsel shall inform the court of the time estimate for trial and any special requirements that would affect the conduct of the trial. *(Eff. as rule 10.10 1/1/99; Renumbered as 10.8 eff.7/1/08.)*

Former Rule 10.10 Pretrial Conference (Renumbered) *(Renumbered as rule 10.8 eff. 7/1/08.)*

Former Rule 10.10 Sentencing *(Renumbered as rule 10.11 eff. 1/1/10.)*

10.10 Motions in Limine

The Court will also set a date for motions in limine in the week before trial. Counsel for both sides who will be trying the case must be present, as well as the defendant(s). This hearing will constitute a further trial readiness conference. See California Rules of Court, rule 4.112. Counsel should be prepared to discuss any witness problems or scheduling issues. Any motions in limine must be in writing and filed and served at the earliest opportunity, but not later than the commencement of the hearing. *(Eff. 7/1/08.)*

10.11 Trial Conduct (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

10.11 Sentencing

When a case is called for sentencing, defense counsel shall announce whether (a) defendant has received the probation report in a timely fashion; (b) defendant waives arraignment for sentence; and (c) there is any legal reason why judgment should not be pronounced.

Absent a showing of good cause, the court will not consider letters or other written submission which are not served on opposing counsel and lodged with the court, to be placed in the defendant's file by 2:30 p.m. on the day before the hearing.

A defendant should expect to be remanded to custody at the time set for sentencing where (a) defendant has failed to make or keep an appointment to be interviewed by the probation officer; or (b) the court imposes a prison sentence. *(Eff. 1/1/99; Renumbered as rule 10.12 eff. 7/1/04; Renumbered as rule 10.10 eff. 7/1/08.)*

10.12 Sentencing (Renumbered) *(Eff. as rule 10.10 7/1/08; Renumbered as rule 10.11 eff. 1/1/10.)*

CHAPTER 10

APPENDIX

CRIMINAL RULES

ATTORNEY OF PARTY WITHOUT ATTORNEY (Name, State Bar Number, and Address) TELEPHONE NO.: FAX NO.: EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):	**FOR COURT USE ONLY**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ADDRESS: CITY AND ZIPCODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER: _____ HEARING DATE: TIME: DEPT:

PLEA IN ABSENTIA

(Vehicle Code Sections 23153, 23152, 23103.5)

This form must be attached to the waiver form.

DEFENDANT'S CERTIFICATION

I certify that I have read the front of the attached waiver of constitutional rights entirely, that I understand it; that my attorney has orally explained it to me, that I have personally and voluntarily placed the answers in the boxes and I enter a plea of _____ to the charge of violation of the Veh. Code section(s) _____. I authorize and direct my attorney, _____, to enter to the court in my absence my plea and admit any prior convictions and/or refusal allegation as indicated on the attached waiver form(s). My attorney is further authorized and directed to waive time for sentencing, and to receive the sentence in my absence. I specifically waive my right to personally enter my plea, I waive my right to be personally present when sentence is imposed, I waive my right to delay sentencing not less than six hours nor more than five days after entry of the plea, and I waive my right to personally address the court in mitigation of any sentence which may be imposed. I waive my right to be sentenced by a judge. I understand that if the court grants probation, it shall be for not less than 3 years nor more than 5 years, and the terms and the conditions of probation may include, but not be limited to, fine, jail time, restitution and the conditions that I not drive without a valid California drivers license, not drive with any measurable amount of alcohol in my system, not refuse to take a chemical test or tests of blood, breath or urine when requested to do so by a peace officer, and obey all laws. I authorize my attorney to accept the conditions on my behalf.

Signed: _____ Dated: _____

ATTORNEY'S CERTIFICATION

I certify that I am the attorney of record for the defendant; that I have fully discussed the matters on the attached waiver of constitutional rights with the defendant and advised the defendant thereon; that the representation above are the defendant's own, that I believe the plea and waivers, were intelligently, voluntarily and expressly made; that I join in the plea and waivers, and that the above signature and the signature on the waiver form, if not notarized, were made in my presence. I stipulate there is a factual basis for the plea, and that time is waived for judgment and sentencing.

Signed: _____ Dated: _____

FINDINGS AND ORDER

This document having been completed and presented to the Court: the Court being satisfied that the plea and waiver were expressly, intelligently and voluntarily made; and the Court finding that there is a factual basis for said plea and enters it on the record.

Signed: _____ Dated: _____

Judge/Commissioner of the Superior Court

(Adopted for Mandatory use effective 7/1/08-Form #MCR-102-local)

CHAPTER 11 – TELEPHONIC APPEARANCE, FACSIMILE FILINGS, REQUESTS TO BE TRANSPORTED AND COURT COPIES

11.1 Telephonic Appearance

Civil/Probate

a. **Case Type and Proceedings Which are Permitted**
Unless otherwise ordered, parties may appear by telephone in cases defined in California Rule of Court 3.670(b) and in proceedings defined in California Rule of Court 3.670(c).

b. **Request for Teleconferencing Services Through Private Vendor**
In accordance with California Rule of Court 3.670(i), the Court has contracted with CourtCall, LLC to provide teleconferencing services for court appearances. Information as to the forms and fees for requesting telephonic appearances may be obtained directly from CourtCall at
1-888-88-COURT.

c. **Notice by Party**
A party who chooses to appear by telephone will satisfy the requirements of California Rule of Court 3.670(g) for notice to the Court by timely providing to CourtCall the CourtCall Telephonic Appearance Request form.

Family Support

a. **Case Type and Proceedings Which are Permitted**
Unless otherwise ordered, parties may appear by telephone in cases and proceedings defined in California Rule of Court 5.324(c).

b. **Request for Teleconferencing Services**
Requests to appear by telephone must be submitted on Judicial Council form n. FL-679 and in accordance with California Rule of Court 5.324 (e).

Criminal/ Juvenile Delinquency/Traffic

a. **Requests for Teleconferencing Services**
Upon ex parte application with a showing of good cause, the Court may permit a party to appear by telephone at a hearing, conference, or proceeding.

b. **Approved Requests for Teleconferencing Services**
Upon the granting of an ex parte application to appear by telephone, the party must contact CourtCall, LLC to arrange teleconferencing services at least three court days before the court appearance. The Court has contracted with CourtCall,

LLC to provide teleconferencing services. Information as to the forms and fees may be obtained directly from CourtCall at 1-888-88-COURT.

Juvenile Dependency

a. **Request for Teleconferencing Services for Juvenile Dependency**
Requests to appear by telephone for a Juvenile Dependency matter must be submitted on Local Form No. MJV-150 at least 48 hours prior to the hearing.

b. **Notice by Party for Teleconferencing Services for Juvenile Dependency**
A party requesting to appear by telephone must:

1. Place the phrase "Telephone Appearance" below the title of all moving, opposing, or reply papers.
2. Notify all other parties of the intent to appear by telephone at least **48 hours** before the hearing by serving a copy of Local Form No. MJV-150 to all other parties.

c. **Request for Teleconferencing Services through Private Vendor**
In accordance with California Rule of Court 3.670(i), the Court has contracted with Court Call, LLC to provide teleconferencing services for court appearances. Information as to the forms and fees for requesting telephonic appearances may be obtained directly from CourtCall at 1-888-88-COURT.

d. **Approved Request for Teleconferencing Services for Juvenile Dependency**
Upon the granting of a request to appear by telephone for a Juvenile Dependency matter, the party must contact CourtCall, LLC to arrange these services at least 48 hours before the hearing. Information as to the forms and fees may be obtained directly from CourtCall at 1-888-88-COURT.

e. **Waiver of Requirement**
For waiver of Requirement to use CourtCall, see Request for Telephone appearance (Juvenile Dependency) in the appendix hereto.

Family Law

a. **Case Type and Proceeding which are permitted**
Unless otherwise ordered, parties may appear by telephone for an Ex Parte Hearing or Non-Evidentiary Hearing. Upon request and with a showing of good cause, the Court may permit a party to appear by telephone for an Evidentiary Hearing or a Child Custody Mediation.

b. **Requests for Teleconferencing Services for Ex Parte Hearings or Non-Evidentiary Hearings**

The Court has contracted with CourtCall, LLC to provide teleconferencing services. Information as to the forms and fees may be obtained directly from CourtCall at 1-888-88-COURT.

c. **Notice by Party for Teleconferencing Services for Ex Parte Hearings or Non-Evidentiary Hearing**
A party choosing to appear by telephone must:

1. Place the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers.
2. Provide the required forms and fees to CourtCall by 11:00 a.m. the day of the court hearing.

d. **Request for Teleconferencing Services for Evidentiary Hearings or Child Custody Mediation**
Requests to Appear by Telephone for an Evidentiary Hearing/Child Custody Mediation and Proposed Orders must be submitted on Local Form No. MFL-146 and Local Form No. MFL-147.

e. **Notice by Party for Teleconferencing Services for Evidentiary Hearings or Child Custody Mediation**
A party choosing to appear by telephone must either:

1. Place the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers; **or**
2. Notify all other parties of the intent to appear by telephone at least three (3) court days before the hearing by oral or written notice.

f. **Approved Request for Teleconferencing Services for Evidentiary Hearings or Child Custody Mediation**
Upon the granting of a Request to Appear by Telephone for an Evidentiary Hearing or Child Custody Mediation, the party must contact CourtCall, LLC to arrange these services at least three (3) court days before the hearing. Information as to the forms and fees may be obtained directly from CourtCall at 1-888-88-COURT.

(Eff. 1/1/99; Amended eff. 1/1/03; Amended eff. 7/1/08; Amended eff. 7/1/09; Amended eff. 1/1/10; As amended eff. 1/1/11.)

11.2 Facsimile Filing

Facsimile produced documents, excluding Tribal Court Protective Orders, may not be transmitted for filing directly to any fax machine owned or operated by the Court or the Clerk's Office. In order to be filed with the Court, all facsimile produced documents must be presented for filing at the filing window in accordance with California Rule of Court, rules 2.300, 2.301, 2.302, 2.303 and 2.305.

Tribal Court Protective Orders that are entitled to be registered under Family Code §6404 may be filed by facsimile directly with the clerk's office in accordance with California Rule of Court, rule 5.386 and California Rule of Court, rules 2.300, 2.301, 2.302, 2.303, 2.304, and 2.305. To obtain the appropriate fax number, parties should call the court clerk's office at (707) 468-2003 or visit the court's website at www.mendocino.courts.ca.gov. *(Eff. 1/1/99; Amended eff. 7/1/04; Amended eff. 7/1/08; Amended eff. 1/1/10; Amended eff. 1/1/12; As amended 7/1/16.)*

11.3 Transportation of prisoners to Juvenile or Family Law Hearings

a) Except as provided for by law, when the parental or marital rights of any inmate of the Mendocino County Jail are subject to adjudication the inmate may request to be transported to court by submitting the Court's local form, Request to be Transported Pursuant to Penal Code 2625, MMC122-Local.

b) Persons incarcerated in State Prison, CRC, or the Division of Juvenile Justice, whose parental rights are subject to adjudication, may request to be transported to court by submitting Judicial Council form JV-450, Order for Prisoner's Appearance at Hearing Affecting Prisoner's Parental Rights and Waiver of Appearance.

(Eff. 7/1/09; As amended eff. 1/1/10.)

11.4 Provision of "Court Copies" for Specified Court Hearings

a. **Motions**

Litigants filing any motion or order to show cause ("OSC") for a Civil, Criminal, Family Law or Juvenile hearing shall, at the time of filing the original moving papers, lodge one additional "court copy" for use by the judicial officer assigned to hear the matter. Any litigant opposing a motion or OSC shall also be required to lodge a "court copy" at the time of filing the original reply, if any.

b. **Appellant Motions and Briefs**

Appellants and Respondents shall file an original and three "court copies" of any motion or brief in the Appellate Department.

c. **Exceptions**:

1. Motions which do not include a memorandum of points and authorities;
2. Any motion for which the points and authorities in support of or in opposition to the motion does not exceed two pages in length;
3. Ex Parte Hearings.

(Eff. 7/1/09; As amended eff. 1/1/10.)

CHAPTER 11

APPENDIX

TELEPHONIC APPEARANCE AND FACSIMILE FILING RULES

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address) TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER: Hearing Date: Time: Department:

REQUEST FOR TELEPHONE APPEARANCE FOR EVIDENTIARY HEARING/CHILD CUSTODY MEDIATION
(Family Law)

1. I, (name): _____ am the
   ☐ petitioner ☐ respondent ☐ attorney for (name): _____ in this case.

2. ☐ I ask the court to allow me to appear telephonically at the above hearing.

3. ☐ I have given notice by:
   - ☐ Placing the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers; **or**
   - ☐ I have notified all other parties of the intent to appear by telephone at least three (3) court days before the hearing.
     - Oral Notice was given on (date): _____
       at (time): _____ a.m./p.m.
     - Written Notice was given on (date): _____
       at (if by fax, time): _____ a.m./p.m.

ADVISEMENT REGARDING TELEPHONE APPEARANCE

1. I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn upon request by the court clerk, holding up my right hand and agreeing under penalty of perjury under the laws of the State of California to tell the truth and nothing but the truth.

2. I understand that upon the granting of my Request for Telephone Appearance for Evidentiary Hearing/Child Custody Mediation, I must contact CourtCall, LLC to arrange teleconferencing services at my own expense. The Court has contracted with CourtCall, LLC to provide teleconferencing services. Information as to the forms and fees may be obtained directly from CourtCall at 1-888-88-COURT.

   I understand that if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents filed and any testimony given for this hearing.

3. I understand that the court may decide at any time to require my personal appearance and continue my hearing.

I have read the Advisement Regarding Telephone Appearance section of this form and I understand that the terms apply to me.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ Signed: _____

(Adopted for Mandatory use effective 1/1/10-Form #MFL-146-Local)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

☐ **Ukiah Main Courthouse** 100 North State Street Ukiah, CA 95482	☐ **Ten Mile Branch** 700 South Franklin Street Fort Bragg, CA 95437

Plaintiff/Petitioner:	
Defendant/Respondent:	
ORDER RE: REQUEST FOR TELEPHONE APPEARANCE FOR EVIDENTIARY HEARING/CHILD CUSTODY MEDIATION	**Case No.:**

IT IS HEREBY ORDERED THAT:

The request pursuant to Local Rule of Court 11.1 filed by _____ in the above entitled matter on **<Month, date, year>**, is hereby:

( ) **GRANTED** as to the Hearing date: <**type in date**>.

( ) **DENIED** as untimely.

( ) **DENIED OTHER:**

Date: _____

_____
<TYPE IN JUDGE'S NAME>,
Judge of Superior Court

(Adopted for Mandatory use effective 1/1/10-Form # MFL-147-Local)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: FAX NO. (Optional) E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	**FOR COURT USE ONLY**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER: HEARING DATE: TIME: DEPT.:

REQUEST TO BE TRANSPORTED PURSUANT TO PENAL CODE 2625

To the Superior Court of California, County of Mendocino:

I am a party in the above entitled case (name and identification number) _____

_____ and I am requesting to be transported to

Department _____ for a hearing that is scheduled on _____

at _____ a.m./p.m. for the purpose of _____

_____

_____.

Date: _____ _____

Requesting Party's Signature

(Adopted for Mandatory use effective 7/1/09-Form # MMC-122-local)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address) TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
In the matter of: Child(ren)	CASE NUMBER: Hearing Date: Time: Department:

REQUEST FOR TELEPHONE APPEARANCE
(Juvenile Dependency)

1. I, (name): _____ am the
   - ☐ parent ☐ other (specify): _____
   - ☐ attorney for (name): _____ in this case.

2. ☐ I ask the court to allow _____ to appear telephonically at the above hearing.

3. ☐ I have given all parties **48 hours notice** by:
   - ☐ Placing the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers; or
   - ☐ Serving all other parties with this request

4. ☐ I understand that upon the granting of my Request for Telephone Appearance - (Juvenile Dependency) I must contact CourtCall, LLC to arrange teleconferencing services at my own expense. The Court has contracted with CourtCall, LLC to provide teleconferencing services. Information as to the forms and fees may be obtained directly from CourtCall at 1-888-88-COURT

5. ☐ I request the Court waive the requirement to use CourtCall and any fees associated with my request to appear telephonically due to the following:
   - ☐ _____ receives public benefits
   - ☐ The gross monthly household income (before deductions for taxes) of _____ is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	$1,128.13	3	$1,907.30	5	$2,686.46
2	$1,517.71	4	$2,296.88	6	$3,076.05

***** If more than 6 people at home, add $389.59 for each extra person.***

- ☐ Based on information and belief, _____ does not have enough income to pay for his/her household's basic needs and telephonic appearance fees.
- ☐ _____ is a Tribal Representative and through County Counsel has requested a waiver of the telephonic appearance fees.
- ☐ is a minor

I declare under penalty of perjury under the laws of California that the information I have provided on this form and all attachments is true and correct except as to matters stated on information and belief and as to those matters I believe them to be true.

Date: _____

_____ _____

Print your name here Sign here

ADVISEMENT REGARDING TELEPHONE APPEARANCE

(OPTIONAL – ATTORNEY DISCRETION)

6. I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn upon request by the court clerk, holding up my right hand and agreeing under penalty of perjury under the laws of the State of California to tell the truth and nothing but the truth.
7. I understand that if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents filed and any testimony given for this hearing.
8. I understand that the court may decide at any time to require my personal appearance and continue my hearing.

I have read the Advisement Regarding Telephone Appearance section of this form and I understand that the terms apply to me.

Date: _____ Signed: _____

(Adopted for Mandatory use effective 1/1/11Form # MJV-150-local)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

☐ **Ukiah Main Courthouse** 100 North State Street Ukiah, CA 95482	☐ **Ten Mile Branch** 700 South Franklin Street Fort Bragg, CA 95437
In the matter of: Child(ren)	
ORDER RE: REQUEST FOR TELEPHONE APPEARANCE **(Juvenile Dependency)**	**Case No.:**

IT IS HEREBY ORDERED THAT:

Pursuant to Local Rule of Court 11.1, this *Request for Telephone Appearance (Juvenile Dependency)*, filed by _____, on _____, in the above entitled matter is hereby:

- ☐ **GRANTED** as to the Hearing date _____.
- ☐ **DENIED** as untimely.
- ☐ **DENIED:** _____
  _____
  _____

Date: _____ _____
Judge of Superior Court

(Adopted for Mandatory use effective 1/1/11-Form # MJV-151--local)

CHAPTER 12 – JURY RULES

Former Rule 12.1 Request for Jury Trial in Equity Case, Etc. (Repealed) *(Eff. 1/1/99; Repealed eff. 7/1/08.)*

12.1 Verdict Forms and Interrogatories

A party requesting a jury trial shall submit to the trial judge at the times required by these rules and in no event later than 9:30 a.m. on the first morning of trial every form of special and general verdict and every form of interrogatory which may be required for disposition of the case. *(Eff. as rule 12.2 1/1/99; Renumbered as 12.1 eff. 7/1/08.)*

Former Rule 12.2 Verdict Forms and Interrogatories (Renumbered) *(Renumbered as rule 12.1 eff. 7/1/08)*

12.2 Request for Jury Instructions

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 time and on such conditions as may be just.

The request for jury instructions shall have a face sheet with the court cause and action number which will also contain a list of CACI (California Civil Jury Instructions) and CALCRIM (California Criminal Jury Instructions) instructions requested. Such lists shall have two columns: (1) the CACI or CALCRIM number; and, (2) the title of the instruction. Use of the Judicial Council of California, Civil Jury Instructions 2007 is encouraged.

Attached to said cover sheet shall be copies of all CACI and CALCRIM instructions requested with all blanks filled in and all surplus-age blocked out. All other instructions requested by a party shall be described in the cover sheet and attached thereto. All such instructions shall be in a form that may be appropriately delivered to the jury for their reference in the jury room. The instructions shall <u>not</u> be denominated "Plaintiff's Instruction" or "Defendant's Instruction". *(Eff. 1/1/99; Amended eff. 7/1/04; Renumbered as rule 12.3 eff. 7/1/08; Renumbered as 12.2 eff. 1/1/10; As amended eff. 1/1/10.)*

Former Rule 12.3 Request for Jury Instructions (Renumbered) *(Renumbered as rule 12.2 eff. 7/1/08)*

12.3 Attorney Testifying May Not Argue the Case

An attorney testifying on the merits of the case as a witness on behalf of his client shall not argue the case to the jury unless by permission of the court. *(Eff. as rule 12.4 1/1/99; Renumbered as 12.3 eff. 7/1/08.)*

12.4 **Attorney Testifying May Not Argue the Case (Renumbered)** *(Renumbered as rule 12.3 eff. 7/1/08.)*

12.5 **Deposit and Refund of Jury Fees (Repealed)** *(Repealed eff. 7/1/08.)*

CHAPTER 13 – PROBATE RULES

13.1 Applicability of Rules

The rules stated in this chapter, as well as those stated in Chapter 7 (Presentation, Filing, Service and Maintenance of Court Papers) and as to contested matters, those stated in Chapter 8 (Law and Motion) shall govern all proceedings involving estates of decedents and guardianship, conservatorship and testamentary trusts. *(Eff. 1/1/99.)*

13.2 Submission of Matter Without Appearance by Counsel or Witnesses

A matter that by law may be determined by declaration, affidavit or verified pleading and without testimony may ordinarily be submitted for appropriate action by the court without appearance by counsel or witnesses provided that all necessary papers, including declarations and proposed orders must be delivered to the clerk within the time limit prescribed. The proposed orders, when delivered, shall bear the date on which the hearing is originally noticed.

a. All filings of probate matters setting a hearing date shall be filed no later than 1:30 p.m. of the fourth court day prior to the probate calendar. All filings for a hearing on the probate calendar presented to the clerk after 1:30 p.m. on the fourth court day prior to the probate calendar shall be calendared for the next probate calendar that is more than four court days thereafter. The clerk shall not accept any moving papers setting a hearing date less than four days from the filing date unless a signed court order shortening time is presented along with the moving papers.

b. Upon the call of the probate calendar 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.

c. When a matter is to be dropped, counsel for the moving party shall promptly notify the probate clerk.

(Eff. 1/1/99.)

13.3 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, and who requests independent powers, shall furnish the required statutory bond as a condition of said persons appointment as personal representative, unless a waiver of bond is filed by all of the heirs of the decedent's estate. *(Eff. 1/1/99.)*

13.4 Certificate of Death

In all proceedings in which the fact of death is to be determined by the court, there shall be filed with the court as an attachment to the petition or as a separate exhibit filed before the hearing a certified copy of the applicable certificate of death. *(Eff. 1/1/99.)*

13.5 Required Form of Accounts

All accounts filed in probate proceedings, which shall include guardianship, conservatorship and testamentary trust accounts, shall conform to California Probate Code Sections 1061-1064 as they may be amended. *(Eff. 1/1/99; As amended eff. 1/1/02.)*

13.6 Appointment of Expert to Analyze Complex Accounts and Surcharge of Cost Against Representative

When, because of the volume or complexity of an account, an analysis thereof by the court would appear to be unusually time consuming or difficult, the court will on its own motion appoint an expert, usually a certified public accountant to analyze the account and report to the court. The compensation for such expert shall be fixed by the court and ordered paid from the assets of the estate as a cost of administration. If the court finds that the account was unnecessarily voluminous or complex the representative or the attorney, or both, shall be surcharged the amount of such compensation. *(Eff. 1/1/99.)*

13.7 Allowance of Claims of Personal Representative

Claims of personal representative shall be allowed pursuant to Probate Code section 9252 only upon a written motion for the allowance thereof after every person interested in the estate shall have been given notice of the hearing of said motion, in the manner provided by Code of Civil Procedure section 1013 and only after every person interested in the estate shall have been given a copy of said motion except that the court may approve such claim ex parte if it is for reimbursement for payment of funeral or burial expenses. The motion shall set forth the specific dollar amount of the claim or the specific item to which the claim refers. *(Eff. 1/1/99.)*

13.8 Statement Regarding Bond on Inventory and Appraisal

Counsel for the personal representative or the personal representative, if acting without counsel, will complete all appropriate statements regarding the representative's bond which are called for on the inventory and appraisal form in current use with the approval of the Judicial Council of California. *(Eff. 1/1/99.)*

13.9 Inventory and Appraisal – Certificate Required Under Revenue and Taxation Code, Section 480

Pursuant to Probate Code 8800(d), the inventory and appraisal shall be accompanied by a certification under Revenue and Taxation Code section 480. A certification form (Property Tax Certification) is available from the clerk's office. *(Eff. 1/1/99.)*

13.10 Order of Probate

No Order of Probate shall be certified unless letters have issued. *(Eff. 1/1/99.)*

13.11 Instructions from the Court

A Petition for Instructions made pursuant to Probate Code section 9613, et seq., or Probate Code section 10500 shall set forth the factual situation upon which the petitioner seeks instruction and it shall set forth in detail the instructions that the petitioner believes will be in the best interest of the estate and the parties interested therein. *(Eff. 1/1/99.)*

13.12 General Instructions to Conservator/Guardian

In all conservatorship and guardianship matters, no letters shall issue unless the conservator or guardian have executed and filed with the court General Instructions. The form of general instructions may be obtained from the clerk's office. *(Eff. 1/1/99.)*

13.13 Duties and Liabilities Statement

No Duties and Liabilities Statement will be accepted for filing if the social security or driver's license number is included on the statement. *(Eff. 1/1/99; As amended eff. 1/1/09.)*

13.14 Fees of Attorneys and Fiduciaries

Refer to Chapter 19 of these rules. *(Eff. 1/1/99.)*

13.15 Ex Parte Applications

a. **Time of Ex Parte Hearing**
   1. To obtain a date and time for an ex parte hearing, call the court clerk's office.

b. **Filing of Ex Parte Applications**
   1. All ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders sought in a Probate matter shall be filed with the court clerk no later than 11:00 a.m. the day of the hearing.

c. **Notice of Ex Parte Applications and Hearing**
   1. Prior to any hearing on an ex parte application for a court order, Local Form No. MMC-121 *Declaration re: Notice upon Ex Parte Application for Orders* shall be completed and filed with the court indicating that the opposing party has been noticed of the pending hearing for requested ex parte orders.

