



Superior Court of California County of Mendocino

Proposed Changes to Local Rules and Local Fees

Publication Date: September 1, 2017

Deadline for Comment: 4:00 p.m. October 16, 2017

Effective Date: January 1, 2018

Summary of Proposed Changes to Local Rules for January 1, 2018

Summary of Changes

Chapter 3: General Information

- 3.1 Repealed.
- 3.2 Repealed.
- 3.1 New rule.
- 3.2 Renumbered rule 3.7.
- 3.3 Renumbered rule 3.8.
- 3.4 Renumbered rule 3.9.
- 3.5 Renumbered rule 3.10.
- 3.6 New rule.
- 3.7 Renumbered rule 27.1
- 3.8 New rule.

Chapter 5: Civil Case Management

- 5.1.5 New rule.

Chapter 10: Criminal Court Rules

- 10.12 New rule.

Chapter 11: Telephonic Appearance, Facsimile Filings, and Requests to be Transported

- 11.4 Repealed.

Chapter 13: Probate Court Rules

- 13.1.5 New rule.

Chapter 15: Family Court Rules

- 15.3.5 New rule.

Chapter 16: Juvenile Court Rules

- 16.3.e Amended.
- 16.10 Renumbered rule 16.12.
- 16.11 Renumbered rule 16.14.
- 16.12 Renumbered rule 16.16.
- 16.13 Renumbered rule 16.17.
- 16.14 Renumbered rule 16.18.
- 16.15 Renumbered rule 16.19.
- 16.16 Renumbered rule 16.20.

Summary of Changes

- 16.17 Renumbered rule 16.22.
- 16.18 Renumbered rule 16.23.
- 16.19 Renumbered rule 16.24.
- 16.20 Renumbered rule 16.25.

Chapter 20: Court Reporters and Interpreters

- 20.10 New rule.

Chapter 24: Appellate Division Rules

- 24.2 Corrected.
- 24.5 Renumbered rule 24.9.

List of Local Forms: Removing internal use only forms.

Chapter 3: General Information

3.1 Civil Case Initiation and Assignment

a. Case Initiation

1. The following civil case types may be filed and heard in the Ukiah or the Ten Mile court locations:
 - a. Limited and unlimited civil proceedings;
 - b. Probate proceedings;
 - c. Family law proceedings.
2. The following case types shall be filed and heard only in the Ukiah court location:
 - a. Conservatorships under the Lanterman-Petris Short Act (LPS cases);
 - b. Qui Tam actions under the False Claims Act (Government Code 12650-12656); and
 - c. Proceedings under Public Resources Code 21000 et.seq. raising issues under the California Environmental Quality Act (CEQA cases).

b. Case Number

1. All civil cases initiated in Ukiah shall be assigned a case number that begins with “SCUK.”
2. All civil cases initiated in Ten Mile shall be assigned a case number that begins “SCTM.”

c. Document Filing

1. After initiation of any case defined in paragraph a (1) above, documents may be filed in any court location in Mendocino County that has a public counter for the acceptance of civil, family law and probate documents;
2. Pleadings or other documents in LPS cases, Qui Tam actions or CEQA cases shall be filed only in the Ukiah court.

d. Case Assignment

1. All civil cases with a number that begins “SCUK” will be set for hearing in Ukiah unless the court on its own motion or on the oral or written motion of a party has ordered that the matter will be heard in the Ten Mile courthouse.
2. All civil cases with a number that begins “SCTM” will be set for hearing in Ten Mile unless the court on its own motion or on the oral or written motion of a party has ordered that the matter will be heard in the Ukiah courthouse.
3. The court may order the transfer of a civil case from one branch of the court to the other for a limited purpose (i.e., a particular hearing, for mediation, etc.), or for all purposes.
4. Civil jury trials set in Ten Mile which are expected to exceed two days duration will be generally be transferred to the Ukiah courthouse unless the court exercises its discretion to hear the trial in the Ten Mile courthouse.

(Effective 1/1/18)

~~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.~~
- e. ~~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.)