2. Regardless of how notice to the opposing party was given, pursuant to CRC 3.1206 copies of the ex parte application filed with the court, excluding those for a restraining order, shall be served on the opposing party as soon as is reasonably practicable, but in no event later than the commencement of the hearing on the ex parte application.

(Eff. 1/1/12.)

CHAPTER 13

APPENDIX

PROBATE RULES

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, Address, Phone No.) Attorney for:	*FOR COURT USE ONLY*
☐ UKIAH BRANCH, 100 NORTH STATE STREET, UKIAH, CA 95482 ☐ TEN MILE BRANCH, 700 SOUTH FRANKLIN STREET, FORT BRAGG, CA 95437	
PETITIONER/PLAINTIFF: **RESPONDENT/DEFENDANT:**	
DECLARATION re: NOTICE upon EX PARTE APPLICATION for ORDERS	Case Number _____ Hearing Date: Time: Dep't.:

In most cases, you must notify all parties that you are requesting a court order. This is called "notice". Regardless of how you notice the other side that you are requesting a court order, copies of the documents that you have filed with the court, excluding those for a restraining order, MUST be served on the other party as soon as is reasonably practicable, but in no event later than the time of the hearing set. (Local Rules 8.5; 13.15; 14.4; 15.4)

I, the undersigned, declare:

1) I am the (choose one):
   ☐ attorney for the Petitioner/Plaintiff ☐ attorney for the Respondent/Defendant ☐ attorney for the Child(ren)
   ☐ self-represented Petitioner/Plaintiff ☐ self-represented Respondent/Defendant

2) Pursuant to CRC 3.1203 and 3.1204, I have informed _____ of this ex parte request for
   (name of person you notified)
   _____ and that s/he will
   (type of relief sought)
   have to appear before the court on the above listed date and time if s/he objects to this ex parte request.

3) Notice was given by (check all that apply):
   ☐ **Telephone Notification** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ at _____ a.m. / p.m.
   (date) *(time)*
   ☐ **Personal Delivery** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ at _____ a.m. / p.m.
   (date) *(time)*
   ☐ **First Class Mail** (copy of ex parte application mailed at least 5 days before the ex parte appearance): _____ at _____ a.m. / p.m.
   (date) *(time)*
   at _____
   (address)
   ☐ **Fax Delivery** (copy of ex parte application faxed no later than 10:00 a.m. the court day before the ex parte appearance):
   _____ at _____ a.m. / p.m. at _____ **(attach proof showing fax was received)**.
   (date) *(time)* *(fax number)*
   ☐ **If notice was provided later than 10:00 a.m. the court day before the ex parte appearance, explain why:**
   _____.

4) I received the following response to the above notice:
   ☐ See attached written response.
   ☐ Oral response received: _____

5) I **have not** given notice of this request for ex parte orders because:
   ☐ Notice would frustrate the purpose of the orders sought (explain below or in an attachment).
   ☐ Great or irreparable injury will result to me before orders can be issued and/or I fear for my safety (explain below or in an attachment).
   ☐ A good faith effort was made to notify the opposing party but notice was unable to be given (explain notice attempts below).
   ☐ The opposing party agrees to the orders requested.
   ☐ No significant burden or inconvenience to the opposing party will result from the orders requested (explain below or in an attachment).
   ☐ Other (explain): _____

I declare under penalty of perjury that the foregoing is true and correct.
Date: _____ Signed: _____

(Adopted for Mandatory use effective 1/01/12-Form #MMC-121-local)

CHAPTER 14 – COMPROMISE OF CLAIMS OF MINORS AND INCOMPETENT PERSON

14.1 Compromise of Claims

All petitions and orders for the compromise of claims of minors or incompetent persons pursuant to Probate Code section 3500 and Code of Civil Procedure section 372, whether by way of compromise, covenant not to sue, or stipulated judgment, shall in addition to the California Rules of Court, comply with the following rules:

a. The petition shall contain a full disclosure of all information, which has any bearing upon the reasonableness of the compromise and settlement, such as the sums, if any, to be paid to the other claimants in the same case.

b. In any case in which the court orders the sum to be received by the minor to be deposited in a financial institution, the order shall contain the further order that, "a certified or endorsed copy of this order shall be delivered to the manager of said financial institution to be deposited, and that there shall be a receipt of said financial institution filed with the clerk of the department in which the compromise was approved, acknowledging receipt of both the sum deposited and said order."

c. The receipt of the financial institution shall set forth the name of the account, the account number, the type of account, the amount of initial deposit, the amount on deposit as of the date of the receipt, the date the account was opened. The receipt should acknowledge that, "No withdrawals of principal or interest be made from said account (s) without the written order under this case name and number therefore signed by a judge and bearing the seal of said court. The monies are not the subject of escheat."

d. It is the duty of counsel, and if the petitioner is not represented by counsel it is the duty of petitioner, to cause the receipt described above to be filed with the court no later than fifteen (15) days after the order requiring the sum to be received to be deposited in a financial institution.

e. In any case where the court order was made prior to March 4, 1972, any use of or reference to the words "age of majority," "adult," "age of minority," "minor" or words of similar intent shall make reference to persons older or younger than 21 years of age, consistent with the law then in effect, provided, however, that such orders made prior to March 4, 1972, shall be subject to amendment to reflect the new age of majority where such amendment is deemed proper in the discretion of the court. In orders made for compromise on or after March 4, 1972, the age of majority shall be 18 years of age.

f. If no action is pending, or if an action is pending and settlement is reached before trial has commenced, a petition for compromise of the claims of minors or incompetent persons shall be filed and heard in the department regularly hearing probate matters. If a petition is presented after trial has commenced, approval of the settlement shall be made in the trial department.

(Eff. 1/1/99; Amended eff. 1/1/00; Amended eff. 7/1/08; Amended eff. 1/1/09; As amended eff. 1/1/10.)

14.2 Attorney's Fees for Compromise

On any application for approval of a compromise of a claim, the attorney's fees set forth herein shall be considered reasonable under normal circumstances. In computing fees on the basis of the amount of the judgment, special damages allotted to the parents and costs paid or incurred by any attorney shall be first deducted therefrom.

a. Settlement without commencement of a court trial, under either Code of Civil Procedure section 372 or Probate Code section 3500: 25 percent.

b. Recovery of judgment or obtaining settlement after court trial has commenced: 33-1/3 percent.

c. Settlement after filing appellant's opening brief on appeal: 40 percent.

In cases involving unusual circumstances or conditions, the foregoing fees shall be subject to variation by the court to meet such circumstances or conditions.

In actions governed by the Medical Injury Compensation Reform Act (MICRA), the fees authorized by this rule may not exceed the amount of fees permitted by section 6146(a) of the Business and Professions Code. To the extent the fees permitted by section 6146(a) exceed the fees allowed under this rule, the provisions of this rule shall prevail.

(Eff. 1/1/99.)

14.3 Withdrawal of Funds

a. It is the duty and the policy of the court to protect the funds of minors and not to allow withdrawals except in very urgent and unusual situations. It is the duty of parents of minors to provide for their support and education. Funds belonging to minors should not ordinarily be used for such purposes. The court will never allow withdrawals for the benefit of parents or any person other than the minor.

b. Requests for withdrawal of funds deposited for minors and incompetent persons will be allowed only upon filing a verified petition, or ex parte application, which shall include a showing of the amounts previously withdrawn, the balance on deposit at the time of filing said petition, a justification for said withdrawal

(including the reasons why the parents or parent are unable to provide the needed funds) and the attorney's fees, if any, requested incident thereto.

c. The order shall fix such fees, and no other fees shall be charged. In the absence of unusual circumstances, where the attorney for the petitioner was allowed fees at the time of settlement, it is the policy of the court to consider this an incidental service for which payment has been included in the original allowance.

d. Any order authorizing the withdrawal of funds for the purpose of transferring said funds from one financial institution to another shall contain the language set forth in section 14.1(b) of local rules and shall further provide that the draft of the institution from which the funds are withdrawn shall be payable to the financial institution to which the funds are to be transferred for deposit in such a blocked account. A receipt from the financial institution to which the funds are transferred containing the information and language set forth in section 14.1 (c) of the local rules shall be filed with the court.

e. Applications for withdrawal of sums shall be filed and heard in the probate department.

(Eff. 1/1/99.)

14.4 Ex Parte Applications

a. **Time of Ex Parte Hearing**

1. To obtain a date and time for an ex parte hearing, call the court clerk's office.

b. **Filing of Ex Parte Applications**

1. All ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders sought in a Probate matter shall be filed with the court clerk no later than 11:00 a.m. the day of the hearing.

c. **Notice of Ex Parte Applications and Hearing**

1. Prior to any hearing on any ex parte application for a court order, Local Form No. MMC-121 *Declaration re: Notice upon Ex Parte Application for Orders* shall be completed and filed with the court indicating that the opposing party has been noticed of the pending hearing for requested ex parte orders.

2. Regardless of how notice to the opposing party was given, pursuant to CRC 3.1206 copies of the ex parte application filed with the court, excluding those for a restraining order, shall be served on the opposing party as soon as is reasonably practicable, but in no event later than the commencement of the hearing on the ex parte application.

(Eff. 1/1/12.)

CHAPTER 14

APPENDIX

COMPROMISE OF CLAIMS OF MINORS AND INCOMPETENT PERSON

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, Address, Phone No.) Attorney for:	*FOR COURT USE ONLY*
☐ UKIAH BRANCH, 100 NORTH STATE STREET, UKIAH, CA 95482 ☐ TEN MILE BRANCH, 700 SOUTH FRANKLIN STREET, FORT BRAGG, CA 95437	
PETITIONER/PLAINTIFF: **RESPONDENT/DEFENDANT:**	
DECLARATION re: NOTICE upon EX PARTE APPLICATION for ORDERS	Case Number _____ Hearing Date: Time: Dep't.:

In most cases, you must notify all parties that you are requesting a court order. This is called "notice". Regardless of how you notice the other side that you are requesting a court order, copies of the documents that you have filed with the court, excluding those for a restraining order, MUST be served on the other party as soon as is reasonably practicable, but in no event later than the time of the hearing set. (Local Rules 8.5; 13.15; 14.4; 15.4)

I, the undersigned, declare:

1) I am the (choose one):
   - ☐ attorney for the Petitioner/Plaintiff
   - ☐ attorney for the Respondent/Defendant
   - ☐ attorney for the Child(ren)
   - ☐ self-represented Petitioner/Plaintiff
   - ☐ self-represented Respondent/Defendant

2) Pursuant to CRC 3.1203 and 3.1204, I have informed _____ of this ex parte request for
   (name of person you notified)
   _____ and that s/he will
   (type of relief sought)
   have to appear before the court on the above listed date and time if s/he objects to this ex parte request.

3) Notice was given by (check all that apply):
   - ☐ **Telephone Notification** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ *(date)* at _____ *(time)* a.m. / p.m.
   - ☐ **Personal Delivery** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ *(date)* at _____ *(time)* a.m. / p.m.
   - ☐ **First Class Mail** (copy of ex parte application mailed at least 5 days before the ex parte appearance): _____ *(date)* at _____ *(time)* a.m. / p.m.
     at _____ *(address)*.
   - ☐ **Fax Delivery** (copy of ex parte application faxed no later than 10:00 a.m. the court day before the ex parte appearance):
     _____ *(date)* at _____ *(time)* a.m. / p.m. at _____ *(fax number)* **(attach proof showing fax was received)**.
   - ☐ **If notice was provided later than 10:00 a.m. the court day before the ex parte appearance, explain why:**
     _____.

4) I received the following response to the above notice:
   - ☐ See attached written response.
   - ☐ Oral response received: _____

5) I **have not** given notice of this request for ex parte orders because:
   - ☐ Notice would frustrate the purpose of the orders sought (explain below or in an attachment).
   - ☐ Great or irreparable injury will result to me before orders can be issued and/or I fear for my safety (explain below or in an attachment).
   - ☐ A good faith effort was made to notify the opposing party but notice was unable to be given (explain notice attempts below).
   - ☐ The opposing party agrees to the orders requested.
   - ☐ No significant burden or inconvenience to the opposing party will result from the orders requested (explain below or in an attachment).
   - ☐ Other (explain): _____

I declare under penalty of perjury that the foregoing is true and correct.
Date: _____ Signed: _____

(Adopted for Mandatory use effective 1/01/12-Form #MMC-121-local)

CHAPTER 15 – FAMILY LAW RULES

15.1. Law and Motion

a. Hearings

All non-Title IV-D actions, including but not limited to orders to show cause, motions, and other requests for relief under the Family Law Act, Domestic Violence Prevention Act, Uniform Parentage Act, Uniform Interstate Family Support Act, Uniform Child Custody Jurisdiction actions and other domestic relations matters shall be heard on the family law and motion calendar of the Superior Court. All Title IV-D actions shall be calendared to be heard by the Child Support Commissioner.

b. Meet and Confer Requests

1. Prior to a hearing on the law and motion and order to show cause calendar, counsel shall meet and confer with the opposing party or his or her counsel in an attempt in good faith to resolve all issues. In the event the parties are not actually present, they shall be immediately available to their counsel for authority to stipulate to the resolution of any and all issues. All relevant documents shall be exchanged between the parties prior to or at the time of the meet and confer conference. In the circumstance where both parties have previously appeared, the exchange of documents should normally take place in conjunction with the filing of the pleadings or moving papers as required by these rules, absent good cause to the contrary.
2. The court may impose sanctions for failure to meet and confer or exchange relevant documents in a timely manner (Family Code 271,2107).

c. Income and Expense Declaration

No case that involves requests for child support, spousal support, attorney's fees, or any other financial issue shall be heard unless current Income and Expense Declarations (FL-150)have been completed and filed by each side. A current declaration means a declaration filed within thirty (30) days of the date of the scheduled hearing. In the event there is a recent Income and Expense Declaration on file, but not within the thirty (30) day provision, and there are no changes in that declaration, a party may file a declaration under penalty of perjury ratifying said Income and Expense Declaration.

All blanks in the Income and Expense Declaration shall be filled in with the appropriate figures or the designation of N/A. The Income and Expense Declaration will be considered as received in evidence at the hearing subject to amendment and cross examination. If current documentation has not previously

been provided, no less than five (5) court days before the scheduled hearing, the following documents shall be exchanged between the parties:

1. Current wage statements representing a consecutive period of at least two (2) months;
2. Most recent Federal income tax returns and W-2 statement;
3. If the individual is self-employed, the most recent profit and loss statement of the business or other accounting to evidence the net monthly disposable income available to said person from the business.

(Eff. 1/1/99; Amended eff. 7/1/08; Amended eff. 1/1/09; Amended eff. 7/1/09; As amended eff. 1/1/10.)

15.2. Time Limits on Law and Motion Matters: Order to Show Cause Evidentiary hearings

a. **Law and Motion Limited to a Maximum of Thirty (30) Minutes**

The matters to be heard on the family law and motion calendar shall be limited to a maximum of thirty (30) minutes time. Said thirty (30) minutes shall be divided up fifteen (15) minutes per side absent an agreement between the parties or counsel to the contrary. In the event a matter exceeds the allotted thirty (30) minutes duration, the court shall continue the matter to another law and motion calendar, set it for an evidentiary hearing, or drop it from the calendar. The court will expect counsel to give realistic and firm time estimates so that if a matter has the potential of exceeding thirty (30) minutes, counsel will set it for an evidentiary hearing as provided below.

b. **Matters Exceeding Thirty (30) Minutes**

Matters on the family law and motion and/or order to show cause calendar which are estimated to exceed thirty (30) minutes, shall be set for an evidentiary hearing.

1. Absent a stipulation between the parties, matters set for a law and motion calendar that are subsequently estimated to exceed the thirty (30) minute limitation shall remain on that law and motion calendar for the continuation or entry of temporary order pending the evidentiary hearing.

2. The court will expect parties and/or their counsel to exercise good faith in utilizing this procedure for evidentiary hearings. This includes realistic and binding time estimates on law and motion calendars so as not to exceed the thirty (30) minute limitation, as well as realistic time estimates for evidentiary hearings. In the event the court determines that any party is intentionally under or over estimating the time in order to gain advantage or cause a delay, the court may impose sanctions on that party and/or their attorney.

(Eff. 1/1/99; Amended eff. 7/1/08; Amended eff. 1/1/09; As amended eff. 1/1/10.)

15.3. Child and Spousal Support; Visitation Costs

a. **Santa Clara Model**
The court will use the Santa Clara Disso-Master protocol for determining temporary child and spousal support.

b. **Costs of Visitation – Travel Expenses**
The cost of travel expenses for parental contact shall be shared equally unless:

1. If the income of the parties after payment of support (child and/or spousal) is substantially different, the court may adjust the above allocation to meet the parents' respective needs and ability to pay.
2. The court may order one party to pay more than his/her share of travel expenses if that party caused the need for travel by moving to a distant county or state.

(Eff. 1/1/99; As amended eff. 7/1/08.)

15.4. Ex Parte Applications and Orders

a. **Application for Ex Parte Order; Declaration.**
An ex parte order will be issued only if the application is accompanied by a declaration adequate to support its issuance. An ex parte order will not be issued unless one of the following conditions exists:

1. Adequate advance notice was given to the adverse party or their attorney of record so that party might oppose the application. Adequate advance notice if the adverse party or attorney of record is located within Mendocino County shall be defined as a minimum of 24 hours. Adequate advance notice to a party or attorney of record located out of the county shall be reasonable depending on the distance and time necessary to travel to the court;

2. It clearly appears in the declaration that giving notice would frustrate the purpose of the proposed order;

3. The applicant would suffer an irreparable injury before the adverse party could be heard in opposition.

b. **Order Excluding from Home.**
An application for an ex parte restraining order excluding either party from the family dwelling or the dwelling of the other must be supported by a declaration showing immediate and serious harm, specifying in detail the time and place of

any past act or acts of alleged misconduct and stating why an order shortening time would not be practicable.

c. **Order Changing Custody of Minor.**
As provided by Family Code section 3064, the court will not make an ex parte order granting or modifying custody unless there has been a showing of immediate harm to the child or immediate risk that the child will be removed from the State of California. In addition, the supporting declaration shall set forth, in brief, the circumstances under which the child will be placed pending hearing.

d. **Time of Ex Parte Hearing.**
To obtain a date and time for an ex parte hearing, call the court clerk's office.

e. **Filing of Ex Parte Applications**
All ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders sought in a Civil matter shall be filed with the court clerk no later than 11:00 a.m. the day of the hearing.

f. **Notice of Ex Parte Applications and Hearing**

1. Prior to any Domestic Violence Restraining Order hearing on any ex parte applications for a court order, Local Form No. MMC-121 *Declaration re: Notice upon Ex Parte Application for Orders* shall be completed and filed with the court indicating that the opposing party has been noticed of the pending hearing for requested ex parte orders.

2. Regardless of how notice to the opposing party was given, pursuant to CRC 3.1206 copies of the ex parte application filed with the court, excluding those for a restraining order, shall be served on the opposing party as soon as is reasonably practicable, but in no event later than the commencement of the hearing on the ex parte application

g. **Ex Parte Request for Dismissal of Restraining Order**
At any time before the expiration of a Domestic Violence Restraining Order, a Protected Party may request to have the Restraining Order dismissed by submitting Local Form No. MCV-120 *Ex Parte Request to Dismiss Restraining Order(s)* and Local Form No. MCV-121 *Order Granting Ex Parte Request to Dismiss Restraining Order(s)*. Upon granting of the dismissal, the court clerk shall notice the Protected Party and Mendocino County Sheriff's Department of the dismissal.

(Eff. 1/1/99; Amended eff. 7/1/08; Amended eff. 1/1/11; As amended eff. 1/1/12.)

15.5. Child Custody Evaluations

This Local Rule of Court is designed to implement California Rules of Court 5.225 and 5.230.

a. **Challenge for Cause**
The Court shall not permit a peremptory challenge of any court ordered evaluator. Any challenge for cause must be presented by noticed motion to the court within ten (10) days of the appointment of the evaluator. This procedure applies to private practice mental health professionals appointed by the Court, as well as Court employees.

b. **Withdrawal by the Evaluator**
Any court ordered evaluator may petition the Court for permission to withdraw from any particular case with notice of said request to be given to all parties of record. This procedure applies to private practice mental health professionals, as well as Court employees.

c. **Complaints:**

1. Private Practice Evaluators
If a party or his or her attorney has a complaint regarding a private practice court ordered evaluator, he or she should bring the complaint to the attention of the Court by means of writing a letter to the Court or through the filing of a motion. A copy of the letter or motion documenting the complaint must be served by mail on all the parties. The Court, at its discretion, will forward the complaint to the private practice evaluator.

2. Court Employees
If the evaluator is a Court employee, a letter should first be sent to the director of Family Court Services explaining the complaint. The Family Court Services complaint procedure should be followed prior to filing a motion.

d. **Ex Parte Contacts with Evaluator**
No party or attorney for a party shall initiate contact with a court appointed evaluator, orally or in writing, to discuss the merits of the case without giving the other party notice and an opportunity to be present and/or to receive a copy of the written communication. In accordance with Family Code section 216 and California Rules of Court 5.235, the Judge shall not have ex parte communication with the court appointed evaluator, the parties, or their attorneys regarding the case without written permission from the parties or their attorneys.

e. **Citing Authority and Purpose of Evaluation**
Upon ordering an evaluation, the Court shall specify under what code section the evaluator has been appointed and the purpose and scope of the evaluation. The Court shall further specify whether the evaluation shall be a “full evaluation” or shall be “limited” in scope.

f. **Evaluator's Education and Training**
Any court ordered evaluator shall adhere to the uniform standards of practice and the educational and training standards for court ordered custody evaluations contained in California Rules of Court 5.225 and 5.230, as well as Family Code sections 1815, 1816, 3111, and 3118. All evaluators must file the Declaration of Child Custody Evaluator Regarding Qualifications form with the Court upon receiving the appointment and prior to the commencing of the evaluation process.

g. **Cost of Evaluation**

1. The Court shall determine the cost for the evaluation and allocate any such costs in accordance with the fee policy adopted by the Court.

2. The fee assessed for a Child Custody Evaluation performed by a court employee shall cover the time associated with investigation, preparation of the Child Custody Evaluation Report and one hour of court time as an expert witness.

3. The court, in its discretion, may assess extraordinary travel costs or expert witness fees for court time in excess of one hour to one or both of the parties. Fees for travel expenses and for expert witness fees shall be limited to the costs actually incurred by the court.

(Eff. 1/1/9; Amended eff. 7/1/08; As amended eff. 1/1/10.)

15.6. Parent's Workshop Required when Children Involved in Action

In an action for dissolution of marriage or legal separation where there are minor children involved in such action, and in any action to determine paternity or any action for modification of custody and visitation, each parent is required to attend the Parenting Apart Workshop.

The petitioner/plaintiff should sign up to attend the workshop in conjunction with the filing of his or her initial papers. The respondent/defendant should sign up to attend the workshop as soon as practicable after being served with the papers. Parents shall not attend the same session or class.

Each parent shall contact the agency designated by the court to obtain an appointment for a parent's workshop, attend the workshop and pay all fees associated therewith. The court will require proof of satisfactory completion of the workshop. The completion or the failure to complete the workshop will be a factor that will be considered by the court in any further custody/visitation hearings.

(Eff. 1/1/99; Amended eff. 7/1/08; As amended eff. 1/1/12.)

15.7. Attorney's Fees and Costs Award Request

In all cases where attorney's fees and costs are requested subsequent to the services rendered, counsel shall submit a declaration itemizing the fees and costs and identify the specific legal authority for the award. When fees and costs are requested pendente lite, counsel shall submit a declaration describing the anticipated services and/or cost items with reasonable particularity and shall identify the specific legal authority for the award. *(Eff. 1/1/99.)*

15.8. Mandatory Settlement Conferences Prior to Dissolution Trial

a. A settlement conference will be conducted by a settlement conference official: judge of this court, an assigned judge or a retired judge, or practicing attorney who may act as settlement conference pro tem judge.

b. At least five (5) court days before the conference, each party, or counsel for each party, shall submit to the court and serve upon all other counsel a detailed Settlement Conference Statement. The Settlement Conference Statement may be filed on Local Form MFL ### Mandatory Settlement Conference Statement.

c. **Time and Place of Settlement Conferences**

The court shall include in the Notice of Trial, the time and place of the mandatory settlement conference. A settlement conference will not be re-set by the parties or continued without the express approval of the settlement conference official. The parties shall notify the court clerk of all changes in settlement conference dates.

The court will attempt, to the extent possible, to schedule settlement conferences involving parties and counsel from the Mendocino Coastal areas somewhere on the coast.

d. **Conduct of the Settlement Conference**

1. **Good Faith Effort to Resolve**
It is the policy of the court that a sincere attempt must be made by all parties and counsel to reach a resolution of the issues at the settlement conference. To the extent there are issues that remain unresolved at the conclusion; the settlement conference official may at his or her discretion note in a sealed envelope the unresolved issue and his or her recommendation to the parties for its resolution. The settlement conference official shall notify the parties during the conference of his or her intention to note a recommendation in a sealed envelope.

2. **Sanctions for Non-Compliance**
The court may impose sanctions pursuant to Family Code 271 and/or CCP 128.5 for a party's failure to submit a timely settlement conference statement, or failure to appear and meaningfully participate in a mandatory

settlement conference. If the settlement conference official has made written recommendations, regarding sanctionable behavior, such may be considered by the trial judge in connection with any request for attorney's fees or sanctions at trial.

e. **Pretrial Conference**

To the extent that the parties and the settlement conference official agree that a pretrial conference would be of assistance, such a conference shall be recommended/scheduled by the settlement conference official at the conclusion of said conference.

(Eff. 1/1/99; Amended eff. 7/1/05; Amended eff. 7/1/08; Amended eff. 1/1/09; Amended eff. 7/1/09; Amended eff. 1/1/11; As amended eff. 7/1/05.)

15.9. Family Law Trial Setting and Rules

a. At any time after a Response to the Petition has been filed, either party may request that a trial date be set by filing local form MFL-143, Request for Trial (Family Law)

b. **Exchange of Documentary Evidence to be Used at Trial**
No less than seven (7) calendar days prior to the date set for trial, each party shall provide the opposing party or, if represented, the opposing counsel with a list of all documents and/or documentary evidence intended to be used at trial. The list shall indicate which documents have been previously provided. Copies of all documents which have not been previously provided shall be attached to the list. In the event that the documents to be used are voluminous, either side may notify the other no less than fourteen (14) calendar days prior to the date set for trial and forthwith give the opposing party the opportunity to inspect and copy the documents. Absent a showing of good cause, documentary evidence, which has not been exchanged as set forth above, shall not be offered or admitted at trial.

c. **Trial Brief and Motion In Limine**
Unless otherwise ordered by the court, all parties, not less than seven (7) calendar days before the date first set for trial, must serve and file all motions in limine, briefs on all significant disputed issues of laws, including foreseeable procedural and evidentiary issues setting forth briefly the party's position and the supporting arguments and authorities. Late filed papers shall only be considered by the trial judge upon good cause shown.

(Eff. 1/1/99; Amended eff. 7/1/08; Amended eff. 7/1/09; As amended eff. 1/1/10.)

15.10. Family Law Facilitator

a. **Policy**

It is the policy of the court to encourage all unrepresented parties to meet with the family law facilitator before appearing in court.

b. **Services**

The family law facilitator shall provide the following services:

1. providing educational materials to parents concerning the process of establishing parentage and establishing, modifying, and enforcing child and spousal support;
2. distributing necessary court forms and voluntary declarations of paternity;
3. providing assistance in completing forms;
4. preparing support schedules based upon statutory guidelines; and,
5. providing referrals to the Department of Child Support Services, Family Court Services, and other community agencies and resources that provide services for parents and children.

c. **Additional Services for Litigants and Clerk**

At the direction of the court the family law facilitator shall provide the following additional services:

1. Meeting with litigants to mediate issues of child support, spousal support, and maintenance of health insurance, subject to Family Code section 10012. Actions in which one or both of the parties are unrepresented by counsel shall have priority.
2. Drafting stipulations to include all issues agreed to by the parties, which may include issues other than those specified in section 10003.
3. If the parties are unable to resolve issues with the assistance of the family law facilitator, prior to or at the hearing, and at the request of the court, the family law facilitator shall review the paperwork, examine documents, prepare support schedules, and advise the judge whether or not the matter is ready to proceed.
4. Assist the clerk in maintaining records.
5. When so directed by the court prepare formal orders consistent with the court's announced order in cases where both parties are unrepresented.
6. Serving as a special master in proceedings and making findings to the court unless he or she has served as a mediator in that case.

d. **Additional Services to the Court and Community**

When additional services to the litigants and the clerk have been completed, then at the direction of the court the family law facilitator may also provide the following services:

1. Assist the court with research and any other responsibilities which will enable the court to be more responsive to the litigants' needs.
2. Develop programs for bar and community outreach through day and evening programs, videotapes, and other innovative means that will assist unrepresented and financially disadvantaged litigants in gaining meaningful access to family court.

(Eff. 1/1/99; As amended eff. 7/1/08.)

15.11. Miscellaneous Rules

a. **Stipulated Continuance**

Hearing or Trial
Parties requesting a continuance by stipulation must submit their request in writing. The Court's local form, Stipulation for Continuance of Hearing or Trial or to make a request. Any required fees must be paid at the time of filing.

(Eff. 1/1/99; Amended eff. 7/1/08; Amended eff. 7/1/09; As amended eff. 1/1/10.)

15.12. Court Appointed Counsel for Children

a. Compliance with California Law

The court, the parties and their attorneys, and court appointed counsel for the child or children in a family law case shall comply with Family Code 3150-3152, inclusive, and CRC 5.240 and 5.242.

b. Payment of Court Appointed Counsel

1. Court appointed counsel shall be compensated at the hourly rates set forth in Local Rule 19.8(b). Counsel shall utilize the billing procedures set forth in Local Rule 19.8(a), (d).

2. The court shall consider in each case whether the parties have the ability to pay some or all of the cost of court appointed counsel for the child, and may allocate such fees and costs pursuant to Family Code 3153 and CRC 5.241.

c. Complaints about Court Appointed Counsel

Any party who has a complaint about the performance of court appointed counsel for a child may address the matter using any of the procedures which follow:

1. Calendar a motion to relieve or replace court appointed counsel for the child before the judge presiding over the family law case. The court, in its discretion, may elect to hold a confidential hearing akin to a *Marsden* hearing in connection with the motion.

2. When the matter is already calendared for another purpose, any party may make an oral motion regarding the performance of court appointed counsel

for the child. The court, in its discretion, may set a confidential hearing akin to a *Marsden* hearing or may take steps to investigate the complaint.

3. The judge hearing the motion shall have the discretion to decide whether any person, other than the child and counsel for the child, shall be present at the hearing to address complaints about court appointed counsel for the child.

As an alternative to the proceeding outlined in paragraphs (c) (1), (2) and (3) above, a party who wishes to complain about counsel for a child may fill out Family Court Services "Client Complaint Form." This form will be submitted ex parte to the judge presiding over the family law case after service on all parties and/or their attorney(s) of record. The complaint form will NOT be filed in the family court file. If after reviewing the "Client Complaint Form" the judge determines that steps should be taken to address the issue(s) raised in the Client Complaint Form, the judge may, in his or her discretion: (a) set a hearing to consider relieving court appointed counsel for the child; (b) set the matter for a confidential hearing akin to a *Marsden* hearing, or (c) take no action. The court shall issue a Minute Order advising all parties of the action taken after review of the "Client Complaint Form."

(Eff. 1/1/12.)

15.13. Family Court Mediation

1. Family mediation is confidential in Mendocino County. The mediator will not make a recommendation regarding custody and visitation issues.

2. Family mediation appointments shall be considered court dates at which the parties must appear. Failure to attend family mediation or cancellation of mediation appointments with less than 24 hours' notice to the mediator and the other party, without good cause, may result in sanctions against the non-appearing party or parties. Sanctions may include, but are not limited to, monetary fines of up to $100, denial of relief sought, dismissal of the Request for Order, or entry of substantive orders.

3. Parents shall not bring children to the first session of family mediation. Children may participate in family mediation at subsequent mediation sessions in the discretion of the family mediator and upon stipulation of both parents. *(Family Code 3180(a); California Rule of Court 5.250(d)(1)(A))*

(Eff. 7/1/12.)

15.14. Children's Participation in Custody Proceedings

a. <u>Applicable Law</u>

This rule is intended to implement Family Code 3042 and CA Rule of Court 5.250. If any portion of this Local Rule is found to be in conflict with state law, the provisions of the state statute or Rule of Court will control.

b. Court to Determine Nature of Child's Participation Prior to Custody Proceeding

Family Code 3042 and CA Rule of Court 5.250 give the court broad discretion to determine whether participation in a custody proceeding is in a child's best interest and, if so, how the child's input should be received. Accordingly:

1. No party or attorney, including court-appointed counsel for a child, shall bring a child to court with the expectation that the child will participate in a custody proceeding ***unless*** the court has previously entered an oral or written order authorizing the child's participation.

2. A party, attorney for a party, evaluator, investigator or mediator who has information that a child wishes to address the court shall inform the court and all other parties at the earliest opportunity using one of the methods described in subsection (c).

c. Procedure for Obtaining Court Order Re Child's Participation in Custody Proceeding

1. A party or attorney may request a court order regarding a child's participation in a custody proceeding by any of the following methods:

A. If the child is at least 14 years of age:

i. If the child is represented by court-appointed counsel, counsel may utilize any of the methods set forth in subsection (B);

ii. The child may ask the judge orally, in open court, or in writing, for an opportunity to address the court regarding custody and visitation issues. If the request is in writing and has not been served on all parties, the court shall ensure that the written request is served on the parties or their attorney[s], and that the parties have an opportunity to respond before ruling on the child's request.

iii. The parties may submit a stipulation signed by all parties or their attorney[s], including the child or court-appointed counsel for the child, setting forth the method by which the child will participate in the custody proceeding and requesting that the court adopt the stipulation as the court order. The court may, in its discretion, set a hearing to

determine if the stipulation is in the child's best interest (CA Rule of Court 2.50(c)(2)).

B. If the child is under age 14:

i. The parties may submit a stipulation signed by all parties or their attorney[s], including, if applicable, court-appointed counsel for the child, setting forth the method by which a child will participate in the custody proceeding and requesting that the court adopt the stipulation as the court order. The court may, in its discretion, set a hearing to determine if the stipulation is in the child's best interest.

ii. A party or his/her attorney may file a noticed Request for Order or an *ex parte* application for a court order determining whether a child may participate in a custody proceeding and the method of such participation.

iii. At the time a custody matter is set for a trial or an evidentiary hearing, any party or his/her attorney of record may make an oral motion that a child participate in the trial or evidentiary hearing. The court may, in its discretion, take any of the following actions in response to the oral motion: (A) After considering argument by all parties, issue an oral ruling on the motion; (B) Continue the matter for hearing; (C) Appoint counsel for the child and continue the matter for hearing; or (D) Take such other steps as the court deems proper.

2. An evaluator, investigator, or mediator who has information that a child wishes to address the court shall promptly inform the court and all parties or their attorney[s] using any method reasonably calculated to provide such notice. Upon receiving information from an evaluator, investigator or mediator that a child wishes to address the court, the court may, in its discretion: (A) Set the matter for hearing; (B) Appoint counsel for the child, or (C) Take such other steps as the court deems proper.

d. <u>Evidentiary Issues</u>

1. If the court decides that a child may be called as a witness in a custody proceeding, the court shall consider and rule upon the issues set forth in CA Rule of Court 2.50(d)(3)-(6).

2. If the parties stipulate or the court orders that a child's input may be received by way of a child interview as set forth in CA Rule of Court 2.50(d)(1)(E)), said stipulation and order shall provide that the court may

receive in evidence a written summary of the child interview or hear the testimony of the professional who conducted the child interview, including statements made by the child during the interview. Except as set forth herein, all other objections to the written summary or testimony are preserved.

(Eff. 7/1/12.)

15.15. Family Law Case Management – Dissolution, Legal Separation, Nullity, Parentage

It is the policy of the Superior Court of Mendocino County to actively manage Dissolution, Legal Separation, Nullity, and/or Parentage cases in order to reduce unnecessary delay and expense, encourage reasonable preparation, and facilitate early settlement.

a. At the time of filing a petition for Dissolution, Legal Separation, Nullity, and/or Parentage, an initial Family Law Case Management Conference will be scheduled by the Court within one hundred eighty (180) days and notice shall be delivered by the clerk to the petitioner at the time that the Petition is filed.

b. A copy of the *Notice of Family Law Case Management Conference* (Local Form MFL-250) must be served on the responding party along with the Summons and Petition, and Proof of Service of thereof shall be filed promptly with the Court.

c. At the request of any party, or upon the Court's motion, any other appropriate contested Family Law matter may be set for a Family Law Case Management Conference.

d. At least fifteen (15) days before the initial Family Law Case Management Conference, all counsel and /or self-represented parties must file and serve on all parties a completed *Family Law Case Status Report* (Local Form MFL-251).

e. At the Family Law Case Management Conference the Court may continue the case for further review/case management or schedule the case for settlement conference and/or trial. If a further review/case management conference is scheduled, the Court may request a supplemental *Family Law Case Status Report* (Local Form MFL-251) to be completed, served, and filed.

f. The Court shall ensure that all Family Law Dissolution, Legal Separation, Nullity, and/or Parentage cases are reviewed at a minimum of at least one hundred eighty (180) days until resolution.

(Eff. 7/1/13.)

CHAPTER 15

APPENDIX

FAMILY LAW RULES

Local Rules for the Mendocino Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address): TELEPHONE NO: FAX NO. (Optional) E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	**FOR COURT USE ONLY**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	HEARING DATE: TIME: DEPT.:

STIPULATION FOR CONTINUANCE OF HEARING OR TRIAL (Family Law)

1. The case is set for hearing, trial and/or settlement conference as follows:

   a. ☐ Hearing is set on *(date):* at *(time):* in Dept.
   b. ☐ Trial is set on *(date):* at *(time):* in Dept.

2. Good cause exists for continuance because *(specify):*

3. Parties are available on the following dates:

   _____ _____

   _____ _____

4. ☐ All parties agree to this stipulation for continuance.

Date:

_____
☐ ATTORNEY FOR ☐ PETITIONER ☐ RESPONDENT

Date:

_____
☐ ATTORNEY FOR ☐ PETITIONER ☐ RESPONDENT

(Adopted for Optional use effective 7/1/09-Form # MFL-145-local)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: FAX NO. (Optional) E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	**FOR COURT USE ONLY**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	☐ Request for Trial ☐ Counter Request

REQUEST FOR TRIAL
(Family Law)

☐ Dissolution ☐ Nullity ☐ Legal Separation ☐ Parentage ☐ Termination of Parental Rights
☐ Other Family Law: _____

1. How long will your trial take (estimate)? _____ Hours/Days (circle one)

2. Check the Issues on which you and the other party disagree or need orders:
   ☐ Child Support ☐ Spousal Support ☐ Arrearages
   ☐ Property Characterization ☐ Property Valuation ☐ Property Valuation Date
   ☐ Property Division ☐ Reimbursement ☐ Date of Separation
   ☐ Attorney's Fees & Costs ☐ Other: _____

3. **Discovery** (getting information about/from the other party) that still needs to be done:
   Has discovery been finished? ☐ Yes ☐ No ☐ Not required/requested in this case
   If no, what discovery still needs to be done? ☐ Interrogatories ☐ Depositions ☐ Document Production
   How long do you think it will take both parties to finish discovery:
   _____

4. Mandatory **Declarations of Disclosure** (Dissolution, Legal Separation and Nullity cases only):
   Petitioner has served Respondent with ☐ Preliminary ☐ Final Declarations of Disclosure
   Respondent has served Petitioner with ☐ Preliminary ☐ Final Declarations of Disclosure
   If financial disclosures have not been exchanged/served, do you need a deadline? ☐ Yes ☐ No

5. Do you want a **Trial on separate issues** (a separate trial for each issue that the parties disagree on)?

   ☐ Yes ☐ No

   If yes, what issues: _____

6. Have you and the other party and/or your attorneys met to discuss settlement? ☐ Yes ☐ No

7. Is the **Department of Child Support Services** involved on the issue of child support? ☐ Yes ☐ No

   If yes, which county? _____ **FSB** Number: _____

   Court case number (if different from this case): _____

8. I am not available on the following dates (specify dates and reason for unavailability):

_____

Date: _____

_____

☐ Attorney ☐ Petitioner ☐ Respondent ☐ Other

I served a copy of the At Issue Memorandum/Request for Trial in a sealed envelope as follows:
a.) Mailed from (City): _____ (State): _____
b.) On (date): _____
c.) To (name and address of the person served): _____

Server's Information:
Name:
Address:
City: _____ State: _____ Zip: _____

(If you are a registered process server):
County of Registration: Registration Number: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

_____ _____
(Type or print name) (Signature of Declarant)

(Adopted for Mandatory use effective 7/1/09- Form #-MFL-143-local)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

☐ **Ukiah Main Courthouse** 100 North State Street Ukiah, CA 95482	☐ **Ten Mile Branch** 700 South Franklin Street Fort Bragg, CA 95437
Protected Party	
EX PARTE REQUEST TO DISMISS RESTRAINING ORDER(S)	**Case No.:**

COMES NOW _____, the PROTECTED PARTY, and requests that the restraining order(s) currently in effect in the above entitled action be dismissed.

Dated:

_____
Signature of Protected Party

(Adopted for Mandatory use effective 1/1/11- Form #-MCV-120-local)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

☐ **Ukiah Main Courthouse** 100 North State Street Ukiah, CA 95482	☐ **Ten Mile Branch** 700 South Franklin Street Fort Bragg, CA 95437
Protected Party	
ORDER GRANTING EX PARTE REQUEST TO DISMISS RESTRAINING ORDER(S)	**Case No.:**

Pursuant to an Ex Parte Request to Dismiss Restraining Order(s), the restraining order(s) currently in effect in the above entitled matter is (are) hereby dismissed.

IT IS SO ORDERED.

Dated:

_____
Judge of Superior Court

(Adopted for Mandatory use effective 1/1/11- Form #-MMC-121-local)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ☐ UKIAH Courthouse, State and Perkins Streets 100 North State Street, Ukiah, CA 95482-0337 ☐ TEN MILE Branch 700 South Franklin Street, Fort Bragg, CA 95437	*For Court Use Only*
Petitioner/Plaintiff: Respondent/Defendant:	
MANDATORY SETTLEMENT CONFERENCE STATEMENT	CASE NUMBER:

I, _____, am the ☐ Petitioner / ☐ Respondent / ☐ Attorney for Petitioner / ☐ Attorney for Respondent in the above entitled matter. Pursuant to Local Rule of Court 15.8, the following information/documents have been prepared and/or filed with the court in preparation of the mandatory Settlement Conference currently set for hearing on _____ at _____ ☐ a.m. ☐ p.m.

Check all that apply *(documents not filed with the court should be attached):*

☐ Income and Expense Declaration (form FL-150):
☐ filed with the court on _____

☐ Declaration re: Property (form FL-160):
☐ attached ☐ filed with the court on _____

☐ Declaration re: Spousal Support (attachment form FL-343):
☐ attached ☐ filed with the court on _____ as attachment to _____

☐ Declaration re: Child Support (attachment form FL-342):
☐ attached ☐ filed with the court on _____ as attachment to _____
☐ DCSS involved: Family Support case number is _____

☐ Declaration re: Visitation as applicable (Parenting Plan or attachment form FL-341):
☐ attached ☐ filed with the court on _____ ☐ as attachment to _____

☐ Declaration re: Attorney Fees:
☐ filed with the court on _____

☐ Proposal for Resolution: ☐ attached ☐ _____

_____

_____

_____

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: _____ _____
Signature

Adopted for Optional use effective 1/1/12-Form #MFL 153-local)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, Address, Phone No.) Attorney for:	*FOR COURT USE ONLY*
☐ UKIAH BRANCH, 100 NORTH STATE STREET, UKIAH, CA 95482 ☐ TEN MILE BRANCH, 700 SOUTH FRANKLIN STREET, FORT BRAGG, CA 95437	
PETITIONER/PLAINTIFF: **RESPONDENT/DEFENDANT:**	
DECLARATION re: NOTICE upon EX PARTE APPLICATION for ORDERS	Case Number _____ Hearing Date: Time: Dep't.:

In most cases, you must notify all parties that you are requesting a court order. This is called "notice". Regardless of how you notice the other side that you are requesting a court order, copies of the documents that you have filed with the court, excluding those for a restraining order, MUST be served on the other party as soon as is reasonably practicable, but in no event later than the time of the hearing set. (Local Rules 8.5; 13.15; 14.4; 15.4)

I, the undersigned, declare:

1) I am the (choose one):
   ☐ attorney for the Petitioner/Plaintiff ☐ attorney for the Respondent/Defendant ☐ attorney for the Child(ren)
   ☐ self-represented Petitioner/Plaintiff ☐ self-represented Respondent/Defendant

2) Pursuant to CRC 3.1203 and 3.1204, I have informed _____ of this ex parte request for
   (name of person you notified)
   _____ and that s/he will
   (type of relief sought)
   have to appear before the court on the above listed date and time if s/he objects to this ex parte request.

3) Notice was given by (check all that apply):
   ☐ **Telephone Notification** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ at _____ a.m. / p.m.
   (date) *(time)*
   ☐ **Personal Delivery** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ at _____ a.m. / p.m.
   (date) *(time)*
   ☐ **First Class Mail** (copy of ex parte application mailed at least 5 days before the ex parte appearance): _____ at _____ a.m. / p.m.
   (date) *(time)*
   at _____
   (address)
   ☐ **Fax Delivery** (copy of ex parte application faxed no later than 10:00 a.m. the court day before the ex parte appearance):
   _____ at _____ a.m. / p.m. at _____ **(attach proof showing fax was received)**.
   (date) *(time)* *(fax number)*
   ☐ **If notice was provided later than 10:00 a.m. the court day before the ex parte appearance, explain why:**
   _____

4) I received the following response to the above notice:
   ☐ See attached written response.
   ☐ Oral response received: _____

5) I **have not** given notice of this request for ex parte orders because:
   ☐ Notice would frustrate the purpose of the orders sought (explain below or in an attachment).
   ☐ Great or irreparable injury will result to me before orders can be issued and/or I fear for my safety (explain below or in an attachment).
   ☐ A good faith effort was made to notify the opposing party but notice was unable to be given (explain notice attempts below).
   ☐ The opposing party agrees to the orders requested.
   ☐ No significant burden or inconvenience to the opposing party will result from the orders requested (explain below or in an attachment).
   ☐ Other (explain): _____

I declare under penalty of perjury that the foregoing is true and correct.
Date: _____ Signed: _____

Adopted for Mandatory use effective 1/1/12-Form #MMC-121-local)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ☐ Ukiah Courthouse 100 North State Street Ukiah, CA 95482-0337 ☐ Ten Mile Branch 700 South Franklin Street Fort Bragg, CA 95437	*For Court Use Only:*
, Petitioner, vs. , Respondent.	
NOTICE OF FAMILY LAW CASE MANAGEMENT CONFERENCE	CASE NUMBER:

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:
Notice is given that a Family Law Case Management Conference has been scheduled as follows:

Date:	**Time:**	**Department:**
Location:		

Pursuant to California Rule of Court § 5.83, the court will make every effort to ensure that this matter is adjudicated timely with just resolution. **All parties must comply with the California Rules of Court.** The court will strictly monitor compliance and **can impose monetary sanctions and/or dismiss this matter** if the parties do not appear, if the parties do not timely file their Family Law Case Status Report, or if the parties fail to follow the rules set forth.