~~3.2. Case Assignment~~

~~Assignment of Limited and Unlimited Civil Matters~~

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- 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.)

3.2 ~~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.~~

(Effective 7/1/11; amended 1/1/13; renumber & amended 1/1/18)

3.3 ~~3.8~~ — Pre-Paid, Self-Addressed Envelopes Required

A self-addressed envelope of sufficient size and with sufficient postage affixed is required for mailing of filed documents to the filing party. ~~the mailed returned copies of papers submitted for filing.~~ Filed documents that do not have return envelopes with sufficient postage shall be retained in the clerk’s office for thirty (30) days from the date of filing. If the filing party does not claim them with thirty (30) days, they will be discarded. ~~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.~~

(Effective 7/1/11; renumbered & amended 1/1/18)

3.4 ~~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 sixty (60) days after a final judgment or dismissal of the entire case is entered.

(Effective 7/1/11; renumbered 1/1/18)

3.5 ~~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.

(Effective 7/1/11; renumbered 1/1/18)

3.6 Provision of “Court Copies” for Specified Court Hearings and Courtesy Copies

a. Civil and Criminal Motions

At the time of filing, litigants filing any civil or criminal motions or Orders to Show Cause (OSC) for hearing lodge one additional court copy of all moving papers and pleadings for use by the judicial officer assigned to the matter. Any litigant opposing a motion or OSC shall also be required to lodge one additional court copy of all opposing papers and pleadings at the time of filing the opposition. The moving party shall lodge one additional court copy of all reply papers and pleadings at the time of filing the reply, if any.

b. Department Motions and Briefs

Appellants and respondents shall file an original plus three (3) court copies of any motion or brief filed in the appellate division of the court.

c. Exceptions

This rule does not apply to:

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. Motions filed in *Ex parte* hearings.

a-d. Submission of Courtesy Copies by Email

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The court encourages litigants or their counsel to email courtesy copies of documents that are filed to the court and all parties to the matter. The use of a file hosting service such as “Dropbox” will also be permitted provided there is no cost to the court or other litigants. Electronic delivery of courtesy copies is optional but encouraged.

Electronic delivery of documents is not a substitute for filing and service as required by the Code of Civil Procedures, the Penal Code, and the California Rules of Court. Each Judge may, at his or her discretion, request a paper copy. All departments will accept electronic delivery of courtesy copies.

Generic email addresses have been established for courtesy copies. The transmitting email and attached copies are to be sent to each department as follows:

DepartmentA@mendocino.courts.ca.gov
DepartmentB@mendocino.courts.ca.gov
DepartmentC@mendocino.courts.ca.gov
DepartmentCS@mendocino.courts.ca.gov (Child Support cases only)
DepartmentE@mendocino.courts.ca.gov
DepartmentF@mendocino.courts.ca.gov
DepartmentG@mendocino.courts.ca.gov
DepartmentH@mendocino.courts.ca.gov
DepartmentTM@mendocino.courts.ca.gov

Emailed courtesy copies must conform to the following specifications:

1. All courtesy copies must be exact electronic copies of the documents as filed with the court.
2. Only documents in PDF format will be accepted.
3. The transmitting email and attached courtesy copies must be copied to all parties who have provided an email address.
4. Emailed documents must have a file name in the following uniform format:

[case number].[short title of document].[date of hearing].pdf
For example, 1234567.OppositiontoDemurrer.010116.pdf
5. The combined size of the email and all attachments cannot exceed 10 megabytes (MB).
6. Do not include any text in the email as it will not be read or considered by the court.

(Effective 1/1/18)

3.7 27.17—Payment in Coin

Pursuant to Government Code section 24353, the court-Clerk shall not accept coins as payment of any bail, fine or filing fee-fee or fine in the amounts exceeding: once dollar consisting of pennies, nickels, and dimes; and ten dollars consisting of quarters and half dollars.

(Effective 7/1/05; amended 7/1/08; renumbered 7/1/11; renumbered & amended 7/1/18)

3.8 Drop Box – Ukiah

Litigants and attorneys filing civil, family law, probate, and juvenile pleadings in Ukiah are allowed to place their documents into a drop box in lieu of standing in line at the clerk’s window. The drop box is located on the main floor of the Ukiah courthouse and parties may drop their pleadings throughout the business day.

Matters requiring immediate judicial attention (i.e. requests for temporary orders, requests for restraining orders based on domestic violence or civil harassment, ex parte filings, etc.) should not be deposited in the drop box.

Documents that are date and time stamped on or before 5:00 p.m. will be filed as of the date received. Documents that are *not* date and time stamped will be filed the next business day regardless of when the documents were placed in the drop box.

The clerk will conform three (3) copies of each document and will place the conformed copies in either the public pick-up basket or attorney boxes located in room 107 or return by regular mail if a self-addressed stamped envelope is provided. If a courtesy copy is required for the filing and has not been provided, the clerk will retain one conformed copy as the courtesy copy.

Incomplete documents, documents without the appropriate filing fees (if applicable), or documents deposited in error will be returned to the filing party unprocessed.

Filing parties assume the risk for documents deposited in the drop box in lieu of being filed directly with the clerk.

When placing documents in the drop box, filing parties and their counsel shall:

- a. Using the electronic time stamp located on top of the drop box, stamp documents with the date and time on the back of the last page.
- b. Ensure that the documents are in order and securely clipped together or placed in an envelope.
- c. Securely affix checks or money orders, with the appropriate fees, to the front of the documents.
- d. Do NOT attach cash to pleadings in the drop box.

(Effective 1/1/18)

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 rules 3.700 – 3.763. The court does not conduct Case Management Conferences for limited civil matters.

(Effective 1/1/13)

5.1.5 Assignment of Civil Cases

Pursuant to Local Rule 3.11, all probate cases with a number which begins “SCUK” shall be set for hearing in the Ukiah court unless the court has ordered that the matter be heard in the Ten Mile court. All civil cases with a number that begins “SCTM” shall be set for hearing in the Ten Mile court unless the court has ordered that the matter be heard in the Ukiah court.

(Effective 1/1/18)

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.

(Effective 1/1/99; amended 1/1/03; amended 7/1/08; amended 7/1/12; renumbered & amended 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.

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- 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.

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- 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.

(Effective 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 (1) court day prior to the pretrial conference. Counsel and self-represented litigants shall be prepared to argue motions in limine at the pretrial conference.

(Effective 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.

(Effective 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 rules 2.1055 and 2.1058; and
- c. Proposed general or special verdict forms.

(Effective 1/1/13)

Chapter 10: Criminal Court Rules

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.

(Effective 1/1/99; renumbered 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 [Plea in Absentia \(Form #MCR-102-local\)](#), 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.

(Effective 7/1/08; amended 1/1/17)

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 (5) court days before trial.

(Effective 1/1/99; amended 1/1/03; renumbered & amended 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.

(Effective 1/1/99; renumbered & amended 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.

(Effective 1/1/99; renumbered & amended 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.

(Effective 1/1/99; renumbered 7/1/08; amended 1/1/10)

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.

(Effective 1/1/99; amended 7/1/04; renumbered 1/1/07; renumbered 7/1/08; amended 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 Calendar Case \(Form #MCR-103-local\)](#) with the court clerk's office, along with supporting documents. Any request to place a 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 (5) 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

(Effective 1/1/10)

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 (2) weeks before the trial date, and if not settled on that date, are continued one (1) 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.

(Effective 1/1/99; renumbered 7/1/08)

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.

(Effective 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.

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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.

(Effective 1/1/99; renumbered 7/1/04; renumbered 7/1/08)

10.12 Petition for Expungement Fee

Upon review of actual costs involved in processing Penal Code section 1203.4(a) and section 1203.4a(a) petitions, regardless of whether or not the petitions are granted, the court finds that the actual costs of processing such petitions are equal to or exceed the fees set forth below.