INSTRUCTIONS FOR THE PETITIONER:

1. You must:
   a. **Serve** the Petition and a copy of this Notice of Family Law Case Management Conference on the other party and Proof of Service must be filed promptly with the Court.
   b. **If a responsive pleading is not filed** within thirty (30) calendar days after service of the Petition, **you must file the necessary documents to obtain the default judgment and conclude your case.** The Family Law Case Management Conference will be vacated upon filing of the default judgment and your appearance will not be required.
   c. **If a responsive pleading is filed** within thirty (30) calendar days after service of the petition, **you must file and mail to the other party** a completed Family Law Case Status Report (local form MFL-251) at least fifteen (15) days before the Family Law Case Management Conference. **Appearance at the Family Law Case Management Conference is mandatory.**

INSTRUCTIONS FOR THE RESPONDENT:

1. You must:
   a. **File your Response with the Court within thirty (30) days** after you are served with the Petition and **serve the other party**. Your failure to file a timely response may result in a default being taken against you.
   b. **You must file and mail to the other party** a completed Family Law Case Status Report (local form MFL-251) at least fifteen (15) days before the Family Law Case Management Conference. **Appearance at the Family Law Case Management Conference is mandatory.**

If you need assistance you may contact the Family Law Facilitator or the Self-Help Legal Access (SHLA) Center; both are located at the Ukiah Courthouse. Forms can be obtained from the Superior Court Clerk's Office, the Family Law Facilitator, the Self-Help Legal Access (SHLA) Center, or the Court's website at www.mendocino.courts.ca.gov.

Dated: _____ CHRISTOPHER D. RUHL, Clerk

_____
Deputy Clerk

(Adopted for Mandatory use effective 7/1/13- Form #-MFL-250-local)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ☐ Ukiah Courthouse 100 North State Street Ukiah, CA 95482-0337 ☐ Ten Mile Branch 700 South Franklin Street Fort Bragg, CA 95437	*For Court Use Only:*
, Petitioner, vs. , Respondent.	
FAMILY LAW CASE STATUS REPORT	CASE NUMBER:

Use this form to the let the Court know the status of your Family Law case.

1) **Reconciled:** Have the parties reconciled?
   - ☐ No
   - ☐ Yes, please dismiss the case
   - ☐ We are seeing if we can reconcile. Please put the case on hold for: ☐ 3 months ☐ 6 months

2) **Service:**
   - ☐ Respondent has been served. Date of service: _____
   - ☐ I need more time for service
   - ☐ I can not find Respondent. I will request an order for service by publication or posting by submitting an *Application for Order for Publication and Posting* and an *Order for Publication or Posting* (Judicial Council forms FL-980 and FL-982).

3) **Default:** If it has been more than 30 days since the Respondent was served, have you filed the *Request to Enter Default* (Judicial Council form FL-165)?
   - ☐ Yes. Judgment will be filed on or before _____
   - ☐ No. Why not?
     - ☐ Response filed.
     - ☐ We are working together to settle the case and/or are in mediation.
     - ☐ I have given the Respondent more time to file a Response.
     - ☐ Other: _____

4) **Settled:** Has the case settled?
   - ☐ No
   - ☐ Yes. Judgment will be filed on or before _____

5) **Issues:** What are the things you do not have an agreement about:
   - ☐ Child Custody and Visitation ☐ Child Support ☐ Spousal Support
   - ☐ Dividing Assets/Debts ☐ Attorney's Fees and Costs
   - ☐ Other: _____

(Adopted for Mandatory use effective 7/1/13 – Form #-MF:-251-local)

6) **Family Mediation:** Have the parties gone to Family Mediation *(for cases involving child custody and/or visitation)*?

- ☐ No
- ☐ Yes
- ☐ Not applicable

7) **Parenting Apart Workshop:** Have the parties attended/completed the Parenting Apart Workshop *(for cases involving child custody and/or visitation)*?

Petitioner:

- ☐ No
- ☐ Yes – date completed: _____
- ☐ Not applicable

Respondent:

- ☐ No
- ☐ Yes – date completed: _____
- ☐ Not applicable

8) **Exchange of Information** *(for Dissolution or Legal Separation only)***:**

Were the Preliminary Declarations of Disclosure (Judicial Council form FL-141) served?

Petitioner: ☐ No ☐ Yes

Respondent: ☐ No ☐ Yes

9) **Case Progress** *(check all applicable boxes)***:**

- ☐ The case is moving along fine.
- ☐ I do not know what to do next.
- ☐ I need more time to work out an agreement.
- ☐ I need more time because of financial issues (i.e. selling house, bankruptcy, etc.).
- ☐ I need more time because of my health or the other person's health.
- ☐ Other reason(s) for not moving forward with this matter: _____

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ _____
Petitioner

Date: _____ _____
Respondent

CHAPTER 16 – JUVENILE COURT RULES

These local rules are intended to supplement State statutes which are principally found in the Welfare and Institutions Code. In addition, they supplement the California Rules of Court relating to juvenile court matters (see Cal. Rules of Court, rules 5.501-5.830) *(Eff. as rules 1400 – 1497 1/1/99; Amended eff. 7/1/05; Renumbered and amended eff. 1/1/07.)*

To the extent that any of these rules conflict with either State statute or California Rules of Court, the local rule is of no legal effect.

These rules cover juvenile court law, but not juvenile traffic hearings or traffic hearing appeals.

For the authority for the creation of these rules see California Rules of Court, rule 5.501.

These rules adopt the rule of construction and the severability of clauses in California Rules of Court, rule 5.501.

16.1 Judicial Administration

There shall be one presiding judge of the juvenile court. The presiding judge shall be selected by the presiding judge of the Superior Court. *(Eff. 1/1/99.)*

16.2 Noticed Motions and Requests to Place Matter on Calendar

No noticed motion shall be accepted by the clerk for filing unless it is accompanied by a proof of service.

No request to place a matter on calendar, except a request to set a detention hearing, will be accepted by the clerk or placed on calendar, unless the request is submitted in writing not less than 48 hours prior to the requested hearing date. Any request submitted less than 48 hours prior to the requested hearing date, other than a request for a detention hearing, shall be accompanied by an order shortening time.

(Eff. 1/1/99; As amended eff. 7/1/04.)

16.3 Pre-hearing Discovery

a. **Timely Disclosure of Informal Discovery**
Pre-hearing discovery shall be conducted informally. Except as protected by privilege, all relevant material shall be disclosed in a timely fashion to all parties to the litigation, In re Jose Z. (1970) 3 Cal.3d 797, California Rules of Court, rule 3.850.

b. Pre-hearing discovery in delinquency matters shall be conducted in accordance with Penal Code 1054 et seq. & CRC 5.546.

c. **Discovery Motions**
Only after all informal means have been exhausted may a party petition the court for discovery. Any noticed motion shall state the relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information. The motion shall be served on all parties at least five (5) judicial days before the hearing date. The date for the hearing shall be obtained from the clerk of the department hearing juvenile matters. Any responsive papers shall be filed and served two (2) judicial days prior to the hearing.

d. **Civil Discovery**
There shall be no depositions, interrogatories, subpoenas of juvenile records or other similar types of civil discovery without approval of a judge of the juvenile court upon noticed motion.

e. **Requests for Transcripts**
In any juvenile case a party requesting a reporter's transcript shall apply in writing to the judicial officer who heard the matter in question.

(Eff. as rule 1620 1/1/99; Amended eff. 7/1/04; Renumbered eff. 1/1/07; As amended 1/1/07; Renumbered to 3.850 1/1/10.)

16.4 Ex Parte Orders

a. **Application for Ex Parte Order; Declaration**
An ex parte order will be issued only if the application is accompanied by a declaration adequate to support its issuance. Ordinarily, an ex parte order will not be issued unless one of the following conditions exist:

1. Notice was given to all counsel, social workers, probation officers, child advocates, and parents who are not represented by counsel so that party might oppose the application;
2. It clearly appears in the declaration that giving notice would frustrate the purpose of the proposed order;
3. The applicant or the child would suffer an irreparable injury before the other parties could be heard in opposition; or,
4. It appears by declaration that no significant burden or inconvenience will result to the adverse parties.

b. The party requesting the ex parte order may apply to the clerk in the juvenile department where the matter would normally be heard for a time to submit the request.

c. The party requesting the ex parte orders must inform the judge that notice has been given by submitting a "Declaration Re Notice of Ex Parte Application". The Declaration shall state the names of the persons to whom notice was given, the

manner of giving notice, that the persons were given a copy of the application or notice of its content, and the time that the matter would be submitted to the court, and if notice was not given to any person entitled thereto, the reason that such notice was not given. The original declaration and accompanying Application for Order must be submitted to the court clerk in the juvenile department where the matter would normally be heard.

(Eff. 1/1/99; As amended eff. 7/1/07.)

16.5 Attendance at Hearings (Cal. Rules of Court, rule 1610)

a. Unless excused by the court, each party and attorney shall attend each scheduled juvenile court hearing.

b. All children are entitled to attend court hearings. Every child four years or older shall be told of his or her right to attend court hearings by his or her attorney and his or her probation officer/social worker. If the child is present, the judicial officer hearing the case may view and speak with the child.

(Eff. 1/1/99; As amended eff. 7/1/05.)

16.6 Pretrial Conference (No Statute) (No Court Rule)

Pretrial Conferences shall be held prior to every contested hearing, unless expressly deemed unnecessary by the judicial officer setting the contested hearing. Settlement of the case will be discussed at the pretrial conference. *(Eff. 1/1/199; As amended eff. 7/1/04.)*

16.7 Access to Courtroom by Non-Parties (Welfare and Institutions Code, sections 345, 346, 676)

Unless specifically permitted by statute, juvenile court proceedings are confidential and shall not be open to the general public.

The court encourages interested persons to attend juvenile proceedings in order to better understand the workings of the juvenile court. The court retains the discretion to determine in each case whether any such interested party shall remain in the courtroom.

The court or its agent shall remind each such nonparty that the name(s) of parties or identifying information from any case are confidential and should not be repeated to anyone outside of the court.

(Eff. 1/1/99; As amended eff. 7/1/04.)

Former Rule 16.8 Release of Information Relating to Juveniles (Welfare and Institutions sections 827, 828; Cal. Rules of Court, rule 5.552) (Repealed) *(Eff. 1/1/99; Subdivision (f) eff. 1/1/99; Rule 16.8 (b)(1) and (b)(2) repealed eff. 7/1/04; Title Amended eff. 7/1/04; Subdivision. (e) amended eff. 7/1/04; Amended eff. 7/1/05; Repealed eff. 1/1/10.)*

Former Rule 16.9 Release of Information Relating to Juveniles by Law Enforcement (Repealed) *(Eff. 1/1/99; Repealed eff. 1/1/10.)*

16.8 Informal Exchange of Juvenile Records (Renumbered)

A. For the purpose of this rule, "juvenile records" include those records described in CA Rule of Court 5.552, and all records maintained by the juvenile division of the Mendocino County Probation Department ("Probation") and the Child Protective Services division of the Mendocino County Department of Social Services ("CPS"), even if the Departments' contacts with a child or the child's family are informal and juvenile court proceedings are not instituted. *(T.N.G. vs. Superior Court* (1971) 4C.3d 767, 780-781*)*

B. Except as provided in subsection (C) all requests for inspection and disclosure of juvenile records shall be governed by the procedures set forth in W&I 827, CA Rules of Court 5.552, and Local Rule 16.8.

C. Notwithstanding the policy that juvenile records should remain confidential, the law recognizes that it is in the best interest of children that exceptions to confidentiality be made so that persons investigating or working with children and their families may obtain complete, prompt and accurate information concerning the child and the family *(See, e.g.,* W&I 827(a)(1)(J), (K)*)*

The court hereby finds that a limited and informal disclosure of juvenile records by Probation and Child Protective Services to the agencies, individuals and organizations listed below on a "need to know" basis will benefit children and their families by avoiding duplication of investigative efforts, and by allowing the agencies, individuals and organizations who work with, treat, or make recommendations regarding children and their families to promptly access relevant information. This process will benefit the court by ensuring that agencies, individuals and organizations who work with children and families have prompt access to all information which may be relevant in determining what is in a child's best interest. The public interest in achieving these goals outweighs the confidentiality interests reflected in W&I 827 and 10850, et.seq., and establishes good cause for this rule.

1. Child Protective Services and Probation may provide verbal information regarding, allow inspection of, or provide copies of, relevant juvenile records to the following agencies, persons and organizations on an "as needed" basis:

   a. Probation;

b. Child Protective Services;
c. Facilitators of Child Protective Services parenting programs, including but not limited to, the Intake Support Group and the Family Empowerment Group;
d. Mendocino County Mental Health Services, or any private psychologist, psychiatrist, or mental health professional ordered by the Juvenile Court to examine or treat any child who falls within the jurisdiction of the juvenile court, and his or her parent or guardian;
e. Foster Family Agencies;
f. Any hospital where a child is an inpatient for psychiatric reasons, for the purpose of treatment or discharge planning;
g. Redwood Coast Regional Center;
h. Any sexual abuse treatment program or victims' group to which a child or his or her parent or guardian is referred for treatment by the Juvenile Court;
i. Any substance abuse treatment provider, including but not limited to the Mendocino County Alcohol and Other Drugs Program (AODP), to which a child or his or her parent or guardian is referred to for treatment by the Juvenile Court;
j. Victim/Witness coordinators for the State of California Victims of Crime Programs;
k. Any domestic violence and/or anger management treatment program to which a child or his or her parent or guardian is referred to for treatment by the Juvenile Court;
l. The designated trial representative or the Indian Child Welfare Worker for any federally recognized Native American Indian tribes located in Mendocino County;
m. A judge or commissioner assigned to a family law case with issues concerning custody or visitation;
n. The family court mediator or court-appointed evaluator conducting an assessment or evaluation of child custody, visitation or guardianship for the family or Juvenile Court;
o. The Mendocino County Victim Offender Reconciliation Program (VORP).

2. Any disclosure or exchange of information authorized by subsection (c) of this rule shall be subject to the following conditions:

a. A request for information exchange of Juvenile Records shall be prepared on form JVMC-3 (Appendix, form 3)

b. Probation and Child Protective Services shall first establish to the agency's satisfaction that the party requesting the juvenile records is in fact a member of an agency or organization, described in

subsection (c) of this rule, or is an individual authorized to receive the information;

c. Information identifying the reporting party or source of referral shall be redacted prior to disclosure of juvenile records, and shall remain confidential as required by law (Penal Code 11167, 11167.5);

d. If an agency, person or organization which has received juvenile records pursuant to this rule desires to disclose the information to a third party, it shall make a written application to the Juvenile Court for permission to disclose such information pursuant to W&I 827 and CA Rule of Court 5.552;

e. Juvenile Records obtained pursuant to this rule shall be used exclusively in the investigation and/or treatment conducted the agency, organization or person described in subsection (c), and in any Juvenile or Family Court proceedings following the investigation or treatment;

f. Nothing in this rule is intended to limit any disclosure of information by an agency which is otherwise required or permitted by law.

3. If Probation or Child Protective Services receives a request for disclosure of juvenile records which it deems to fall outside the scope of informal disclosure authorized by this rule, the agency shall deny the request and refer the requesting party to the provisions of W&I 827, CA Rule of Court 5.552 and Local Rule 16.8.

(Eff. as Rule 1423; Renumbered as 5.552 and amended eff. 1/1/07; Rule 16.10 renumbered eff. 1/1/10.) (Eff. 1/1/99; Title: Chapter 16.10 Juvenile and Family Courts Exchange of Information amended eff.7/1/05; As amended eff. 7/1/05.).

16.9 Medical Issues

a. **Standing Order Permitting Health Assessments, and Treatment of Temporarily Detained Minors.** *(Subdivision (a) as amended eff. 7/1/05.)*
In order that children detained by the Mendocino County Probation Department and Department of Social Services, Child Protective Services temporary holding facilities (i.e., Children's Shelter, Juvenile Hall, Juvenile Rehabilitation Facilities, Emergency Foster Homes, and alternative shelter programs) receive necessary care of their physical and mental health, and do not endanger the health and welfare of other persons in these facilities, the Mendocino County Community Clinic, and/or the Mendocino County Department of Mental Health, Mental Health Facility are hereby authorized to provide the following services to all such juveniles, which services follow the "Statement of Committee on Adolescence of

the American Academy of Pediatrics, Health Care for Children and Adolescence in Detention Centers, Jails, Lock-ups, and other Court Sponsored Residential Facilities":

1. A comprehensive health assessment and physical examination.
2. Any clinical laboratory tests the physician determines are necessary for the evaluation of the child's health status.
3. Upon consent of the adolescent, sexually active adolescents may be screened for venereal disease. Contraceptive devices may be furnished to any juvenile upon the minor's request.
4. Any immunization necessary to bring a child's immunization up to date, if immunization records are unavailable , any immunizations recommended by the American Academy of Pediatrics for that child's age.
5. Any routine medical care required based on the results of the comprehensive health assessment, and any routine medical care required for the care of illness and injury, including the use of standard x-rays. Routine medical care as referred to above includes: (*Subdivision 5(a), (b) and (c) repealed eff. 7/1/05.)*
6. A mental health status evaluation and necessary mental health services except no placement in an inpatient psychiatric facility shall occur without compliance with Welfare and Institutions Code section 319.1, 635.1 and 5150 et seq.
7. A dental assessment, including x-rays when appropriate, and any routine dental treatment required based on the results of the dental assessment.

b. At the time of admission to the temporary holding facility all reasonable efforts should be made to obtain the consent of the parent or legal guardian for non-routine medical care while the child is temporarily detained or placed out-of-home. In the event said consent cannot be obtained (e.g. parent or guardian is not available to given consent), the social worker or probation officer shall request a court order for any non-routine health care. *(Subd. (b) adopted eff. 7/1/04.)*

c. **Authorization for Use of Psychotropic Medication (Welfare and Institutions Code section 369.5)**
All requests for authorization for use of psychotropic medication for children who are wards or dependents of the juvenile court shall be on Judicial Council form JV220, Application for Order for Psychotropic Medication – Juvenile, and shall comply in all respects with Welfare and Institutions Code section 369.5.

(Eff. 1/1/99; Amended eff. 7/1/05; Renumbered eff. 1/1/10.)

16.10 (Repealed 2004) *(Eff. 1/1/99; Repealed eff. 7/1/04.)*

16.11 (Repealed 2004) *(Eff. 1/1/99; Repealed eff. 7/1/04.)*

16.12 Inspection of Law Enforcement Holding Facilities

Pursuant to Welfare and Institutions Code section 209 the Juvenile Court Judge or the Juvenile Justice Commission shall conduct an annual inspection of the Juvenile Hall and all law enforcement facilities in Mendocino County, which contain a lockup for adults which, in the preceding year, was used for the secure detention of a minor. *(Eff. 1/1/99; Title amended eff. 7/1/04; As amended eff. 7/1/04.)*

16.13 (Repealed 2004) *(Eff. 1/1/99; Chapter 16 Juvenile Rules, Rule 16.15 De Facto Parents/Relations/Interested Persons repealed eff. 7/1/04.)*

16.14 Motion to Challenge Legal Sufficiency of Dependency Petition

In any dependency proceeding, the court may entertain a legal challenge to the petition's sufficiency by a motion akin to a demurrer. Such a motion may be made in writing or orally, but must be made as early in the proceedings as possible.

The court may rule on the motion at the hearing at which it is made, or may continue the hearing on the motion to another date in order to receive points and authorities from counsel.

If the court sustains the motion, the court may grant leave to amend the pleadings in the petition upon any terms as may be just and shall fix the time within which the amendment or amended petition shall be filed within the statutory time for the hearing on jurisdiction. *In re Fred J* (1979) 89 Cal.App.3d 168; Code of Civil Procedure section 472(a).

(Eff. 1/1/99; Title: Chapter 16.16 Motion to Challenge Legal sufficiency of Petition amended eff. 7/1/04; As amended eff. 7/1/04.)

16.15 (Repealed 2004) *(Eff. 1/1/99; Chapter 16, Juvenile Rules, Rule 16.17 Presentation of Evidence repealed eff. 7/1/04.)*

16.16 Paternity Findings (Cal. Rules of Court, Rule 3.822)

a. **Determination of Issue (Welfare and Institutions Code section 726.5)**
(Subdivision. (a) As amended eff. 7/1/04);
The issue of the paternity of a child may be determined in the context of a juvenile court proceeding.

b. **Necessary Court Measures**
If a person claims to be the natural/biological father of a child who is the subject of juvenile court proceedings, the court may take such measures as are necessary to make a paternity finding.

c. **Right to Counsel/Legal Responsibilities**
In any paternity proceeding arising under this rule the court shall inform the mother and the person claiming to be father of their right to be separately represented by counsel on the issue of paternity. The court shall advise the person

claiming to be father of his legal responsibilities should he be found to be the natural father of the minor, including the obligation to pay child support and the possibility he may be incarcerated if he willfully fails to pay child support after being legally ordered to do so.

d. **Evidence or Testimony**
The court shall permit such evidence to be taken as necessary to determine the paternity of the child. Testimony from the mother and the person claiming to be the natural father may be sufficient to make a paternity finding. If the mother or the person claiming to be father is absent from the court proceeding, evidence in addition to testimony from those in attendance will normally be necessary to enable the court to make a paternity finding.

e. **Scientific Testing**
The court may order blood or other scientific tests if it believes such tests will assist in making a paternity finding. The court shall determine which party or parties shall pay for any such test.

f. **Release of Findings/Need to Know**
Any paternity finding shall be noted in the clerk's minutes and shall be available to any person or agency having a need to know upon request.

(Eff. as rule 1612(m) 1/1/99; Renumbered and amended eff. 1/1/07; As amended eff. 1/1/09.)

16.17 Representation of Parties (Welfare and Institutions Code section 317-318, CRC 5.660, 5.663

a. **General Competency Requirement** *(Sub. (a) adopted eff. 7/1/05.)*
All court-appointed attorneys appearing in juvenile court must meet the minimum standards of competence set forth in California Rules of Court 5.660. Each attorney who wishes to accept appointments in juvenile court shall submit a summary of his or her qualifications to practice in juvenile court on competency form JVMC-1 (Appendix, Form 1). The Presiding Judge of the Juvenile Court shall review the competency form prior to appointing an attorney to represent a party in Juvenile Court.

b. **Continuing Education** *(Sub. (b) adopted eff. 7/1/05.)*
Each court-appointed attorney who practices before the Juvenile Dependency Court shall complete within every three (3) year period at least twelve (12) hours of continuing education related to dependency proceedings. A minimum of four (4) hours of training in each three-year period shall be devoted to issues of domestic violence, sexual abuse of children and/or substance abuse.

c. **Standards of Representation**

(1). Attorneys are expected to meet regularly with clients, including clients who are children, regardless of the age of the child or the child's ability to communicate verbally, to contact social workers, probation officers and other professionals associated with the client's case, to work with other counsel and the court to resolve disputed aspects of a case without contested hearing, and to adhere to the mandated timelines. The attorney for the child must have sufficient contact with the child to establish and maintain an adequate and professional attorney-client relationship. The attorney for the child is not required to assume the responsibilities of a social worker or probation officer and is not expected to perform services for the child that are unrelated to the child's legal representation.

(2). Complaints about Court-Appointed Attorneys

(a) Any Party to a juvenile proceeding may lodge a written complaint with the Court concerning the performance of his/her appointed attorney as follows:

i. Complaints or questions shall initially be referred to that attorney's supervisor within the agency, association or law firm appointed to represent the client.

ii. If the issue remains unresolved or if there is no designated agency, association or law firm, the party may submit a written complaint to the Court in which the matter is pending on Complaint Form JVMC-2 (Appendix, Form 2). The Court shall conduct a prompt review of the complaint or question. That review may include a hearing in-chambers. The Court may take any appropriate action required, including relieving counsel and appointing new counsel and/or holding a formal hearing on the matter.

(b) In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged by the child or on the child's behalf by the social worker, a caretaker, a relative, a foster parent, or a child advocate.

(c) **Special duties of Children's Attorneys**

1. Unless otherwise specified by the judicial officer hearing a juvenile matter, an attorney appointed to represent a child shall serve as the Child Abuse Prevention and Treatment Act ("CAPTA") guardian ad litem for the child. (W&I 326.5).

2. Independent Investigation. An attorney for a child in a dependency proceeding shall make an independent investigation pursuant to Welfare and Institutions Code section 317(e). If the minor is four years or older, the

independent investigation shall include an interview with the minor. If the results of said investigation vary from the information in the Social Worker's report the attorney shall file a report or declaration prior to the scheduled court hearing summarizing the result of his or her investigation.

3. Access to Children in Welfare and Institutions section 300, Proceedings

   a. No party or attorney in a dependency proceeding shall interview the child about the events relating to the allegations in the petition(s) on file without permission of the child's attorney or court order.

   b. No party or attorney in a dependency proceeding shall cause the minor to undergo a physical, medical or mental health examination or evaluation without court approval. Each party shall have the right to notice and to be heard on the person to be selected to perform medical or mental health evaluations other than medical examinations per Welfare and Institutions Code section 324.5. *(Subd. (b)(2) amended, merged with subd. (b)(3) eff. 7/1/04.)*

   c. This rule does not apply to the investigating probation officer or investigating social worker. *(Subd. (3) renumbered eff. 7/1/05.)*

   d. **Caseloads for Children's Attorneys**
   Court appointed attorneys for children shall notify the Presiding Judge of the Juvenile Court when their caseload exceeds 140 cases (sibling groups shall constitute 1 "case" for the purpose of this rule). Upon receiving such notification, the Presiding Judge of the Juvenile Court shall take steps to assure that the attorney is able to meet minimum standards of attorney performance.