Penal Code § 1203.4(a) Petition \$150.00

Penal Code § 1203.4a(a) Petition \$ 60.00

The ability of a petitioner to pay the fee imposed in this order shall be determined by the court, using the standard set forth in Penal Code section 987.8(g)(2), and shall not be a prerequisite to a person's eligibility to file a petition. The court may order reimbursement in any case in which the petitioner appears to have the ability to pay, without undue hardship, all or any portion of the fee.

(Effective 1/1/18)

Chapter 11: Telephonic Appearance, Facsimile Filings, and Requests to be Transported

11.1 Telephonic Appearance

Civil/Probate

- a. **Case Type and Proceedings Permitted.** Unless otherwise ordered, parties may appear by telephone in cases defined in California Rules of Court rule 3.670(b) and in proceedings defined in California Rules of Court rule 3.670(c).
- b. **Request for Teleconferencing Services through Private Vendor.** In accordance with California Rules of Court rule 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, LLC, at 1-888-88-COURT.
- c. **Notice by Party.** A party who chooses to appear by telephone will satisfy the requirements of California Rules of Court rule 3.670(g) for notice to the court by timely providing CourtCall Telephonic Appearance Request form to CourtCall, LLC.

Family Support

- a. **Case Type and Proceedings Permitted.** Unless otherwise ordered, parties may appear by telephone in cases and proceedings defined in California Rules of Court rule 5.324(c).
- b. **Request for Teleconferencing Services.** Requests to appear by telephone must be submitted on Judicial Council form, [Request for Telephone Appearance \(Form FL-679\)](#), and in accordance with California Rules of Court rule 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 (3) 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, LLC, 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 [Request for Telephone Appearance \(Form #MJV-150-local\)](#) at least forty-eight (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 **forty-eight (48) hours** before the hearing by serving a copy of [Request for Telephone Appearance \(Form #MJV-150-local\)](#) to all other parties.
- c. **Request for Teleconferencing Services through Private Vendor.** In accordance with California Rules of Court rule 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, LLC, 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 forty-eight (48) hours before the hearing. Information as to the forms and fees may be obtained directly from CourtCall, LLC, at 1-888-88-COURT.
- e. **Waiver of Requirement.** For waiver of Requirement to use CourtCall, LLC, see [Request for Telephone Appearance \(Form #MJV-150-local\)](#).

Family Law

- a. **Case Type Proceedings 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 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, LLC, 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:

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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, LLC, by 11:00 a.m. the day of the court hearing.

d. Request for Teleconferencing Services for Evidentiary Hearings or Mediation.

1. **Evidentiary Hearings.** [Requests to Appear by Telephone for an Evidentiary Hearing \(Form #MFL-146-local\)](#) must be submitted. An [Order re: Request for Telephone Appearance for Evidentiary Hearing \(Form #MFL-147-local\)](#) must be lodged at the time of the filing of the request to appear.
2. **Mediation.**
 - a. For good cause shown, a party may request the opportunity to appear for Mediation by telephone. Examples of “good cause” include: a party that resides out of state, a party or member of a party’s family has a serious health issue which makes travel to court difficult or impossible, serving in the military, or the party would suffer extreme financial hardship if required to appear in person.
 - b. Requests to appear for Mediation must be submitted on [Request for Telephone Appearance for Family Law Mediation \(Form #MFL-148-local\)](#) at least fifteen (15) days prior to the hearing. An [Order re: Request for Telephone Appearance for Family Law Mediation \(Form #MFL-149-local\)](#) must be lodged at the time of filing a request to appear.

e. Notice by Party for Teleconferencing Services for Evidentiary Hearings or 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 Mediation.