(Eff. as Rule 1479 1/1/99; Title: Chapter 16.19 Representation of Minors amended eff. 7/1/04; Rule 5.663 amended and renumbered eff. 1/1/07; adopted as rule 1479; (Rule 5.660 amended and renumbered effective 1/1/07; adopted as rule 1438) As amended eff. 1/1/09.)

16.18 Modifications of Orders (Welfare and Institutions Code section 386-388, 775-779)

a. **Previous Order** *(Eff. as subd. (c) 1/1/99; Subd. (a) as amended eff.7/1/04.)*

Any request order to change, modify or set aside a previous order of the juvenile court must comply with Welfare and Institutions Code sections 386-388, 775-779).

b. **Decrease in Visitation by Parent/Party** *(Eff. as subd. (d) 1/1/99; Subd. (b) as amended eff. 7/1/04.)*
Any significant decrease from the court-ordered level of a parent's/party's level of visitation shall be presented to the affected parent/party for comment before being submitted to the court. The court may set a hearing on the issue after hearing the parent's/party's comment on the proposed reduction.

c. **Vacations Out of Mendocino County** *(Eff. as subd. (e) 1/1/99; Subd. (c) as amended eff. 7/1/04.)*
Permission for a dependent or ward's custodian to take the child out of Mendocino County for a vacation may be submitted directly to the court for approval. Any attempts to notify the parents shall be indicated in the application.

d. **New Service Plan Requirements** *(Eff. as subd. (f) 1/1/99; Subd. (d) as amended eff. 7/1/04.)*
Any significant changes or additions to the court ordered Family Reunification or Family Maintenance service plan for parents/guardians shall be submitted to the parents and/or their attorney for approval before implementation. A parent who disagrees with the new requirements may request a hearing with the court on the matter.

(Eff. 1/1/99; Chapter 16.20 Modification of Orders subd. (a) (b) repealed eff. 7/1/04; Title: Chapter 16.20 Modification of Orders amended eff. 7/1/04.)

16.19 Creation of a Family Court Order in Juvenile Court

a. **Petition for Dismissal**
Whenever any interested party believes that juvenile court intervention on behalf of the child is no longer necessary, application may be made to the juvenile court pursuant to Welfare and Institutions Code section 388 or at any regularly scheduled hearing to have the case dismissed. Thereafter, any future litigation relating to the custody, visitation and control of the child shall be heard in the family court or other appropriate superior court civil department.

b. **Juvenile Court Custodial Order** *(Amended eff. 7/1/04; As amended eff. 1/1/09.)*
If the juvenile court determines that jurisdiction of the juvenile court is no longer necessary for the protection of the child, the court may create a custodial order (JV-200) consistent with the needs of the child and thereafter dismiss the juvenile petition and case (Welfare & Institutions Code section 361.2, 362.4). Any party may object to the proposed dismissal and be heard on the issues.

c. **Maintenance of Orders in Court Files**

1. **Juvenile Court**
The original court order shall be filed in the family court or civil file and endorsed copies shall be filed in the juvenile court file. A copy of the endorsed-filed order shall be mailed to the attorneys and parties.

2. **Superior Court**
If no court order exists in the family court or other superior court division or in any other jurisdiction, the court clerk shall create a file under the names of the child's parents. The file shall contain a copy of the juvenile court order. There shall be no filing fee. Welfare and Institutions Code section 362.4.

(Eff. 1/1/99)

16.20 Guardians Ad Litem

a. **For Children** *(Subd. (a) & (a)(1) as amended eff. 7/1/04.)*
All children who are the subject of juvenile court proceedings shall have a guardian ad litem appointed to represent them. Unless otherwise stated by the court, the child's attorney shall serve as the guardian ad litem. (Welfare & Institutions Code section 326.5).

b. **For Parents** *(Subd. (b) as amended eff. 7/1/04.)*
The court may appoint a guardian ad litem to represent an incompetent parent or guardian whose child is before the juvenile court pursuant to a dependency petition (Welfare & Institutions Code section 300, et seq.). The parent or guardian shall be entitled to a hearing on the issue of whether a guardian ad litem shall be appointed.

c. **Notice to Guardian ad Litem, Access to Records, Rights to Appear**
In all proceedings the guardian ad litem shall be given the same notice as any party. The guardian ad litem shall have the same access to all records relating to the case as would any party. The guardian ad litem shall have the right to appear at all hearings.

(Eff. 1/1/99; Chapter 16, Juvenile Rules, Rule 16.22 Guardian ad Litem, subd. (a)(2) & (3) repealed effective 7/1/04; subd. (c)(2) & (3) adopted as subd. (c)(1) eff. 7/1/04; adopted effective 1/1/99; As amended eff. 1/1/10.)

16.21 (Repealed 2004) *(Eff. 1/1/99; Chapter 16, Juvenile Rules, Rule 16.23 Local Rules Relating to Child Advocates repealed eff. 7/1/04.)*

16.22 Restitution Determination Procedures (W&I 730.6, 742)

a. In any juvenile delinquency disposition where the Probation Department does not have sufficient information at the time of disposition to make a specific recommendation as to the amount of restitution to the victim that may be ordered pursuant to Welfare and Institutions Code section 730.6(a)(2)(B), the following procedure will apply:

1. The disposition report prepared by Probation should request that a date be set in approximately 60 days for a restitution hearing.
2. The Probation Department shall investigate the matter and prepare a restitution recommendation report that addresses:

    a. the value of stolen or damaged property;
    b. medical expenses;
    c. lost wages or profits due to injury;
    d. lost wage or profits due to time spent as a witness or assisting the police or District Attorney; and
    e. the names of any co-responsible persons.

3. The restitution report shall be submitted to the court and both counsel at least five (5) days prior to the scheduled hearing. The documentation upon which the Probation Officer relies in making the restitution recommendation shall be forwarded with the report to the District Attorney and minor's counsel, but not to the court.

b. On the date set for the restitution hearing, the matter will be called on the record in the presence of counsel for both parties. If either the minor or the minor's parent/guardian is not present, counsel for the minor shall inform the court whether those persons indicated that they did or did not wish to be present for the hearing.

c. If the matter is set for an evidentiary hearing after the Probation Department has made a recommendation for a specific amount of restitution, the burden to produce witnesses and the burden of proof by a preponderance of the evidence that the recommended amount is excessive shall be on the minor.

d. After a restitution order is issued by the court, the Probation Officer shall notify the victim within 60 days of the following:

1. The name and address of the minor.
2. The amount and terms of restitution ordered.
3. The offenses that were sustained.
4. The name and address of the parent/guardian of the minor.
5. The applicability of Civil Code sections 1714.1 and 1714.3 regarding joint and several liability of the parent/guardian.

6. Whether the minor's parents received proper notice of the proceedings and potential liability.
7. The victim's right to a certified copy of the order reflecting items 1-6 above.
8. The victim's right to enforce the restitution order as a civil judgment pursuant to section 730.6(r) and Penal Code section 1214.

e. Thereafter, prior to hearing any motion to modify the restitution order, all parties and the victim shall be notified at least ten (10) days prior to the hearing date, as required by section 730.6(h).

(Eff. 7/1/05.)

16.23 Interviewing Minors Who Are Alleged Victims of Child Abuse

All investigators, including agencies and law enforcement personnel, attorneys and child advocates, shall attempt to minimize the number of interviews of a child relating to the events surrounding the alleged child abuse. To this end anyone wishing to learn facts about the alleged incident shall first review the comprehensive interview taken by the investigating officer. *(Eff. 7/1/05.)*

16.24 Court Appointed Special Advocate Program (CASA)

a. **Adoption of CASA Program**

1. The court hereby adopts the guidelines for the Court Appointed Special Advocate Program (CASA) as more particularly set forth in Welfare and Institutions Code Sections 100 through 109, inclusive, and Rule 5.655 of the California Rule of Court.

2. The CASA Program shall report regularly to the presiding judge of the Juvenile court with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocate Association and the California State Guidelines for child advocates.

b. **Release of Information to CASA**

1. To accomplish the appointment of a CASA, the judge, commissioner or referee making the appointment shall sign an order granting the CASA 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.

2. The CASA shall have the same legal right to records relating to the child he or she is appointed to represent as any case manager (social worker or

probation officer) regarding records pertaining to the child held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The CASA shall present a copy of his or her appointment order together with his or her identification to provider to gain access to the requested information. No consent from the parent or guardian is necessary for the CASA to have access to any records relating to the child.

c. **Right to Timely Notice and Right to Appear**

1. Whenever any motion is made, or a supplemental or subsequent petition filed, concerning the child for whom the CASA has been appointed, the moving party shall provide the CASA with timely notice.

2. A CASA shall have the right to be present and be heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings. A CASA is not a party to the dependency proceedings. However, the court, at its discretion, shall have the authority to grant the CASA *amicus curiae* status, which includes the right to appear with counsel.

d. **Calendar Priority**

In light of the fact that CASAs are rendering a volunteer service to children and the court, matters on which they appear should be granted priority on the court's calendar whenever possible.

e. **CASA Reports**

CASA reports shall be filed with the court at least three (3) court days prior to the hearing. The CASA program shall provide a copy of the report to all counsel of record at least three (3) court days before the hearing.

(Eff. 7/1/13.)

CHAPTER 16

APPENDIX

JUVENILE COURT RULES

Local Rules for the Mendocino Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	**FOR COURT USE ONLY**
TELEPHONE NO: FAX NO. (Optional) E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	HEARING DATE: TIME: DEPT.:

CERTIFICATION OF ATTORNEY COMPETENCY

I, _____, am an Attorney at law licensed to
Name Office Address Telephone Number
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 California Rules of Court, rule 5.660, and local rule 16.19 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)

Course Title Date Completed Hours Provider

_____

_____

_____

Summary of Juvenile Dependence Experience:

Dated: _____ _____
Signature

In RE:
Case No: _____

Certification of Attorney Competency
Dated: _____

MJV-100-local *Adopted for Mandatory use effective 7/1/05)*

Application submitted by: (Name and Address) Name: _____ Street Address: _____ City, State, Zip Code: _____ Telephone No. _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO Street Address: 100 North State Street City and Zip Code: Ukiah, CA 95482 Branch Name: SITTING AS THE JUVENILE COURT	
Child's Name:	CASE NUMBER:
COMPLAINT ABOUT PERFORMANCE OF COURT APPOINTED ATTORNEY	

Name of applicant:	
Relationship to the minor(s):	
Attorney's Name:	

The specific reasons for my complaint are: (must be typewritten or printed legibly)
I am requesting the following:

Attach separate page if needed.

Dated: _____ _____

Signature

Any complaint must be submitted on this form or at least have this form as a cover page to the application. The application must be filed at the Superior Court, 100 North State Street, Ukiah, California – Room 108.

(Adopted for Optional use effective 7/1/05-Form # MJV-101-local)

Application submitted by: (Name and Address) Name: _____ Street Address: _____ City, State, Zip Code: _____ Telephone No. _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO Street Address: 100 North State Street City and Zip Code: Ukiah, CA 95482 Branch Name: SITTING AS THE JUVENILE COURT	
Child's Name:	CASE NUMBER:
DECLARATION: INFORMAL EXCHANGE OF JUVENILE RECORDS (Welf. & Inst. §827, Rule of Court 5.552)	

I, _____, do hereby declare:

1. **That I am a person described in Mendocino County Local rule of Court 16.10(c), specifically, _____**

2. That I am requesting to view and copy juvenile records, as described on the attached page, concerning the above-named child/minor currently in the possession of the:

   Juvenile Court Probation Dept. Dept. of Social Services Court-Appointed Special Advocate Family Court Services

3. That I certify that I am requesting these records for use in my official capacity and that I will not disseminate any portion of the records released to me or information relating to their contents, other than to other persons or agencies described in S.O. 99-021 and that no portion of those records and no information relating to the contents of those records shall be made attachments to any other documents without the prior approval of the presiding Judge of the Juvenile Court, unless they are used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

I declare under penalty of perjury that the above is true and correct.

Executed this _____ Day of _____ in Ukiah, California.

Signature: _____

(Rule 5.552 amended and renumbered effective 1/1/07; adopted as rule 1423; amended effective 7/1/05; adopted effective 1/1/99.).
Title: Application for Juvenile Court Records amended effective 7/1/05, adopted effective 1/1/99.

(Adopted for Mandatory use effective 1/1/99 –Form #MJV-102-local)
JVMC-3

CHAPTER 17 – SMALL CLAIMS

17.1 Small Claims Procedures (Repealed) *(Eff. 1/1/99; Rule 17.1 repealed eff. 7/1/08.)*

17.2 Continuances (Repealed) *(Eff. 1/1/99; Rule 17.2 repealed eff. 7/1/08.)*

CHAPTER 18 – TRAFFIC RULES

18.1. Traffic Filings

The Clerk's Office, Traffic Division, is responsible for all traffic and non-traffic infractions. *(Eff. 1/1/99.)*

Former Rule 18.2 Pretrial Appearances (Repealed) *(Eff. 1/1/99; Amended eff. 7/1/08; Rule 18.2 repealed eff. 1/1/10.)*

18.2. Counter Arraignments (Repealed) *(Eff. as rule 18.3 1/1/99; Amended eff. 7/1/08; Renumbered eff. 1/1/10; Rule 18.2 repealed eff. 1/1/16.)*

Former Rule 18.3 Counter Arraignments (Renumbered) *(Eff. 1/1/99; Amended eff. 7/1/08; Rule 18.3 repealed eff. 1/1/10.)*

18.3. Continuance Policy

On or before the due date, the clerk may grant a continuance of not more than ninety (90) calendar days.

After a case has been continued up to the ninety (90) days, any request for a continuance must be made to a judicial officer.

(Eff. as rule 18.4 1/1/99; Amended eff 7/1/08; Renumbered as rule 18.3 1/1/10; Amended eff. 1/1/11; As amended 1/1/12.)

Former Rule 18.4 Continuance Policy (Renumbered)

18.4. Traffic School

The court may accept attendance at a certified traffic school as grounds for a masked conviction from their public driving record.

In addition to the eligibility criteria established pursuant to California Rules of Court, rule 4.104, traffic school may be authorized by the clerk without further referral to a judicial officer if the defendant has not attended traffic school within the last eighteen (18) months and the speed is violation of 25 miles or less over the posted speed limit.

An administrative fee shall be collected as a prerequisite to attendance or authorization of traffic school.

(Eff. as rule 851 1/1/99; Renumbered 4.104 as rule 18.7 and amended eff. 1/1/07; Renumbered as 18.4 eff. 1/1/10; As amended 1/1/12.)

18.5. Trial Procedures (Repealed) *(Eff. 1/1/99; Rule 18.5 repealed eff. 1/1/10.)*

18.6. Appeals (Repealed) *(Eff. as rules 180-189 1/1/99; Amended eff. 7/1/04; Renumbered rules 8.780-8.791 and amended eff. 1/1/07; Rule 18.6 repealed eff. 1/1/10.)*

18.7. Traffic School (Renumbered)

18.8. Trial by Declaration (Repealed) *(Eff. 1/1/99; Amended eff. 7/1/04; Rule 18.8 repealed eff. 1/1/10.)*

18.9. Trial by Declaration

The Court adopts the trial by declaration process defined in Vehicle Code § 40902. Additionally, pursuant to Vehicle Code § 40903, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the code. In eligible cases the Court will conduct the trial in absentia and it will be adjudicated on the basis of the notice to appear issued pursuant to Vehicle Code § 40500 and any business record or receipt, sworn declaration of the arresting officer, or written statement or letter signed by the defendant that is in the file at the time the trial by declaration is conducted.

If there is a guilty finding, the conviction shall be reported to the DMV and the defendant notified of the disposition of the case, the amount of imposed fines, and fees, and the defendant's right to request a trial de novo within a specified period of time. If there is no timely request for a trial de novo and the fines and fees are not paid by the due date, the case will proceed to civil assessment pursuant to Penal Code § 1214.1. Additionally, the DMV will be notified of the failure to pay pursuant to Vehicle Code § 40509.5(b), which can result in a suspension of the defendant's driver's license pursuant to Vehicle Code § 13365(a)(2) until all obligations to the Court are satisfied.

(Eff. 7/1/12.)

CHAPTER 19 – FEES OF ATTORNEYS, INVESTIGATORS AND EXPERTS

19.1 Attorney's Fees in Cases Involving Claims of Minors, Insane or Incompetent Persons

Counsel fees in excess of the following schedule ordinarily will not be considered reasonable in actions compromised under section 372 of the Code of Civil Procedure or section 3500 of the Probate Code:

a. Recovery two weeks or earlier prior to trial date first assigned case: 25% of net amount received.

b. Recovery later than two weeks prior to trial date first assigned case or during trial: 33 1/3% of net amount recovered.

c. Recovery after filing of respondent's brief on appeal or after affirmance: 40% of net amount recovered.

In computing fees the court will require parents claiming reimbursement for medical expenses, etc., to pay their proportionate share of the counsel fees except in cases of hardship. Reasonable costs incurred that were paid by counsel and are itemized and accompanied by appropriate vouchers or other supporting evidence will be allowed except they will not be included in the amount of the recovery on which fees are computed.

(Eff. 1/1/99; As amended eff. 1/1/09.)

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

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

a. Default Action on a Note or Contract (exclusive of costs):

25% of the first $1,000 with a minimum of $150
20% of the next $4,000
15% of the next $5,000
10% of the next $10,000
5% of the next $30,000
2% of the amount of $50,000

In an action upon contract providing for attorney's fees, the clerk shall include in the judgment attorney's fees in accordance with this schedule, not to exceed the amount paid for.

a. **Contested Action on Note or Contract**

The same amount as computed under subparagraph (a) increased by such reasonable compensation computed on an hourly or per day basis for any additional research, general preparation, trial or other services as may be allowed by the court.

b. **Foreclosure of Mortgage or Deed of Trust**
The same amount as computed under subparagraph (a) or (b) increased by 10%.

c. **Foreclosure of Assessment or Bond Lien Relating to a Public Improvement**
The same amount as computed under subdivision (a) or (b), except that the minimum fee shall be $75 in an action involving one assessment or bond, and an additional $20 for each additional assessment or bond being foreclosed in the same action.

(Eff. 1/1/99; Amended eff. 7/1/08; As amended eff. 1/1/09.)

19.3 Attorney's Fees in Guardianship and Conservatorship Proceedings

Attorneys for guardians or conservators are compensated according to the work actually performed. The size of the estate corpus and the responsibility assumed by the attorney are only two of the factors considered in arriving at the value of the services. Application for attorney's fees must be accompanied by a complete statement of the facts upon which the application is based, including a detailed statement of the amount of time devoted to each component of the services and must specify the amount requested for each item of services. *(Eff. 1/1/99; As amended eff. 1/1/09.)*

19.4 Attorney's Fees and Representative's Fees for Extraordinary Services in Probate Proceedings or in any Matter Defined in the Probate Code for Which a Statutory Fee is not Established

a. In evaluating the justification for an award of fees for extraordinary services or other services referred to herein, the court will take into consideration the statutory fee and consider whether it constitutes adequate compensation for all of the services rendered by the attorney or representative.

b. Notwithstanding the principles stated in the foregoing paragraph (a) extraordinary compensation will be paid when requested for the following services:

1. Preparation of fiduciary tax returns and resolution of problems arising from the audit of such returns. Payments made to accountants or to other tax preparers for such services and charged to the estate must be set forth in the request for extraordinary compensation and subtracted from the amount requested.

2. Sales of property without a broker.

c. Subject to the principles stated in the foregoing paragraph (a), compensation for extraordinary services will be considered in the following situations:

1. Litigation on behalf of the estate;
2. Operating or selling a business;
3. Sales of estate property;
4. Performance of any act resulting in extraordinary benefit to the estate or requiring an extraordinary expenditure of time or display of confidence.

d. Application for fees for extraordinary services will not be considered unless the title of the petition and the notice of hearing include a reference to the request. The prayer shall set forth the specific amount of the request.

e. An application for compensation for extraordinary services or any other services for which a fee is requested other than ordinary services shall specify:

1. Date rendered;
2. Services rendered in detail;
3. Hours spent on ordinary services;
4. Hours spent on extraordinary services;
5. Hourly rate;
6. Total amount requested

(Eff. 1/1/99.)

19.5 Fees of Guardians and Conservators

Amount factors to be considered in determining the compensation allowable to guardians and conservators are:

a. The gross income of the estate;

b. The success or failure of administration of the guardian or conservator;

c. Any unusual skill or experience which the guardian or conservator in question may have brought to his work;

d. The fidelity or disloyalty displayed by the guardian or conservator;

e. The amount of risk and responsibility assumed by the guardian or conservator in carrying out such duties;

f. The time consumed by the guardian or conservator in carrying out such duties;

g. The custom in the community as to charges exacted by trust companies and banks;

h. The character of the work done in the course of administration whether routine or involving skill and judgment;

i. Any estimate which the guardian or conservator has given of the value of the guardian or conservator's own services (Estate of Nazro, (1971) 15 Cal.App.3rd218).

(Eff. 1/1/99.)

19.5.1 Fees to be Paid for Guardianship or Conservatorship Investigations

In Guardianship and Conservatorship matters, the Court shall assess a fee as reimbursement for court expenses incurred for any investigations or review conducted by the Court Investigator in any guardianship or conservatorship case.

Subject to determination by the Court of ability to pay, the fees shall be as follows:

a. Conservatorship investigation or review:	$400
b. Guardianship investigations:	$500
c. Guardianship reviews:	$200

(Effective 7/1/16.)

19.6 Notices

Before any order for the payment of fees is made there shall be filed with the court proof that all parties entitled to notice have been given notice of filing the petition for payment of fees and a copy of the petition requesting such fees. *(Eff. 1/1/99.)*

19.7 Fees and Commission Must be Fixed by Court Prior to Payment

There is no authority for the payment of any fees or commissions in decedent's estates, guardianships or conservatorships in advance of a court order authorizing the same. Representatives will be surcharged interest to the date of any order authorizing such payment unless in the case of a decedent's estate the written consent of the residuary beneficiaries is filed with the court and the amounts paid are reasonable and proper. *(Eff. 1/1/99.)*

19.8 Court Appointed Attorneys: Standards of Experience and Allowable Fees and Expenses

The following procedure shall be used in fixing fees allowable to attorneys appointed by the superior court to represent individuals who are unable to employ counsel and who cannot be represented by the public defender or the appointment conflicts firms or attorneys who are employed by the public defender or appointment conflicts firm, but who are to be separately paid in accordance with this rule.

a. **Application for Fees**

1. The court shall allow attorney's fees and costs for services rendered and expenditures made by counsel properly appointed in criminal, juvenile or other matters while such matters are pending before the superior court. Travel expenses must be pre-approved by the court.
2. Application for the payment for such fees and costs in misdemeanor or delinquency proceedings shall ordinarily be made at the time of the final superior court disposition of the proceeding in which court appointed counsel served, but in no event shall such application be presented more than 30 days thereafter. Pretrial interim application for fees may be made in cases involving the death penalty or life without the possibility of parole, or in exceptionally complex or lengthy cases upon special application; provided, however, that no pretrial interim authorization for fees shall exceed the sum of $3,000 per month, plus expenses, for lead counsel and $1,500 per month, plus expenses, for associate counsel, such funding limitations to be imposed as an average for the claim period.
3. Attorneys in dependency cases, shall bill the Administrative Office of the Courts monthly for fees and costs, and in any event, not later than 10 days from the end of the month.
4. Application for fees and costs shall be made by written declaration in a form to be approved by this court, itemizing the legal services rendered, the amount of time devoted to the case and the expenses incurred.
5. Application for fees and costs shall be submitted to the court executive officer or designee for subsequent approval by the department in which the case has been pending.
6. The court will allow a reasonable fee in consideration of the nature and complexity of the case and the degree of skill and effort required of counsel.

b. **Categories of Charged Crimes or Other Matters**

1. **Class 1:** All homicides, whether capital or non-capital, and all offenses having a maximum sentence of life without possibility of parole, or in the discretion of the court, an aggregate state prison sentence of 30 years or more.
2. **Class 2:** All crimes for which the upper term of punishment is five years or more, but less than Class 1.
3. **Class 3:** All other felonies, misdemeanors, juvenile matters and all civil matters including probate, guardianship and family law.

c. **Minimum Experience Requirements for Appointed Attorneys**

1. **Class 1:** Certified criminal law specialist or equivalent.

2. **Class 2:** Five years' experience as an attorney, with a substantial part of such experience in criminal law.
3. **Class 3:** All attorneys.
   Upon proper showing, a person may be eligible for a class by virtue of showing of equivalent experience as determined by the presiding judge.

d. **Fee Schedule**
All attorneys, as a condition to becoming eligible for appointments, shall agree to handle all cases to which they are appointed on a fee basis. The court will adopt a fee schedule separate and apart from the court rules. Said schedule will be reviewed and adjusted annually, or as necessary.