1. **Evidentiary Hearings.** Upon the granting of a Request to Appear by Telephone for an Evidentiary Hearing, the party must contact CourtCall, LLC, to arrange these services at least three (3) court days before the

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

2. Mediation.

- a. A party approved for a telephone appearance for Mediation must:
 - i. Complete and return a [Family Mediation Intake form \(Form #MFL-230-local\)](#) via fax, email, or mail at least five (5) days prior to the scheduled mediation.
 - ii. Contact CourtCall, LLC, at least three (3) days before the mediation to arrange services to appear in family court at the designated time of the mediation. Information as to the forms and fees may be obtained directly from CourtCall, LLC, at 1-888-88-COURT.
- b. The party will be referred to Mediation by the family court judicial officer. At the designated time, the party shall telephone the Family Court Conference Room at (707) 463-4794 to attend the Family Mediation Orientation.
- c. Upon completion of the Family Mediation Orientation, the party shall be given the telephone number and a designated time by the Family Court Mediator to telephone the mediation office for mediation services. The party must ensure that a private, secure telephone line is available for the duration of the mediation and take all reasonable steps to maintain the confidentiality of all communications which occur during the mediation.

(Effective 1/1/99; amended 1/1/03; amended 7/1/08; amended 7/1/09; amended 1/1/10; amended 1/1/11; amended 1/1/17)

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 Rules 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 section 6404 may be filed by facsimile directly with the clerk's office in accordance with California Rules of Court rules 5.386, 2.300, 2.301, 2.302, 2.303, 2.304, and 2.305. To obtain the appropriate fax number, parties should call the clerk's office at (707) 468-2003 or visit the court's website at www.mendocino.courts.ca.gov.

(Effective 1/1/99; amended 7/1/04; amended 7/1/08; amended 1/1/10; amended 1/1/12; amended 7/1/16; amended 1/1/17)

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 a [Request to be Transported \(Form #MMC-122-local\)](#).
- 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 an [Order for Prisoner's Appearance at Hearing Affecting Prisoner's Parental Rights and Waiver of Appearance \(Judicial Council Form JV-450\)](#).

(Effective 7/1/09; amended 1/1/10; amended 1/1/17)

~~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 13: Probate Court Rules

13.1 Applicability of Rules

The rules stated in this chapter, as well as those stated in Chapter 3 (General Information) and as to contested matters, those stated in Chapter 4 (Law and Motion) shall govern all proceedings involving estates of decedents and guardianship, conservatorship and testamentary trusts.

(Effective 1/1/99; amended 7/1/17)

13.1.5 Assignment of Probate Cases

Pursuant to Local Rule 3.11, all probate cases with a number which begins “SCUK” shall be set for hearing in the Ukiah court unless the court has ordered that the matter be heard in the Ten Mile court. All probate cases with a number that begins “SCTM” shall be set for hearing in the Ten Mile court unless the court has ordered that the matter be heard in the Ukiah courthouse.

(Effective 1/1/18)

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 (4th) 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 (4th) court day prior to the probate calendar shall be calendared for the next probate calendar that is more than four (4) court days thereafter. The clerk shall not accept any moving papers setting a hearing date less than four (4) 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.

(Effective 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.

(Effective 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.

(Effective 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.

(Effective 1/1/99; amended 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.

(Effective 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.

(Effective 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.

(Effective 1/1/99)

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

Pursuant to Probate Code section 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.

(Effective 1/1/99)

13.10 Order of Probate

No Order of Probate shall be certified unless letters have issued.

(Effective 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.

(Effective 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.

(Effective 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.

(Effective 1/1/99; amended 1/1/09)

13.14 Fees of Attorneys and Fiduciaries

Refer to Chapter 19 of these rules.

(Effective 1/1/99)

13.15 Ex Parte Applications

- a. **Time of Ex Parte Hearing.** To obtain a date and time for an ex parte 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 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 a [Declaration re: Notice upon Ex Parte Application for Orders \(Form #MMC-121-local\)](#), 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 California Rules of Court rule 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.

(Effective 1/1/12)

Chapter 15: Family Court Rules

15.1 Scope

Family law matters include all matters related to the Family Law Act, Uniform Parentage Act, the Domestic Violence Prevention Act, the Uniform Child Custody Jurisdiction Act, and the Domestic Partnership Act.

Guardianship proceedings under the Probate Code will be treated as family law matters subject to the rules set forth in this chapter.

Title IV-D actions heard by the Child Support Commissioner will be treated as family law matters subject to the rules set forth in this chapter.

(Effective 1/1/17)

15.2 Assistance for Self-Represented Litigants

It is the policy of the court, to refer self-represented litigants to the following resources for assistance with family law matters:

- a. **Family Law Facilitator.** The Family Law Facilitator shall perform all duties prescribed or permitted by the Family Law Facilitator Act, Family Code section 10000 *et seq.* The facilitator shall be available during office hours and during Case Management Conferences to offer assistance to self-represented litigants. Please see the court website for the facilitator’s office hours:
www.mendocino.courts.ca.gov/divisions/family/family-flf.asp
- b. **Self Help Legal Access Center (SHLA).** Staff in the Self Help Legal Access Center are also available to assist self-represented litigants with family law matters. Please see the court’s website for the SHLA office hours:
www.mendocino.courts.ca.gov/self_help/SHLA.asp

(Effective 1/1/17)

15.3 Family Law Case Management

In compliance with California Rules of Court rule 5.83, the court, will actively manage dissolution, legal separation, nullity, and parentage cases in order to reduce unnecessary delay and expense, encourage reasonable preparation, and facilitate early settlement.

- a. **Scheduling of Family Law Case Management Conferences.** At the time of filing a petition for dissolution, legal separation, nullity, or parentage, an initial Family Law Case Management Conference will be scheduled by the clerk within 180 days. The clerk will deliver a [Notice of Family Law Case Management Conference \(Form #MFL-250-local\)](#) to the petitioner at the time that the petition is filed.

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Family Law Case Management Conferences are heard on the third Friday of each month at 2:00 p.m. in the Ukiah courthouse.

Family Law Case Management Conferences are heard on the first and third Friday of each month at 9:30 am in the Ten Mile courthouse.

- b. **Petitioner Must Promptly Serve Notice of Family Law Case Management Conference.** A copy of the Notice of Family Law Case Management Conference must be served on the responding party, together with the summons and petition, and proof of service thereof shall be filed promptly with the court. The summons, petition, and notice of case management conference should be served within sixty (60) days of case initiation (California Rules of Court rule 5.83(c)(4)(A)).
- c. **Family Law Case Status Reports.** Each party must file and serve a [Family Law Case Status Report \(Form #MFL-251-local\)](#) at least five (5) days prior to the Family Law Case Management Conference.
- d. **Appearance at Family Law Case Management Conference.** Either the party or, if represented, the party's attorney, should appear at the Family Law Case Management Conference. At each conference, the court will review the status of the case, discovery issues, settlement options, alternative dispute resolution, and unresolved issues. The court may make any orders at the Family Law Case Management Conference which it deems necessary, consistent with Family Code sections 2450-2451 or Family Code section 2032(d).

(Effective 1/1/17)

15.3.5 Assignment of Family Law Cases

Pursuant to Local Rule 3.11, all family law cases with a number which begins "SCUK" shall be set for hearing in the Ukiah court unless the court has ordered that the matter be heard in the Ten Mile court. All family law cases with a number that begins "SCTM" shall be set for hearing in the Ten Mile court unless the court has ordered that the matter be heard in the Ukiah courthouse.

(Effective 1/1/18)

15.4 Requests for Orders

- a. **Calendaring Request for Orders for Hearing.** Request for Orders (RFO) regarding custody and visitation of children, child support, spousal support, property control, and other issues shall initially be calendared for hearing on the family court law and motion calendar. Matters heard on the 9:30 a.m. law and motion calendar shall be limited to a maximum of thirty (30) minutes. If the parties or through counsel believe that the matter will exceed thirty (30) minutes, the matter may be continued by stipulation for an evidentiary hearing or may remain on the law and motion calendar for the purpose of setting and/or requesting temporary orders prior to the evidentiary hearing.