1. Regardless of the fee schedule set forth, if an attorney believes that the case is of such a special or unusual nature that it is not possible to render services in accord with the maximum fee schedule, he/she must file a declaration declaring the reasons for that conclusion. Upon such written application, a reasonable fee in excess of the limits set forth in this schedule may be established by the judge presiding in the case.
2. Except as set forth in paragraph (4) below, attorneys shall not receive extra compensation for normal operating expenses such as mileage, photocopies and long distance telephone calls; extra compensation will be allowed for such expenses as fees for investigators and expert witnesses in accordance with these rules.
3. In all cases, the final fees allowed shall be determined by reference to the nature and complexity of the case and the degree of skill and effort required in handling the matter. Fee claims will be adjusted in accordance with the standard.
4. In the event that an attorney appointed by this court must appear in court of another county on a case transferred from this court, the attorney shall be entitled to reasonable travel and living expenses necessarily incurred in connection with his/her appearance in the court of the other county. Unless the appointed attorney obtains permission in writing from the presiding judge in advance, the attorney shall travel by private automobile and shall be reimbursed for necessary mileage at the rate allowed by the County of Mendocino at the time of the travel. In no event shall the attorney seek payment of fees for the time spent by the attorney while traveling. Living expenses for each such attorney will be allowed at the rate established by the State Board of Control Rules.

Any request for reimbursement of travel or living expenses shall be made by written declaration and submitted to the court executive officer who shall review such requests and recommend payment in appropriate cases to the presiding judge. All requests for such reimbursement shall include a complete inventory of costs and expenses with all applicable receipts attached.

(Eff. 1/1/99; Amended eff. 7/1/99; Amended eff. 1/1/09; As amended eff. 1/1/10.)

19.9 Investigation Fees and Expenses

a. **License**
Each investigator shall provide the court executive officer with a true copy of his or her most recent license and a list of all employees who are authorized to work there under.

b. **Work Performed**
Each billing shall clearly identify what work was performed by what person. If work was performed by more than one person, some symbol shall be used to identify the hours actually worked and the tasks actually performed by each individual.

c. **Time to Submit Billing**
The investigator shall not submit a billing until his or her work on the case has been concluded unless time worked covers more than one fiscal year; but, in no event shall such billing be presented more than 30 days thereafter. However, in unusual cases involving many hours of investigative work, the court may authorize interim billings, provided that such authorization is obtained in advance.

Where the court authorizes interim billings, each bill shall identify the period of time that it covers and shall be identified by a serial number (e.g. "Interim Billing No. 3").

d. **Order of Appointment; Further Authorization**
Each order appointing an investigator shall provide a blank space for the judge to insert a dollar limit for the services to be provided. When this authorization or "cap" is exhausted, further authorization must be obtained from the court before billings in excess of the original amount will be paid. This authorization must be obtained in advance. When an attorney or investigator requests an order authorizing additional investigative time, the request shall be accompanied by detailed statement of the work performed up to that time. This detailed statement will not be treated as a billing unless the court has granted authorization for interim billing.

e. **Meals; Lodging**
The court will not reimburse for meals or lodging unless advance approval has been obtained.

f. **Application for Fees and Expenses**
An application for investigation fees and expenses shall be made in writing by the assigned counsel and not the investigator as follows:

1. To the judge of the department to which the case has been assigned;
2. To the judge of the department to which the matter has been referred pursuant to Penal Code section 987.9;
3. In all other cases to the presiding judge.

g. **Amount of Fees**

1. **Cases Other Than Capital or Life Sentence Cases**
The initial application shall not exceed the sum of $3,000. Additional applications may be made upon a showing that further investigation is necessary in an amount not to exceed $1,500 per application.
2. **Capital and Life Sentence Cases**
Application for fees in capital cases shall be governed by the provisions of Penal Code section 987.9 and is upon a declaration by the appointed counsel. The initial application for capital and life sentence cases shall not exceed $5,000. Additional application may be made upon a showing that further investigation is necessary in an amount not to exceed $2,500 per application.
3. **All Cases**
In no event shall the court grant fees or expenses not reasonably justified by the nature of the case as supported by written declaration by the assigned counsel. This rule will be strictly enforced. The declaration shall specify the nature and purpose of the proposed investigation and shall contain an estimate of the fees and expenses involved. The court will consider for payment long distance telephone calls and reasonable time spent in writing reports. Unusual or extraordinary requests shall be justified in detail. The court will not authorize payment without specific prior approval for:
   A. Transportation services;
   B. Clerical work;
   C. Courtroom observation;
   D. Defendant services, i.e. haircuts, shopping, mail services, etc.

All billings shall contain a detailed and specific statement of services actually rendered. Time shall be billed in increments of 1/10 hour (see sample billing, Appendix A). The following types of services shall be separately stated:

- Travel time;
- Time spent interviewing witnesses;
- Time spent in conference with attorneys;
- Time spent reviewing reports or other documents;
- Time spent in measuring, diagramming or photographing scenes, locations, persons and objects;
- Time spent researching public records or in obtaining documents or other information.

Ordinarily, the court will not approve payment of time spent in locating a defendant in a criminal case, a minor in a 602 juvenile case or a parent in a 300 juvenile matter. It is the duty of such persons to remain in contact with their attorneys and investigators.

Double billing for travel and similar expenses is prohibited (for example, an investigator traveling to a location to work on more than one case; the investigator shall bill only once for travel and related expenses).

The court will not approve payment of excessive time spent in conference with attorneys, fellow investigators or with the defendant. The billing must set forth a detailed explanation of the need for such conference time before the court will consider payment.

An investigator who wishes to bill for time spent with an attorney in court must obtain approval of the court before spending such time in court. The court will not approve payment for time spent with an attorney in court, unless there has been such prior approval.

In all criminal and juvenile cases, investigators' billings will be treated as confidential, will be placed in sealed envelopes and will be made available only to the court and authorized staff.

The court will not appoint investigators employed by the same firm to represent multiple defendants in criminal cases or different parties in a single juvenile case due to the potential for conflicts of interest.

An investigator has the duty to disclose fully in writing any payment or other compensation received from any source other than the court for services rendered in connection with any case in which the investigator has been appointed.

h. **Order for Payments**
The order for investigation fees and expenses shall be in the form set forth in a form approved by this court. All orders for payment shall include in the caption an accumulative total of all payments to date. Subsequent orders shall not include any expenses prior to the last order submitted.

i. **Maximum Rates for Investigative Services**
Claims for investigative services authorized pursuant to this rule shall be paid at the rate established by a general order of the court. General orders are on file in the office of the court executive officer.

j. **Submission of Claims**
Claims for investigation fees and expenses shall be made on a form approved by the courts to which must be attached a copy of the court order awarding fees and a detailed accounting of all claimed fees and expenses.

The claim shall first be submitted to the court executive office for approval.

(Eff. 1/1/99; As amended eff. 1/1/09.)

19.10 Non-Psychiatric Expert Fees and Expenses

a. **Application for Expert Fees and Expenses**

Application for non-psychiatric expert fees and expenses shall be made in writing as follows:

1. To the judge of the department to which the case has been assigned;
2. To the judge of the department to which the matters have been referred pursuant to Penal Code section 987.9;
3. In all other cases to the presiding judge.

b. **Amount of Fees**
In no event shall the court grant fees or expenses not reasonably justified by the nature of the case as supported by the written declaration. The written declaration shall specify the nature, purpose and materiality of the proposed expert services and shall contain an estimate of the fees and expenses involved including the proposed expert's hourly fees for court work and for courtroom testimony. The name of the expert to be retained and a brief statement of qualification shall also be included or attached. Unusual or extraordinary requests shall be justified in detail.

c. **Order for Fees and Expenses**
The order for expert fees and expenses shall be on a form approved by this court.

d. **Maximum Rates for Expert Services and Testimony**
Claims for expert services authorized pursuant to this rule shall not exceed the amounts approved by the court.

e. **Submission of Claims**
Claims for expert fees and expenses shall be made on a form approved by this court to which must be attached a copy of the court order awarding fees and a detailed accounting of all claimed fees and expenses. The claim shall be submitted to the court executive officer for subsequent approval by the department which authorized the expenditure specified in paragraph (a) of this rule.

(Eff. 1/1/99.)

19.11 Claim for Payment

Court appointed attorneys, investigators and expert witnesses shall submit a County of Mendocino "Claim" form in order to receive payment for services rendered. Each person seeking payment must complete and submit a claim substantially in the form set forth in Appendix 3 to Rule 19.

a. **Order of Appointment by Court**
Before payment may be processed, an endorsed copy of the order appointing the claimant must be attached to the claim form.

b. **Submission for signature**
Each claim for payment should be submitted to the Superior Court Accounting Department, who will submit the claim for signature to the judge who made the appointment. Once the judge signs the order statement, the claim will be processed by the court executive officer or designee.

c. **Time Limit for Submitting Claims**
Attorneys, investigators and expert witnesses appointed by the court shall file a claim for payment no more than thirty (30) days after rendering their services. Claims submitted beyond forty-five (45) days will require a separate declaration explaining to the court that the delay was unavoidable. Consistent failure to provide timely claims will be considered by the court in future appointments. Claims submitted forty-five (45) days beyond a fiscal year will not be honored.

(Eff. 1/1/99; Amended eff. 7/1/07; As amended eff. 1/1/09.)

CHAPTER 19

APPENDIX

FEES FOR ATTORNEYS & INVESTIGATORS

CHAPTER 19

FEES OF ATTORNEYS, INVESTIGATORS AND EXPERTS

CLAIM INSTRUCTIONS

1. **Claims for Payment**. Court appointed attorneys, investigators and expert witnesses shall submit a court approved claim form in order to receive payment for services rendered on a monthly basis.

   a. **Completion of Claim**. Each person seeking payment must complete the form as follows:

      1. Name and address of claimant
      2. Signature of claimant
      3. Case name and number
      4. Invoice number

      In the body of the form, the claimant shall provide the following order statement:

      "It is hereby ordered that the above named person be compensated for the total due for services rendered and costs incurred in the sum of $_____.

      Dated: _____ _____
      Judge of the Superior Court"

   b. **Order of Appointment by Court**. Before payment may be processed, an endorsed copy of the order appointing the claimant must be attached to the claim form.

   c. **Submission for Signature**. Each claim for payment should be submitted to the court accountant, who will submit the claim for signature to the judge who made the appointment. Once the judge signs the order statement, the claim will be processed by the court accountant.

   d. **Time Limit for Submitting Claims**. Attorneys, investigators and expert witnesses appointed by the court shall file a claim for payment no more than thirty (30) days after rendering their services. Claims submitted beyond forty-five (45) days will require a separate declaration explaining to the court that the delay was unavoidable. Claims submitted forty-five (45) days beyond the fiscal year end may not be paid.

Consistent failure to provide timely claims will be considered by the court in future appointments.

(Amended effective 1/1/12; amended effective 1/1/09: amended effective 7/1/04; adopted effective 1/1/99.)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: FAX NO. (Optional) E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	**FOR COURT USE ONLY**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	**CASE NUMBER:** _____ **HEARING DATE:** **TIME:** **DEPT.:**
	REQUIRED: HIGHEST UPPER TERM FOR ANY SINGLE COUNT _____

CLAIM FORM

NAME AND ADDRESS OF VENDOR

_____

_____

_____

_____

Invoice No.

I hereby certify that the service and costs described in the attached invoice have been performed and incurred on the dates set forth and that no prior claim has been made for the same.

_____

Signature of Claimant

It is hereby ordered that the above named person be compensated for the total due for services rendered and costs incurred in the sum of $_____.

Dated: _____ _____

Judge of the Superior Court

(Amended effective 1/1/12; amended effective 7/1/09; amended effective 1/1/09; amended effective 7/1/04;
Adopted for Mandatory use effective 1/1/99 – Form # - MMC-131-local.)

Invoice No. _____

SAMPLE BILLING

PERIOD OF BILLING: 6/1/98 through 8/4/98

WORK DONE BY: S. Holmes, P.I.; and T. Sleuth, Assistant.

(IF AUTHORIZED IN ADVANCE): INTERIM BILLING NO. 1

Date	Services Rendered	Hours
1/5/91	Initial conference w/Atty Rumpole	0.5
	Reviewed arrest reports	1.2
1/6/91	Travel to/from Covelo	2.5
	Interviewed witness Garcia	1.0
	Interviewed witness Azbill	0.2
1/7/91	Atty conference to discuss results of witness interviews	0.6
	Local travel to interview witnesses	0.3
	Interviewed witness Byrd at jail, Ukiah	1.5
1/15/91	Reviewed supplemental police report	0.2
	Additional conference w/Atty Rumpole (JUSTIFICATION: To discuss witnesses' testimony at upcoming PX)	1.3
1/22/91	Local travel (by T.S.)	0.2
	Photo/diagram crime scene (T.S.)	2.5
2/5/91	Travel, Ukiah/Covelo round-trip	2.5
	Subpoena wit's Garcia and Azbill (T.S.)	0.9
2/15/91	Time spent waiting to testify and in testifying at PX (T.S.)	2.5
	TOTAL HOURS BILLED:	**19.9**

19.9 HOURS AT $30/HOUR:	**$597.00**

EXPENSES:

Mileage, 2 round-trips to Covelo (240 miles); local travel (16 miles) 256 miles @ $0.30/mile	$76.80
Negatives and prints, camera store (receipt attached)	$19.95
TOTAL BILLING:	**$693.75**

CERTIFICATION

I hereby certify as follows:

1. The attached statement is true and correct and all services described therein were actually performed by myself and my assistant, T. Sleuth, as noted therein.

2. I have received no compensation for such services from any other source.

I declare under penalty of perjury that the foregoing is true and correct and that this certificate was executed at Ukiah, California on, _____.

_____
S. Holmes, P.I.

(Amended effective 1/1/09; amended effective 7/1/04; adopted effective 1/1/99.)

SUPERIOR COURT OF CALIFORNIA COUNTY OF MENDOCINO		*For Court Use Only*
☐ UKIAH Courthouse 100 North State Street Ukiah, CA 95482-0337	☐ TEN MILE Branch 700 South Franklin Street Fort Bragg, CA 95437	
In the matter of the Guardianship of:		
ORDER for PAYMENT of GUARDIANSHIP INVESTIGATION FEES		CASE NUMBER:

Pursuant to Probate Code § 1513.1 and Local Rule 19.5.1,

☐ based on a financial assessment,

☐ following a hearing on _____,

IT IS SO ORDERED:

1) ☐ Expenses incurred for the: ☐ investigation or ☐ review conducted in this matter by the Court Investigator shall be paid to the Clerk of the Court as follows:

a. ☐ Parent *(name)*: _____ Amount: $_____
Parent *(name)*: _____ Amount: $_____

b. ☐ Guardian *(name)*: _____ Amount: $_____
Guardian *(name)*: _____ Amount: $_____

c. ☐ Estate of the ward Amount: $_____

2) ☐ Expenses incurred for the: ☐ investigation or ☐ review are waived based on the Court's determination that the assessment of any part of the $500.00 fee ($200 for review) would impose a hardship on the ward or the ward's estate.

Dated: _____

_____
Judge of the Superior Court of Mendocino County

cc: ☐ Christine Flynn, Probate Guardianship Investigator
☐ _____
☐ _____
☐ _____
☐ _____

MPB-152 (rev 01/06/16)

CHAPTER 20 – COURT REPORTERS AND INTERPRETERS

20.1 Court Reporters

An official court reporter shall only be provided to report the following court proceedings:

a. Felony criminal proceedings (including preliminary hearings, other pretrial motions, and court or jury trials)

b. Juvenile proceedings

c. Any court proceeding when ordered by the court

d. Any other proceeding when a party requests a court reporter in accordance with rule 20.2 of the Local Rules

(Eff. 1/1/99; Amended eff. 7/1/09; Amended eff. 1/1/12; Amended eff. 7/1/12; As amended eff. 1/1/13.)

20.2 Requests for Court Reporter

a. Each party in any civil, family law or probate case must file a written request not less than 48 hours before the hearing date indicating whether the party requests the presence of an official court reporter. As used in this rule, "civil case" means all matters other than criminal and juvenile matters (*California Rule of Court 2.956(e)(1)*). The written request for court reporter may be made on optional local form MMC-140 and must be served on all parties.

b. All parties shall deposit their pro rata share of the fee assessed for the official court reporter's services by mail or at the public counter as soon as possible, but not later than the conclusion of each day' court session (*Government Code 68086(a)(2)*).

c. If an official court reporter is not available on the hearing date, the clerk will notify the parties as soon as possible. Any party may thereafter arrange for a certified shorthand reporter to serve as an official pro tem reporter at that party's expense *(California Rule of Court 2.956(b)(3),(c)*).

(Eff. as rule 891 1/1/99; Renumbered eff 1/1/07; Amended eff. 1/1/07; Amended eff. 7/1/08; Amended eff. 1/1/07; Amended eff. 1/1/09; Amended eff. 1/1/12; As amended eff. 7/1/12.)

20.3 Reporter Fees – Civil Proceedings

Upon receipt of a written request for an Official Court Reporter pursuant to Local Rule 20.2, a fee of $30.00 shall be charged for the cost of the services of an Official Court Reporter for

proceedings lasting less than one hour. For each proceeding lasting more than one hour, a fee equal to the actual cost of providing that service shall be charged, on a pro rata basis, per one-half day to the requesting party on the first and each succeeding judicial day those services are provided. *(Eff. 1/1/99; Amended eff 7/1/08; Amended eff 1/1/12; As amended eff. 1/1/13.)*

20.4 List of Approved Interpreters

The court executive officer shall maintain for public examination a list of court approved interpreters and their particular languages. 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 this court shall require. *(Eff. 1/1/99.)*

20.5 Requests for Interpreters; Deposit of Fees

In civil cases a party who requests an interpreter shall at least ten (10) court days before the date of trial or hearing notify the court executive officer in writing of such request and of the particular language needed and shall pay to the clerk of the court one day's fee. Thereafter one day's fees shall be advanced to the interpreter before the commencement of each day's proceedings. Failure by a party to make such a written request to the court executive officer or to advance such fee to the clerk shall be deemed 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. 1/1/99.)*

20.6 Fee of Interpreter

Except as otherwise provided by order of the court the per diem fee for interpreters shall be the maximum amount allowable by statute at the time the interpreter services are provided. *(Eff. 1/1/99.)*

20.7 Forfeiture of Fee Deposit

In a civil case in which a party requests an interpreter and thereafter withdraws such request, the party shall pay one day's fee to the interpreter unless; (1) the party notifies the court executive officer at least forty-eight (48) hours in advance of the date of trial or hearing that the services of the interpreter will not be required; or (2) the interpreter has a similar service to perform at that time in some other proceeding. *(Eff. 1/1/99.)*

20.8 Court Interpreters – Criminal and Juvenile Matters

a. **Notice to the Court**
In adult criminal matters, the court shall be notified in writing no less than three (3) court days prior to a hearing that the services of an interpreter is needed. Said notice shall be directed to the court executive officer. It shall include the court number, type of interpreter and whether the service is for a parent, witness, defendant or child.

b. **Responsibility for Notice**
The attorney for the People (District Attorney or Attorney General) is responsible to provide the notice for all criminal defendants. The party 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 matters and the child protective services shall make notice for juvenile dependency matters. Said notice on juvenile matters shall be made prior to filing the petition.

(Eff. 1/1/99.)

20.9 Use of Electronic Recording

a. Pursuant to Gov. Code §69957, electronic recording may be used in the following types of proceedings, when an official reporter is unavailable: infractions, misdemeanors, limited jurisdiction civil matters, and small claims.

b. In an appeal from a limited civil case in which the proceedings were officially recorded electronically in accordance with CRC 8.835, the original recording or a copy prepared by the court may be transmitted as the record of oral proceedings without being transcribed in lieu of a reporter's transcript or settled statement, pursuant to CRC 8.837(d)(6)(A). The trial judge will not order that a transcript be prepared as the record of the oral proceedings. (See CRC 8.837(d)(6)(B).)

c. In an appeal from a misdemeanor case in which the proceedings were officially recorded electronically in accordance with CRC 8.868, the original recording or a copy prepared by the court may be transmitted as the record of oral proceedings without being transcribed in lieu of a reporter's transcript of settled statement, pursuant to CRC 8.869(d)(6)(A). The trial judge will not order that a transcript be prepared as the record of the oral proceedings. (See CRCR 8.869(d)(6)(B).)

d. In an appeal from an infraction case in which the proceedings were officially recorded electronically in accordance with CRC 8.917, the original recording or a copy prepared by the court may be transmitted as the record of oral proceedings without being transcribed in lieu of a reporter's transcript or settled statement, pursuant to CRC 8.916(d)(6)(A). The trial judge will not order that a transcript be prepared as the record of the oral proceedings. (See CRC 8.916(d)(6)(B).)

(Eff. 1/1/13.)

CHAPTER 20

APPENDIX

COURT REPORTERS AND INTERPRETERS

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Address, Telephone & SB Number)	
Attorney for: SUPERIOR COURT OF CALIFORNIA COUNTY OF MENDOCINO 100 N. STATE STREET, UKIAH, CA 95482 700 S. FRANKLIN ST. FORT BRAGG, CA 95437	
CASE NAME:	CASE NUMBER:
REQUEST FOR COURT REPORTER	

Date of Hearing: Time: Courtroom:

Pursuant to Rule 20.2, Local Rules of the Mendocino County Superior Court and Rule 2.956(b)(3), Cal. Rules of Court, an Official Court Reporter is hereby requested for the above-referenced proceeding. I understand that it will be my responsibility to provide and to pay for the services of a private court reporter at this proceeding if the services of an official court reporter are not available.

_____ _____

Dated Signature

Original – case file Copy – Requesting party Copy – Interpreter Coordinator

(Adopted for Optional use effective 7/1/12 – Form # MMC-140 – local)

CHAPTER 21 - TRIAL JURY SERVICES

21.1 Jury Commissioner Duties

The court hereby delegates to the Jury Commissioner on a continuing basis and subject to further order of the court the court's authority granted pursuant to section 196 of the Code of Civil Procedure. Whenever the business of the courts shall require 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 trials for which juries are required. *(Eff. 1/1/99.)*

21.2 Jury Services

Jury service, unless excused by law, is a responsibility of citizenship. It is the court's obligation to employ all necessary and appropriate means to assure that citizens fulfill this important civic function. *(Eff. 1/1/99.)*

21.3 Court Policy

The court recognizes that jury duty should not impose an undue hardship and in selecting prospective jurors the court guided by the following principles:

a. No class or category of persons should be automatically excluded from jury duty except as provided by law.

b. A statutory exemption from jury service should be granted only when the eligible person claims it.

c. Deferring jury service should be preferred to excusing a prospective juror for a temporary or marginal hardship.

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

(Eff. 1/1/99.)

21.4 Requests to be Excused

All requests to be excused from jury service that are granted for undue hardship should be in writing from the prospective juror, reduced to writing, or placed on the court's records. The prospective juror should support the request with facts specifying the hardship and a statement why the circumstances constituting the undue hardship cannot be avoided by deferring the prospective juror's service. *(Eff. 1/1/99.)*

21.5 Grounds Constituting Undue Hardship

The policy adopted pursuant to rule 21.3 of the Local Rules should specifically provide that an excuse on the ground of undue hardship may be granted for any of the following reasons:

a. No reasonable available means of transportation.

b. Excessive travel distance to the court.

c. Extreme financial burden.

d. Undue risk of material injury or destruction of property.

e. Undue risk of mental or physical harm.

f. The prospective juror's services are immediately needed for the protection of public health and safety.

g. Personal obligations to provide essential care to others.

(Eff. 1/1/99.)

21.6 Prior Jury Service

A prospective juror who has served on a grand or trial jury or was summoned and appeared for jury service in any state or federal court during the immediately preceding 12 months, or any longer period as the court determines appropriate, should be excused from service on request. *(Eff. 1/1/99.)*

21.7 Failure to Appear for Jury Duty When Summoned

A prospective juror, who fails to appear for jury duty when summoned, or otherwise contact the court, shall be immediately resummoned and provided with a new appearance date. Any prospective trial juror who has been resummoned for service, and fails to attend upon the court as directed or to respond to the court or jury commissioner and to be excused from attendance, may be attached and compelled to attend; and following an order to show cause hearing, the court may find the prospective juror in contempt of court, punishable by fine, incarceration, or both, as otherwise provided by law. *(Eff. 1/1/99.)*

21.8 Releasing Names and Addresses of Jurors

The jury commissioner will release the names and addresses of prospective or trial jurors only upon authorization of the trial or presiding judge, and presentation of a signed court order releasing said information. *(Eff. 1/1/99.)*

21.9 Records Compiled and Maintained

All records and papers compiled or maintained by the jury commissioner in connection with the selection or service of a juror shall be preserved for three years after the list used in their selection is prepared or for any longer period ordered by the court or the jury commissioner. *(Eff. 1/1/99.)*

21.10 Jury Panel Composition

The master jury list will be divided into two sub panels as follows:

Ten Mile Branch Court: Residents of Albion, Anchor Bay, Casper, Cleone, Comptche, Elk, Fort Bragg, Gualala, Little River, Manchester, Mendocino, Navarro, Point Arena and Westport.

Ukiah Court: Residents of Boonville, Brooktrails, Calpella, Covelo, Hopland, Laytonville, Leggett, Philo, Piercy, Potter Valley, Redwood Valley, Talmage, Ukiah, Willits and Yorkville.

a. **Criminal Case Panels**
Jurors for felony trials will be drawn from the master jury list. Jury panels for misdemeanor trials shall be drawn from the subpanel of residents from the area in which the charged offense occurred.

b. **Civil Case Panels**
Panels for trials in unlimited jurisdiction civil cases will be drawn from the master jury list. Panels for limited jurisdiction unlawful detainer cases will be drawn from the subpanel of residents from the area in which the property is located or from the pool of jurors summoned to the courthouse to which the trial has been assigned. For all other limited jurisdiction civil cases, jurors will be selected from the subpanel of jurors serving the location in which the trial is held, unless no such subpanel is available. In that case, jurors may be impaneled from the master jury list.

c. **Master Panel if subpanel is insufficient**
If the number of jurors in a subpanel should prove insufficient, the trial judge will have the discretion to utilize available jurors drawn from the master jury list.

(Eff. 7/1/09; Amended eff. 1/1/10; As amended eff. 1/1/12.)

CHAPTER 22 - COURT EXECUTIVE OFFICER

22.1 Duties of Court Executive Officer

A majority of the judges may appoint a Court Executive Officer who shall serve as Clerk of the Court.

Pursuant to the authority granted the court by rule 10.610 of the California Rules of Court, the executive officer under the direction of the presiding judge:

a. *(Personnel)* Provide General direction to and supervision of the employees of the court, and draft for court approval and administer a personnel plan for court employees that comply with rule 10.670 of the California Rules of Court. The court executive officer has the authority, consistent with the personnel plan, to hire, discipline, and terminate non-judicial employees of the court.

b. *(Budgets)* Make recommendations to the presiding judge on budget priorities; prepare and implement court budgets, including accounting, payroll and financial controls; and employ sound budget and fiscal management practices and procedures to ensure that annual expenditures are within the court's budget.

c. *(Contracts)* Negotiate contracts; on behalf of the court, in accordance with established contracting procedures and all applicable laws.

d. Supervise and employ efficient calendar and case flow management, including analyzing and evaluating pending caseloads and recommending effective calendar management techniques;

e. Analyze, evaluate and implement technological automated systems to assist the court;

f. Manage the jury system in the most efficient and effective way;

g. Plan physical space needs and purchase and manage equipment and supplies;

h. Act as a clearinghouse for news releases and other publications for the media and public;

i. Create and manage uniform record keeping systems, collecting data on pending and completed judicial business and the internal operation of the court, as required by the court and the Judicial Council of California;

j. Identify problems, recommend procedural and substantive changes to the court;

k. Act as liaison to other government agencies;

l. Act as staff for judicial committees; and

m. Perform other duties as the court directs.

(Eff. as rule 6.650 1/1/99: Amended eff. 1/1/03; Renumbered as rule 6.610 eff. 1/1/07; Rule 10.670 Renumbered and amended eff. 1/1/07; Rule 10.610 renumbered eff. 1/1/07; As amended eff. 1/1/07.)

22.2 County Clerk Powers, Duties and Responsibilities to be Exercised and Performed by the Executive Officer

In accordance with the provisions of Government Code section 69840, the county clerk is relieved of all obligations imposed by law in connection with judicial actions, proceedings and records, but not limited to the following:

a. Attend all sessions of the superior court and perform duties and responsibilities of the clerk of the superior court.

b. The filing, receipt and processing of all documents, pleading, records, minutes, orders and exhibits relating to the court's civil, criminal, mental health, juvenile court, family law, probate, adoption, conservator/guardian, Welfare and Institutions section 300 calendar, appellate and related superior court calendars.

c. Collection of fees and the processing of all documents, records, motions and pleadings regarding any civil or criminal appeal or writ proceeding.

d. The preparation of courtroom calendars, dockets, minutes; the processing, filing and entry of court orders, findings and judgments. The entry, service, posting and publication of notice of all orders, judgments, petitions and court related documents. Calendar preparation and management of all programs for vertical case management, complex litigation and automated case management and filing systems.

e. The issuance of process, notices and summons; entry of defaults; and acceptance for filing of confessions of judgment.

f. All clerk functions relating to the entry, issuance processing, certification and authentication of orders, judgments, decrees, abstracts of judgment, writs, writs of attachment, writs of execution, citations, summons and subpoenas.

g. The preparation and maintenance of a register of action or its alternative, general indexes, plaintiff/defendant indexes in civil actions, defendant indexes in criminal actions and judgment books.

h. The acceptance of papers for filing regarding any appeal, the filing of briefs on

appeal, the collection of fees for appeals and the preparation of clerk's transcripts on appeal.

i. All clerk functions for administering oaths to witnesses and impaneling juries.

j. The storage, archiving, microfilming and destruction of all court documents, files records and exhibits.

k. Courtroom clerk services, records management, central file room services and archiving.

l. The collection, receipt, deposit and accounting of all court filing fees, jury fees, bonds, undertakings, fines forfeitures and revenues relating to court activities.

m. The printing, inventory and sale of court forms and rules of court.

n. Arrangements for court accommodations, facilities, books, libraries, equipment and supplies.

o. Supervision and assignment of the work of staff serving the court in the execution of the court's business.

q. Provision of necessary administrative direction in the dispatch of judicial business; management of all personnel functions, facilities, procurement functions relating to the court, court filings, court records and exhibits and record archiving and storage.

r. Preparation and administration of all court related budgets; initiation and preparation of special statistical studies; direction of the development and analysis of statistical data.

All functions specified herein shall be performed by the court executive officer. *(Eff. 1/1/99; As amended eff. 7/1/08.)*

22.3 Duties Delegated to the Executive Officer

All duties delegated to the court executive officer shall relieve the county clerk of any obligation imposed by law. *(Eff. 1/1/99.)*

22.4 Delegation of Duties

In these rules certain duties are assigned to the court executive officer. The court executive officer may direct that those duties be performed by such subordinate employees as the court executive officer deems appropriate. Subordinate employees may be designated clerks, deputy clerks, finance officer, etc. as the court executive officer in consultation with the court’s Executive Committee may direct. *(Eff. 1/1/99.)*

CHAPTER 23 - ACTIONS ARISING UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT MANDATE ACTIONS UNDER PUBLIC RESOURCES CODE SECTION 21000, ET SEQ. (CEQA)

23.1 Where Filed

Mandamus actions challenging an agency decision under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) shall be filed in the Civil Division of the Clerk's Office at the Courthouse in Ukiah, California. *(Eff. 7/1/00.)*

23.2 Ordering the Administrative Record

In accordance with Public Resources Code section 21167.6, within ten (10) business days after the action is filed, petitioners shall personally serve on the appropriate public agency their request for preparation of the administrative record or their notice of election to prepare the record themselves. *(Eff. 7/1/00.)*

23.3 Mediation

In accordance with Government Code section 66031, within five days after the deadline for respondent or defendant to file a response to the action, plaintiff or petitioner shall prepare and lodge with the civil and probate department a notice form for the court's signature inviting mediation. The clerk shall then mail the notice of invitation to the parties. *(Eff. 7/1/00.)*

23.4 Preparing the Administrative Record

a. **Preparation by the Public Agency**
Within twenty (20) calendar days after receipt of a request to prepare the administrative record, the public agency responsible for such preparation shall personally serve on petitioners a preliminary notification of the estimated cost of preparation, setting forth the agency's normal costs per page, other reasonable costs, if any, the agency anticipates, and the likely range of pages. This notice shall also state, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, shall designate the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and shall provide a listing of dates and times when those documents will be made available to petitioners or any party for inspection during normal business hours as the record is being prepared. This notice shall be supplemented by the agency from time to time as additional documents are located or determined appropriate to be included in the record.

b. Upon receipt of this preliminary notification, petitioners may elect to prepare the record themselves provided they notify the agency within five calendar days of such receipt. If petitioners so elect, then within forty (40) calendar days of service of the initial notice to prepare the administrative record, petitioner shall prepare

and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven calendar days of this notification, the agency and/or other parties shall prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record. The agency shall promptly notify petitioners of any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record.

c. If petitioners do not so elect, then within forty (40) calendar days after service of the request to prepare the administrative record, the agency shall prepare and serve on the parties a detailed index listing the documents proposed by the agency to constitute the record and provide a supplemental estimated cost of preparation. Within seven calendar days of receipt of this notification, petitioners and/or any other parties shall prepare and serve the agency and all parties with a document notifying the agency of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.

d. **Preparation by Petitioners**
Within twenty (20) calendar days after receipt of petitioners' notice of election to prepare the record themselves, the public agency responsible for certification of the record shall personally serve on petitioners a preliminary notification designating, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and the dates and times when those documents will be made available to petitioners or any party for their inspection and copying. This notice shall also state any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record. This notice shall be supplemented by the agency as additional documents are located or determined appropriate to be included in the record. Within forty (40) calendar days after service of petitioners' notice of election, petitioners shall prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of this notification, the agency and/or other parties shall prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.

(Eff. 7/1/00.)

23.5 Format of Administrative Record

a. **Type of Paper**
The administrative record (record) shall be prepared on paper, white or unbleached, of not less than 13-pound weight, 8 1/2 by 11 inches, using a photocopying process that will produce clear and permanent copies legible for printing. Only one side of the paper shall be used and the margin shall be not less

than 1 1/4 inches on the left side of the page. Alternatively, original copies of the environmental documents may be lodged as part of the administrative record, provided that original copies are also provided to all parties in the lawsuit. The pages of the administrative record shall be numbered consecutively and bound on the left margin. The use of recycled paper is encouraged.

b. **Volume Designation**

The record shall be provided in one or more volumes of not more than 300 pages per volume, separately bound. The cover of each volume of the administrative record shall be the same size as its pages and contain the same material as the cover of a brief, but shall be prominently entitled "ADMINISTRATIVE RECORD." The first volume of the administrative record shall have at the beginning an index of each paper or record in the order presented in the administrative record referring to each paper or record by title or description and the volume and page at which it first appears.

c. **Organization**

The record in all matters other than Timber Harvest Litigation should be organized with the following documents (as applicable) at the front of the record, in the following order:

1. The Notice of Determination.
2. The resolution(s) or ordinance(s) adopted by the lead agency approving the project, including any resolution(s) or ordinance(s) adopted in compliance with Public Resources Code sections 21081 and 21081.6.
3. The draft or revised draft Environmental Impact Report and initial study.
4. The comments received on and the responses to those comments prepared for the draft Environmental Impact Report or Negative Declaration, including any modifications to the environmental documents and project made after the comment period.
5. The remainder of the final Environmental Impact Report (e.g., the technical appendices and other technical materials).
6. The staff reports prepared for the approving bodies of the lead agency.
7. Transcripts and/or minutes of hearings.
8. The remainder of the administrative record, preferably in chronological order.

The record in Timber Harvest Litigation should be organized with the following documents (as applicable) at the front of the record, in the following order:

1. The Timber Harvest Plan.
2. Amendments and other correspondence relative to the Timber Harvest Plan.
3. The Pre Harvest Inspection minutes and agency review letters.
4. The Official Response.
5. The notice of conformance.

6. Timely public comment letters.
7. Letters received after the close of the public comment period.

This listing of documents is not intended to dictate the content of the record, but instead is intended to describe a uniform order for documents typically contained in a record. The lead agency is encouraged to use tabs to separately identify each of these portions of the record. The parties are referred to Public Resources Code section 21167.6(e) as to what the record should contain.

(Eff. 7/1/00; As amended eff. 1/1/03.)

23.6 Certifying and Lodging the Record

Upon completion of preparation of the record, it must be certified by the agency before it is filed with the court. If the agency has prepared the record, it shall make such certification and shall personally serve and lodge the record in the appropriate court department no later than sixty (60) days after the request. If the petitioners have elected to prepare the record, petitioners must transmit it to the agency for certification. After such certification, petitioners shall then personally serve and lodge the record in the appropriate court department no later than sixty (60) days after service of the notice of election to prepare. If the agency refuses to make a complete certification, it shall make a partial certification, specifying any alleged defects in the record. Any extension of the 60-day time period may be obtained by filing a stipulation of the parties and obtaining court approval of the extensions prior to the expiration of the 60-day period. Also, an extension may be obtained from the court upon a properly noticed hearing scheduled prior to the expiration of the 60-day period. *(Eff. 7/1/00; As amended eff. 1/1/09.)*

23.7 Disputes

Regarding the Contents of the Administrative Record
Once the administrative record has been filed, any disputes about its accuracy or scope should be resolved by appropriate noticed motion. For example, if the agency has prepared the administrative record, petitioners may contend that it omits important documents or that it contains inappropriate documents; if the petitioners have prepared the record, the agency may have similar contentions. A motion to supplement the certified administrative record with additional documents and/or to exclude certain documents from the record may be noticed by any party and should normally be filed concurrently with the filing of petitioners opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should normally be filed with the opposition and memoranda, respectively; regarding the writ, the motion should normally be calendared for hearing concurrently with the hearing on the writ. *(Eff. 7/1/00.)*

23.8 Notice of Hearing

The petitioner shall notice a hearing date on the petition for writ of mandate consistent with Public Resources Code section 21167.4. The hearing shall be noticed for not later than 160 days from the date of filing the petition. *(Eff. 7/1/00.)*

23.9 Briefing Schedule and Length of Memoranda

a. Unless otherwise ordered by the court, petitioner shall file and serve personally, by overnight mail or, if previously agreed, by fax, an opening memorandum of points and authorities in support of the petition within thirty (30) days from the date the administrative record is served.

b. Respondent and Real Party in Interest shall file and serve personally, by overnight mail or, if previously agreed, by fax, opposition points and authorities, if any, within thirty (30) days following service of petitioner's memoranda of points and authorities.

c. Petitioner shall have twenty (20) days from service of the opposition's points and authorities to file and serve personally, by overnight mail or, if previously agreed, by fax, a reply memorandum of points and authorities.

d. The parties may agree upon a shorter time frame for briefing by written stipulation filed with the court.

e. Any request for permission to file a memorandum in excess of the 15-page limit shall be made pursuant to rule 3.1113, California Rules of Court.

(Eff. as rule 313(d) 7/1/00; Rule 3.1113 renumbered and amended eff. 1/1/07.)

23.10 Settlement Meeting

The initial notice required by Public Resources Code section 21167.8 shall provide that, if the parties agree, the first meeting will be continued so as to take place no later than thirty-five (35) days after the administrative record is served. If the parties do not agree to this continued first meeting date, then the first meeting shall take place in accordance with Public Resources Code section 21167.8 and a second meeting is ordered to take place within five (5) days after the administrative record is served. The parties shall agree as to the time and place of any meeting pursuant to Public Resources Code section 21167.8. Other meetings may be scheduled by the parties. The statement of issues required by Public Resources Code section 21167.8(f), shall identify those portions of the administrative record that are directly related to the contentions and issues remaining in controversy. The court will utilize these statements in focusing on the legal and factual contentions and issues to be resolved. However, such contentions and issues must be consistent with the pleadings to be properly resolved by the court. *(Eff. 7/1/00.)*

23.11 Trial Notebook

Petitioner shall prepare a trial notebook which shall be filed with the appropriate trial department no later than five (5) days before the date of the hearing. The trial notebook shall consist of the petition, the answer(s), the briefs, any motions set to be heard at trial, the statement of issues, and any other document(s) agreed upon by the parties. *(Eff. 7/1/00.)*

CHAPTER 24 – APPELLATE DIVISION

24.1 Assignments

The Presiding Judge of the Superior Court will recommend to the Presiding Judge of the California Supreme Court the assignment of a judge to act as the Presiding Judge of the Appellate Department. The Presiding Judge of the Appellate Department shall recommend judges to serve as members of the Appellate Department each year. *(Eff. 7/1/04; As amended eff. 7/1/08.)*

24.2 Regular & Special Sessions

Regular sessions of the Appellate Department of the Superior Court, County of Mendocino, shall be held on the fourth Friday of each calendar month. Motions shall be heard at regular sessions, unless otherwise designated by the Presiding Judge of the Appellate Department. Special sessions shall be held at the call of the Presiding Judge of the Appellate Department. *(Eff. 7/1/04; As amended eff. 7/1/08.)*

24.3 Oral Argument

Unless otherwise ordered, counsel for each party shall be allowed no more than fifteen (15) minutes for oral argument. The appellant or the moving party shall have the right to open and close. *(Eff. 7/1/04.)*

24.4 Briefs

Each party must file with the Clerk of the Court an original brief with three (3) copies. *(Eff. as rule 105 1/1/04; Renumbered and amended eff, 1/1/07; Amended eff. 7/1/08; As amended eff. 1/1/10.)*

Former Rule 24.5 **Calendar & Notice or Hearing (Repealed)** *(Eff. as rule 103 7/1/04; Renumbered and amended eff. 1/1/07; Rule 8.704 repealed eff. 1/1/10.)*

Former Rule 24.6 **Motions (Repealed)** *(Eff. 7/1/04; Rule 24.6 repealed eff. 7/1/08.)*

Former Rule 24.6 **Dismissal (Repealed)** *(Eff. rule 190 7/1/04; Renumbered and amended eff. 1/1/07; Renumbered and amended eff. 1/1/07; Renumbered and amended eff. 7/1/08; Rule 24.6 repealed eff. 1/1/10.)*

Former Rule 24.7 **Dismissal (Renumbered)** *(Eff. 7/1/08; Renumbered as rule 24.6 eff. 7/1/08.)*

Former Rule 24.7 **Misdemeanor, Traffic and Limited Civil Court Records (Repealed)** *(Eff. 7/1/04; Renumbered eff. 7/1/08; Repealed eff. 1/1/10.)*

Former Rule 24.8 Misdemeanor, Traffic and Limited Civil Court Records (Renumbered) *(Renumbered eff. 7/1/08.)*

Former Rule 24.8 Use of Recordings to Facilitate Settlement of Statements (Repealed) *(Eff. 7/1/04; Renumbered and amended eff. 1/1/07; Renumbered and amended eff. 7/1/08; Repealed eff. 1/1/10.)*

24.9 Use of Recordings to Facilitate Settlement of Statements (Renumbered) *(Renumbered as rule 24.8 eff. 7/1/08.)*

24.9 Clerk's Transcript on Appeal

a. LIMITED CIVIL CASES

1. Pursuant to California Rule of Court 8.833, the original trial court file may be used instead of a clerk's transcript.

2. This rule does not relieve appellant of his/her duty to comply with California Rule of Court 8.831, nor does it eliminate Respondent's right to seek to augment the record, pursuant to California Rule of Court 8.832(b)(1).

3. Within ten (10) calendar days of the filing of Appellant's notice(s) designating the record on appeal, the clerk shall mail the appellant a notice that the appellate division elects to use the original trial court file instead of a clerk's transcript and an estimate of the cost to prepare the file, including the cost of preparing and sending the index for the use of all parties, pursuant to California Rule of Court 8.833(b).

4. Within ten (10) calendar days after the appellant deposits the cost or the court files an order waiving that cost, the clerk shall arrange the entire original limited civil case file in chronological order, number the pages, and attach a chronological index and a list of attorneys of record indicating the parties they represent. The clerk shall send copies of the index to counsel of record for each party and to each unrepresented party for use in paginating their files in accordance with the chronological index. If no notice to prepare a reporter's transcript has been filed pursuant to California Rule of Court 8.831(b)(5), the clerk shall forthwith notify the parties of the briefing schedule. If a notice to prepare a reporter's transcript has been filed, the clerk shall wait until that transcript has been filed before setting the case for briefing and notifying the parties thereof. Upon receipt of briefs, or the expiration of time to file respondent's and/or closing briefs, the clerk shall set the appeal for hearing and notify all parties of the hearing date and location.

5. This order shall not preclude the parties' rights to proceed pursuant to California Rule of Court 8.836 or 8.837.

b. MISDEMEANOR CASES

1. Pursuant to California Rule of Court 8.863, the original trial court file may be used instead of a clerk's transcript.

2. Within twenty (20) calendar days of the filing of the notice of appeal, the clerk shall arrange the entire original criminal case file in chronological order, number the pages, and attach a chronological index and a list of attorneys of record indicating the parties they represent. The clerk shall send copies of the index to counsel of record for each party and to each unrepresented party for use in paginating their files in accordance with the chronological index.

3. Pursuant to California Rule of Court 8.864, the appellant must notify the trial court whether he or she elects to proceed with or without a record of the oral proceedings appellant elects to use. If appellant elects to proceed with a statement on appeal, appellant must follow the rules set forth in Rule 8.869 for obtaining a settled statement.

4. Once the record is complete and filed, the clerk shall notify the parties of the briefing schedule. Upon receipt of the briefs, or the expiration of time to file respondent's and/or closing briefs, the clerk shall set the appeal for hearing and notify all parties of the hearing date and location.

c. INFRACTION CASES

1. Pursuant to California Rule of Court 8.914, the original file may be used instead of a clerk's transcript.

2. Within twenty (20) calendar days of the filing of the notice of appeal, the court file will be arranged in chronological order with the pages numbered. A chronological index and a list of attorneys of record indicating the parties they represent will be prepared and included in the file.

3. Traffic and infraction cases generally do not have a court reporter present, nor is electronic recording employed. Pursuant to California Rule of Court 8.915(d), the clerk will notify the Appellant if any portion of the oral proceedings were not reported or recorded, or cannot be transcribed. Within fifteen (15) days after this notice is mailed by the clerk, Appellant must serve and file a notice stating whether Appellant elects to use a statement on appeal *(California Rule of Court 8.916)* as the record for the portion of the proceedings that was not recorded or cannot be transcribed. *(California Rule of Court 8.915(d)*).

4. Within ten (10) calendar days after certification of the statement on appeal, a complete copy of the file, including the chronological index and

attorney listing will be sent to all parties to the case. The clerk shall notify the parties of the briefing schedule. Upon receipt of briefs, or the expiration time to file respondent's and/or closing briefs, the clerk shall set the appeal for hearing and notify all parties of the hearing date and location.

(Eff. 7/1/12.)

CHAPTER 25 – EMERGENCIES AND EVACUATIONS

The Mendocino County Sheriff's Department shall serve as the Court Security Officer and be responsible for the welfare and security of all building occupants in the superior Court Courthouse facilities. All Superior Court Judges, Commissioners, and staff shall follow the directions of the Court Security Officer in the event of an emergency and/or evacuation.

The Mendocino County Court Security Officer shall have the sole authority to order an evacuation, when necessary, as authorized under Penal Code Section 409.5. Penal Code Section 409.5 authorizes the Security Officer to evacuate and close an arena "Whenever a menace to the public health or safety is created by a calamity including a flood, storm, fire, earthquake, explosion, accident, or other disaster…" as provided in Penal Code Section 409.5 (c): "Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within the area after receiving notice to evacuate or leave shall be guilty of a misdemeanor."

(Eff. 7/1/04; As amended eff. 7/1/08.)

CHAPTER 26 - PHOTOGRAPHING OR RECORDING COURT PROCEEDINGS

Photographing, videotaping, televising, or otherwise recording any court proceeding is prohibited unless a written request has been filed and approved prior to the commencement of the proceeding. *(Eff. 7/1/04.)*

26.1 Photographing and Media Coverage

The media may request an order permitting photographing and media coverage using only the approved Judicial Council of California form MC-500, Media Request to Photograph, Record, or Broadcast, and form MC-510, Order on Media Request to Permit Coverage. Blank forms are available in the clerk's office. The judge shall retain sole discretion for the approval or denial of any such request.

The forms shall be filed with the Clerk's Office in the division of the Court where the request is directed at least five (5) court days before the portion of the proceeding to be covered unless good cause is shown. A completed, proposed order on the approved form shall be filed with the request. The Clerk's Office will immediately deliver the request to the assigned judge who will rule on the request. If no judge has been assigned, the request will be submitted to the judge supervising the calendar department, and thereafter be ruled upon by the judge assigned to the proceeding. The clerk shall promptly notify the parties that a request has been filed. California Rule of Court 1.150, et seq.

Each media agency shall be responsible for ensuring that all its media personnel who cover the court proceeding know and follow the provisions of the court order and California Rule of Court, Rule 1.150, et seq.

If the request is approved, the judge may specify the placement of media personnel and equipment to permit reasonable photographing or media coverage without disruption of the proceedings. Unless the judge in his or her discretion and for good cause orders otherwise, the following rules shall apply: Rule 1.150, et seq.

1. One still photographer shall be permitted.
2. The equipment shall not produce distracting sound or light. Signal lights or devices to show when equipment is operating shall not be visible.
3. Equipment shall be operated by one person.
4. Operators shall not move equipment or enter or leave the courtroom while the court is in session, or otherwise cause a distraction.
5. Equipment or clothing of media personnel shall not bear the insignia or marking of a media agency.

(Eff as rule 9810 et seq. 7/1/04; Renumbered and amended eff. 1/1/07; Amended eff. 7/1/08; As amended eff, 1/1/15.)

26.2 Filming Jurors

Photographing and filming any juror or summoned prospective juror is prohibited. *(Eff. 7/1/04.)*

26.3 Photographing and Media Coverage in Other Areas of Courthouse

Unless approved by written order of the Presiding Judge, filming, videotaping, photographing and electronic recording of any kind is not permitted in any other part of the courthouse, including but not limited to, entrances, exits, halls, stairways, and elevators. Application for permission for photographing or media coverage in these areas of the courthouse shall be directed to the Presiding Judge on the form provided for by these rules.

Cameras and recording devices shall be turned off while being transported in any area of the court unless expressly permitted by court order. Filming, videotaping and photographing of the interior of any courtroom through the glass door windows or through the double doors, or otherwise is prohibited. No microphones or cameras shall be permitted in any courtroom unless the judge hearing a matter within the courtroom has expressly authorized such use in a written order pursuant to California Rule of Court 1.150 and the local rules of this court.

An exception to this rule is that photographs or videos may be taken if related to adoption proceedings, swearing-in ceremonies, weddings or other ceremonial events upon the oral approval of the judge involved.

(Eff. as rule 980 et seq. 7/1/04; Renumbered and amended eff. 1/1/07; Amended eff. 1/1/15; As amended eff. 1/1/16.)

26.4 Violations

Any violation of this rule 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. Rule1.150, et seq. *(Eff. as rule 980 et seq. 7/1/04; Renumbered eff 1/1/07; As amended eff. 1/1/07.)*

CHAPTER 27 - MISCELLANEOUS

Former Rule 27.1 Check Cashing (Repealed) *(Eff. 7/1/05; Amended eff. 1/1/07; Amended eff. 7/1/08; Amended eff. 1/1/11; Repealed eff. 7/1/11.)*

27.1 Payment in Coins

Pursuant to Government Code §24353, the Clerk shall not accept coins as payment of any bail, fee or fine in amounts exceeding: one dollar consisting of pennies, nickels and dimes; and ten dollars consisting of quarters and half dollars. *(Eff. 7/1/05; Amended eff. 7/1/08; Renumbered eff. 7/1/11.)*

Former Rule 27.2 Payment in Coins (Renumbered) *(Rule 27.2 renumbered as rule 27.1 effective 7/1/11.)*

ALPHABETICAL INDEX

SUBJECT	RULES	PAGE(S)
Access to Courtroom by Non-Parties (Welfare and Institutions Code section 345, 346, 676)	16.7	16-3
Actions Arising Under The California Environmental Quality Act mandate Actions Under Public Resources Code Section 21000, ET SEQ. (CEQA)	23	23-1
Additional Requirements for Pretrial Conference Prior to Civil Jury Trial	5.6	5-4
Addressing the Court	2.8	2-4
Administration of the Courts; Fairness; Courtroom Protocol	2	2-1
Adoption of Rules	1.1	1-1
Allowance of Claims of Personal Representative	13.7	13-2
Appellate Division	24	24-1
Applicability of Rules	13.1	13-1
Appointment of Expert To Analyze Complex Accounts and Surcharge of Cost Against Representative	13.6	13-2
Arraignment	10.1	10-1
Assignments	24.1	24-1
Attendance at Hearings (Cal. Rules of Court, rule 1610)	16.5	16-3
Attire	2.5	2-3
Attorney as Witness in Jury Trial	7.3	7-2
Attorney Testifying May Not Argue the Case	12.3	12-1
Attorney’s Fees and Representative’s Fees for Extraordinary Services in Probate Proceedings or in any Matter Defined in the Probate Code for Which a Statutory Fee is not Established	19.4	19-2
Attorney’s Fees in Actions on Promissory Notes, Contracts Providing for Payment of Attorney’s Fees and Foreclosures; Attorney’s Fee Schedule	19.2	19-1
Attorney's Fees and Costs Award Request	15.7	15-7
Attorney's Fees for Compromise	14.2	14-2
Attorney's Fees in Cases Involving Claims of Minors, Insane or Incompetent Persons	19.1	19-1
Attorney's Fees in Guardianship and Conservatorship Proceedings	19.3	19-2
Behavior in the Courtroom	2.4	2-2
Briefing Schedule and Length of Memoranda	23.9	23-5
Briefs	24.4	24-1
Case Assignment	3.2	3-1

*Adopted for Mandatory Use

ALPHABETICAL INDEX

SUBJECT	RULES	PAGE(S)
Case Management	5.1	5-1
Certificate of Death	13.4	13-2
Certification of Attorney Competency	16-App.1	
Certifying and Lodging the Record	23.6	23-4
Child and Spousal Support; Visitation Costs	15.3	15-3
Child Custody Evaluations	15.5	15-5
Children's Participation in Custody Proceedings	15.14	15-12
Citation	1.2	1-1
Civil Case Management	5	5-1
Civil Law and Motion Rules	8	8-1
Civil Law and Motion	4	4-1
Civil Trials	7	7-1
Claim For Payment	19.11	19-11
Clerk's Transcript on Appeal	24.9	24-2
* Claim Form	19-App. 2-3	
Communications to Court or Jury	2.6	2-3
* Complaint About Performance of Court Appointed Attorney	16-App.2	
Complaints re: Bias or Sexual Harassment	2.3	2-1
Compliance Statement	1.4	1-1
Compromise Of Claims	14.1	14-1
Compromise Of Claims Of Minors And Incompetent Person	14	14-1
Conforming Copies	3.7	3-2
Continuance Policy	18.3	18-1
Continuances	5.2	5-1
County Clerk Powers, Duties and Responsibilities to be Exercised and Performed by the Executive Officer	22.2	22-2
Court Appointed Attorneys: Standards of Experience and Allowable Fees and Expenses	19.8	19-4
Court Appointed Counsel for Children	15.12	15-10
Court Appointed Special Advocate Program (CASA)	16.24	16-15
Court Executive Officer	22	22-1
Court Interpreters - Criminal and Juvenile Matters	20.8	20-2
Court Policy	21.3	21-1
Court Reporters	20.1	20-1
Court Reporters And Interpreters	20	20-1
Creation of a Family Court Order in Juvenile Court	16.19	16-13

*Adopted for Mandatory Use

ALPHABETICAL INDEX

SUBJECT	RULES	PAGE(S)
Criminal Rules	10	10-1
	4-App.1	
	8-App.1	
	13-App.1	
	14-App.1	
* Declaration re: Notice upon Ex Parte Application for Orders	15-App.6	
* Declaration: Informal Exchange of Juvenile Records	16-App.3	
Delegation of Duties	22.4	22-3
Designation Statement	4.1	4-1
Discovery	10.4	10-2
Disputes	23.7	23-4
Document Filing	3.1	3-1
Duties and Liabilities Statement	13.13	13-3
Duties Delegated to the Executive Officer	22.3	22-3
Duties of Counsel Prior to Mandatory Settlement Conference	6.1	6-1
Duties of Court Executive Officer	22.1	22-1
Duties of Party at Conference	6.2	6-2
Emergencies And Evacuations	25	25-1
Entry of Plea of Guilty or No Contest in Absentia	10.2	10-1
	13.15	13-3
Ex Parte Applications	14.4	14-3
	4.2	4-1
Ex Parte Applications and Orders	15.4	15-3
Ex Parte Orders	16.4	16-2
	4-App.2	
	8-App.2	
* Ex Parte Request to Dismiss Restraining Order(s)	15-App.3	
Exhibits	7.2	7-1
Facsimile Filing	11.2	11-4
Failure to Appear for Jury Duty When Summoned	21.7	21-2
Failure to Comply with Local Rules or Orders of the Court	1.3	1-1
Family Court Mediation	15.13	15-11
Family Law Case Management - Dissolution, Legal Separation, Nullity, Parentage	15.15	15-14
Family Law Case Status Report	15-App.8	
Family Law Facilitator	15.10	15-9
Family Law Rules	15	15-1
Family Law Trial Setting and Rules	15.9	15-8

*Adopted for Mandatory Use

ALPHABETICAL INDEX

SUBJECT	RULES	PAGE(S)
Fee of Interpreter	20.6	20-2
Fees and Commission Must be Fixed by Court Prior to Payment	19.7	19-4
Fees of Attorneys and Fiduciaries	13.14	13-3
Fees of Attorneys, Investigators and Experts	19	19-1
Fees of Attorneys, Investigators and Experts - Claim Instructions	19-App.1	
Fees of Guardians and Conservators	19.5	19-3
Fees to be Paid for Guardianship or Conservatorship Investigations	19.5.1	19-4
Filming Jurors	26.2	26-2
Forfeiture of Fee Deposit	20.7	20-2
Format of Administrative Record	23.5	23-2
General Information	3	3-1
General Instructions to Conservator/Guardian	13.12	13-3
Grounds Constituting Undue Hardship	21.5	21-2
Guardians Ad Litem	16.20	16-13
Informal Exchange of Juvenile Records	16.8	16-4
Inspection of Law Enforcement Holding Facilities	16.12	16-8
Instructions from the Court	13.11	13-3
Interviewing Minors Who Are Alleged Victims of Child Abuse	16.23	16-15
Introductory	1	1-1
Inventory and Appraisal - Certificate Required Under Revenue and Taxation Code, Section 480	13.9	13-2
Investigation Fees and Expenses	19.9	19-7
Judicial Administration	16.1	16-1
Jury Commissioner Duties	21.1	21-1
Jury Panel Composition	21.10	21-3
Jury Rules	12	12-1
Jury Services	21.2	21-1
Juvenile Court Rules	16	16-1
Law and Motion	15.1	15-1
List of Approved Interpreters	20.4	20-2
Location	2.1	2-1
Mandatory Settlement Conferences Prior to Dissolution Trial	15.8	15-7
Mandatory Settlement Conference Statement	15-App.5	
Mediation	23.3	23-1
Medical Issues	16.9	16-6
Miscellaneous	27	27-1

*Adopted for Mandatory Use

ALPHABETICAL INDEX

SUBJECT	RULES	PAGE(S)
Miscellaneous Rules	15.11	15-10
Modifications of Orders (Welfare and Institutions Code sections 386-388; 775-779)	16.18	16-12
Motion to Challenge Legal Sufficiency of Dependency Petition	16.14	16-8
	5.4	5-4
Motions In Limine	10.10	10-4
Motions to Compel Entry of Judgment	4.6	4-3
Motions to Suppress Evidence	10.3	10-1
Non-Psychiatric Expert Fees and Expenses	19.10	19-10
Nonresident Personal Representative to Furnish Bond	13.3	13-1
Notice of Family Law Case Management Conference	15-App.7	
Notice of Hearing	23.8	23-4
Noticed Motions and Requests to Place Matter on Calendar	16.2	16-1
Notices	19.6	19-4
Obtaining Certified Copies of Exhibits	3.10	3-3
Oral Argument	24.3	24-1
Order for Payment of Guardianship Investigation Fees	19-App.4 4-App.3 8-App.3	
* Order Granting Ex Parte Request to Dismiss Restraining Order(s)	15-App.4	
Order of Probate	13.10	13-3
* Order re Request for Telephone Appearance (Juvenile Dependency)	11-App.5	
* Order re: Request for Telephone Appearance for Evidentiary Hearing/Child Custody Mediation	11-App.2	
Ordering the Administrative Record	23.2	23-1
Parent's Workshop Required when Children Involved in Action	15.6	15-6
Parties must Meet and Confer prior to Filing Motion	4.1	4-1
Paternity Findings (Cal. Rules of Court, Rule 3.822)	16.16	16-9
Payment in Coins	27.1	27-1
Photographing Or Recording Court Proceedings	26	26-1
Photographing and Media Coverage	26.1	26-1
Photographing and Media Coverage in Other Areas of Courthouse	26.3	26-2
* Plea of Absentia - Appendix to Criminal Rules	10-App.1	
Pre-hearing Discovery	16.3	16-1
Preliminary Hearing as VOP Hearing	10.6	10-2
Pre-Paid, Self-Addressed Envelopes Required	3.8	3-2

*Adopted for Mandatory Use

ALPHABETICAL INDEX

SUBJECT	RULES	PAGE(S)
Preparing the Administrative Record	23.4	23-1
Pre-Preliminary Hearing Conference	10.5	10-2
Pretrial Conference	10.9	10-3
Pretrial Conference (No Statute) (No Court Rule)	16.6	16-3
Pretrial Motions	10.7	10-3
Prior Jury Service	21.6	21-2
Provision of "Court Copies" for Specified Court Hearings	11.4	11-4
Probate Rules	13	13-1
Records Compiled and Maintained	21.9	21-3
Regular & Special Sessions	24.2	24-1
Releasing Names and Addresses of Jurors	21.8	21-2
Reliance Upon Authorities Outside of California Official Reports	4.5	4-2
Reporter Fees - Civil Proceedings	20.3	20-1
Reporting of Law and Motion matters	4.4	4-2
Representation of Parties (Welfare and Institution Code section 317-318, CRC 5.660, 5.663)	16.17	16-9
Requests for Court Reporter	20.2	20-1
* Request for a Court Reporter	20-App.1	
Requests for Interpreters; Deposit of Fees	20.5	20-2
Request for Jury Instructions	12.2	12-1
* Request for Telephone Appearance (Juvenile Dependency)	11-App.4	
* Request for Telephone Appearance for Evidentiary Hearing/Child Custody Mediation (Family Law)	11-App.1	
Request for Trial (Family Law)	15-App.2	
Requests to be Excused	21.4	21-1
* Request to be Transported Pursuant to Penal Code 2625	11-App.3	
Request to Calendar	10.8	10-3
Required Form of Accounts	13.5	13-2
Restitution Determination Procedures (W&I 730.6, 742)	16.22	16-14
Return of Exhibits Civil, Family Law and Probate	3.9	3-2
Sample Billing	19-App.3	
Sentencing	10.11	10-4
Sessions of the Court	2.2	2-1
Settlement Conferences	6	6-1
Settlement Meeting	23.10	23-5
Statement Regarding Bond on Inventory and Appraisal	13.8	13-2

*Adopted for Mandatory Use

ALPHABETICAL INDEX

SUBJECT	RULES	PAGE(S)
Stipulation for Continuance of Hearing or Trial (Family Law)	15-App.1	
Submission of Matter Without Appearance by Counsel or Witnesses	13.2	13-1
Telephone Appearance at Mandatory Settlement Conference	6.4	6-2
Telephone, Cellular Phones, and Beeper	2.7	2-4
Telephonic Appearance	11.1	11-1
Telephonic Appearance, Facsimile Filing, Requests to be Transported and Court Copies	11	11-1
Tentative Rulings	4.3	4-2
The Pretrial Conference	5.3	5-1
Time Limits on Law and Motion Matters: Order to Show Cause Evidentiary hearings	15.2	15-2
Traffic Filings	18.1	18-1
Traffic Rules	18	18-1
Traffic School	18.4	18-1
Transportation of Prisoners to Juvenile or Family Law Hearings	11.3	11-4
Trial Briefs	5.5	5-4
Trial Briefs, Motions and Jury Instructions must be exchanged at or prior to Pretrial Conference	7.1	7-1
Trial by Declaration	18.9	18-2
Trial Jury Services	21	21-1
Trial Notebook	23.11	23-5
Use of Electronic Recording	20.9	20-3
Verdict Forms and Interrogatories	12.1	12-1
Violations	26.4	26-2
Waiver of Rules	6.3	6-2
Where Filed	23.1	23-1
Withdrawal of Funds	14.3	14-2

*Adopted for Mandatory Use

Local Forms

Form Number	Form Name
MADOPT-110	Request to Calendar Adoption Matter
MADR-100	Alternative Dispute Resolution Information Packet
MADR-110	ADR Packet Notice
MCH-110	How to Ask for a New Hearing Date
MCH-120	How do I Request a Renewal of a Civil Harassment Restraining Order
MCR-100	Restricted Documents
MCR-101	Notice of Non-Compliance 40002
* MCR-102	Plea in Absentia
MCR-103	Request to Calendar Case
MCR-104	Request to Calendar – Information Sheet
MCR-105	Request to Calendar – Proof of Service
MCR-106	Request to Calendar Packet Face Sheet
MCR-107	Jail Commitment
MCR-108	Probation Tolling Worksheet
MCR-109	Drug Court Referral Form
MCR-110	Stipulation and Order re: Exhibits - Criminal
MCR-120	Case Related Worksheet
MCR-130	Non-Compliance Order
MCR-140	Notice of Hearing re: Dismissal
MCR-150	Notice and Order re: Fees Due for Dismissal
MCR-160	Abstract of Judgement - County Prison
MCR-170	Plea in Absentia
MCV-100	Notice of Parking Citation
MCV-101	Case Management Conference
MCV-102	Notice of Hearing
MCV-110	Stipulation and Order re: Exhibits - Civil
* MCV-120	Ex Parte Request to Dismiss Restraining Order(s)
* MCV-121	Order Granting Ex Parte Request to Dismiss Restraining Order
MCV-130	Request for Waiver or Deferment of Court Investigator Fees (Probate)
MCV-140	Summary of Account (Probate)
MCV-150	Case Management Form
MCV-160	Minute Order - Setting of Civil Jury Trial and Other Proceedings
MCV-161	Minute Order - Setting of Civil Court Trial
MCV-170	Minute Order Setting Court Trial
MCV-180	Notice of Hearing - Relief from Firearms Prohibition
MDV-110	Ex Parte Hearing Info Domestic Violence
MDV-111	Ex Parte Declaration Domestic Violence
MDV-112	Ex Parte Denial Domestic Violence
MEA-110	How to Ask for a New Hearing Date
MEA-120	How do I Request a Renewal of an Elder or Dependent Adult Abuse Restraining Order
MEX-100	Exhibit Room Sign-In Log
MEX-110	Exhibit Record

* Adopted for Mandatory Use

Local Forms

Form Number	Form Name
MEX-120	Temporary Release of Exhibit
MEX-130	Exhibit Verification
MEX-140	Exhibit List
MEX-141	Exhibit List - Juvenile
MEX-150	Exhibit In/Out Card
MEX-160	Order to Return or Destroy Exhibits/Depositions in Civil Actions
MFD-022	No Firearms Statement
MFD-101	Firearms Relinquishment Process Info Sheet
MFD-102	Firearms Checklist
MFD-110	AFS Search and Report
MFL-133	Family Law OSC NOM Information Sheet
MFL-142	Statement of Related Cases (Family Law)
* MFL-143	At Issue Memorandum
MFL-143	At Issue Memorandum (fillable Word Document)
MFL-144	Stipulation for Continuance of Hearing or Trial (Family Law)
* MFL-145	Order Regarding Application for Continuance of Hearing or Trial (Family Law)
* MFL-146	Request for Telephone Appearance for Evidentiary Hearing (Family Law)
* MFL-147	Order re: Request for Telephone Appearance for Evidentiary Hearing
MFL-150	Minute Order on Settlement Conference - Partially Settled
MFL-151	Minute Order on Settlement Conference - Not Settled
MFL-152	Minute Order on Settlement Conference - Did Settle
* MFL-153	Mandatory Settlement Conference Statement
MFL-160	Order re: Supervised Visitation or Monitored Exchange
MFL-161	Supervised Visitation/Monitored Exchange Client Information Sheet
MFL-170	Work Search Form
MFL-180	Child Support Q&A
MFL-190	Order for Payment of Family Law Evaluation Fees
MFL-200	Bring Your Own Interpreter (Spanish)
MFL-210	Minute Order - Request for CPS Records
MFL-220	Ex Parte Application to Terminate Blocked Account
MFL-221	Order to Terminate Blocked Account
MFL-230	FL Mediation Intake
MFL-240	Guidelines for Telephone Mediation
* MFL-250	Notice of Family Law Case Management Conference
* MFL-251	Family Law Case Status Report
MGC-102	Ex Parte Declaration Guardianship & Conservatorship
MGC-103	Ex Parte Hearing Info Guardianship & Conservatorship
MGC-104	Conservatorship Cover Letter for Order Appointing Court Invest
MGC-105	Conservatorship Judicial Rev & Assessment
* MJV-100	Certification of Attorney Competency
* MJV-101	Complaint About Performance Court Appointed Attorney
* MJV-102	Declaration of Informal Exchange of Juvenile Records

* Adopted for Mandatory Use

Local Forms

Form Number	Form Name
MJV-110	Stipulation and Order re: Exhibits - Juvenile
MJV-120	300 Juvenile Lead Case
MJV-130	Stipulation and Order re: Exhibits
MJV-140	Application for Juvenile Court Records
* MJV-150	Request for Telephone Appearance - Juvenile Dependency
* MJV-151	Order re: Request for Telephone Appearance - Juvenile Dependency
MJV-151	Order re: Request for Telephone Appearance - Juvenile Dependency (Fillable Word Document)
MJV-160	Notice and Order to Appear re: Financial Evaluation
MJV-161	Order for Repayment of Costs of Legal Services
MJV-170	Child Advocate Oath
MJV-180	Application/Order Removal of Juvenile
MJV-190	Request to Calendar Case – Juvenile
MJV-190	Request to Calendar Case – Juvenile (Fillable Word Document)
MJV-200	Stipulation and Order re: Victim Restitution
MJV-200	Stipulation and Order re: Victim Restitution (Fillable Word Document)
MMC-100	Notice of Administratively Voided Document
MMC-110	Request for Interpreter
* MMC-120	Ex Parte Hearing Notice Information Civil/Fam Law
* MMC-121	Declaration re: Notice Upon Ex Parte Application for Orders (Family Law)
* MMC-122	Request to be Transported (PC § 2625)
MMC-123	Transport Prisoner Order
MMC-124	Restricted Documents
MMC-125	Bench Warrant Civil
MMC-126	Authorization Order
MMC-127	Minute Order re: Peremptory Challenge CCP 170.6
MMC-128	Minute Order of Reassignment re: Peremptory Challenge CCP 170.6
MMC-129	Minute Order Re-Setting Matter
MMC-130	Proof of Service
* MMC-131	Claim Form
MMC-131	Claim Form – Instructions
MMC-132	Scheduling/Vacating Interpreter
MMC-133	Facsimile Stamp Authorization Order
MMC-134	Action Required on Timeliness
MMC-135	Instructions for Payment of Claims
MMC-136	Sample Billing
* MMC-140	Request for a Court Reporter
MMC-150	Oath for Temporary Judge and Settlement Conference Official
MMC-160	Acknowledgement of Receipt of Transferred Case
MMC-170	Judicial Request for Transcript
MMC-180	Assistive Listening Device Tally
MMC-190	No Further Pleadings Cover Sheet
MMC-200	Certificate of Monitor

* Adopted for Mandatory Use

Local Forms

Form Number	Form Name
MNC-110	Declaration re: Name Change
MPB-110	Probate Checklist (Cal Prep)
MPB-120	Exemplification of Record
MPB-130	Guardianship information
MPB-140	Conservatorship Investigator Update Report
MPB-152	Order for Payment of Guardianship Investigation Fees
MSC-101	Small Claims Agreement
MSC-102	Small Claims Declaration
MSC-103	Civil Mediation
MSC-104	Notice Small Claims
MSC-105	Notice of Continuance
MTR-110	Civil Assessment Petition and Order
MTR-110	Civil Assessment Petition and Order (Fillable Word Form)
MTR-111	Judges Response Traffic Correspondence
MTR-120	Important Notice (payment plans)
MTR-130	Declaration re: No Traffic School Attendance within Last 18 Months
MTR-140	Traffic Infraction - Plea of Not Guilty
MTR-150	Notice of Non-Compliance - Non-Mandatory Appearance
MTR-151	Notice of Non-Compliance - Mandatory Appearance
MTR-160	Traffic Infraction - Testimony by Mail
MTR-170	Traffic School Checklist
MUD-102	Stipulation for Entry of Judgment
MUD-103	Notice of Request for Entry of Judgment Pursuant to Default and Supporting Declaration
MWV-110	How to Ask for a New Hearing Date
MWV-120	How do I Request a Renewal of a Workplace Violence Restraining Order
PRU-100	DUI Advisement of Rights, Waiver, and Plea form (1st offense, VC § 23152)
PRU-101	DUI Advisement of Rights, Waiver, and Plea form (VC § 23152)
PRU-102	Addendum to DUI Advisement of Rights, Waiver, and Plea Form
PRU-103	DUI Advisement of Rights, Waiver, and Plea form (VC § 23153)
PRU-106	Advisement of Rights, Waiver, and Plea form (VC § 14601 et seq., VC § 12500)
PRU-200	Misdemeanor Advisement of Rights, Waiver, and Plea Form
PRU-1000	Advisement of Rights, Waiver, and Plea Form - Deferred Entry of Judgment (PC § 1000 et seq.)

* Adopted for Mandatory Use