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- b. **Meet and Confer Requirement.** Prior to the hearing on any RFO, the parties and, if represented, the parties' counsel, shall have met and conferred in a good faith effort to resolve all issues. All relevant documents shall be exchanged prior to or at the meet and confer session in the absence of good cause to the contrary. A failure to meet and confer may result in the matter being dropped from the calendar or continued in order to allow the parties to meet and confer. Failure to meet and confer in good faith will be considered by the court in connection with any request for award of attorney's fees or sanctions pursuant to Family Code section 271.

- c. **Unserved Request for Order.** If an RFO has not been timely served, the moving party should submit an application for [Reissuance of the Request for Order \(Judicial Council Form FL-306\)](#). The court will not hear an RFO unless 1) a proof of service demonstrating timely service has been filed by the moving party; or 2) the opposing party personally appears and waives any defect in service on the record in open court. Even when the opposing party appears, however, the court will not hear an RFO unless a valid proof of service of summons and petition has been filed.

- d. **Evidence Required for Hearings Involving Financial Issues.**

- 1. **Income and Expense Declaration.** A current [Income and Expense Declaration \(Judicial Council Form FL-150\)](#) must be filed with both the moving and responsive papers for any hearing involving financial issues, including support and attorney fees and costs. An Income and Expense Declaration is current if it has been completed within three months of the hearing and providing no facts have changed. Supplemental, updated, or responsive Income and Expense Declarations must be served at least five (5) court days before the hearing. All portions of the form must be completed. Insertion of the word "unknown" does not constitute compliance with this rule. The gross income of all persons living with the party must be provided on the Income and Expense Declaration. All cash, funds on deposit, stocks, bonds, and other easily sold assets must be fully disclosed.

To verify current income, parties must serve copies of the following documents with their Income and Expense Declaration if they are not otherwise required to be attached to the Income and Expense Declaration. Documents that are required by this rule to be served with the Income and Expense Declaration may be lodged with the court at the time of the hearing.

- a. **For salaried employees:** The prior calendar year W-2 and all pay stubs for the last two (2) months showing all forms of year-to-date earned income.

- b. **For self-employed individuals, including independent contractors:** A schedule reflecting all compensation

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received year-to-date and the last two (2) filed Internal Revenue Service (IRS) 1040 Schedule C or C-EZ; profit-and-loss statements and balance sheets for the two (2) prior calendar years and the current year-to-date.

- c. **For employees who are shareholders in a closely-held corporation:** The prior calendar year W-2; all pay stubs for the last two (2) months showing all forms of year-to-date income; all IRS K-1s for two (2) prior years; the last filed IRS Schedule E (Part II); profit and loss statements and balance sheets for the two (2) prior calendar years and the current year-to-date.
- d. **For partnership income:** A schedule reflecting all compensation received year-to-date, all IRS K-1s for the two (2) prior years; the last filed IRS Schedule E (Part II); profit and loss statements and the balance sheets for the two (2) prior calendar years and the current year-to-date.
- e. **For rental income:** The last filed IRS Schedule E (Part I); summaries of all rental receipts, deposits, disbursements, and expenses for the prior calendar year and for all periods year-to-date.
- f. **For dividend income, interest income, trust income, or other earned income:** The prior calendar year IRS 1099s; the last filed IRS Schedule B; an itemized summary of all funds on deposit, shares of stock, bonds, or other income-producing assets owned, and the rate of return currently being paid thereon; and any income derived there from during the prior calendar year, and year-to-date.

- 2. **Disclosure of Income Tax Returns.** Parties shall bring a copy of their most recent federal tax return to the hearing. In addition, when child, family, or spousal support is requested, a party may require the opposing party to provide copies of both state and federal income tax returns pursuant to Family Code section 3552. A request for tax returns must be made no later than 10:00 a.m. five (5) court days before the hearing. Copies of the tax returns including all schedules, W-2s, 1099s, and K-1s must be provided to the requesting party or counsel the earlier of five (5) court days after the request or 10:00 a.m. two (2) court days before the hearing. Tax returns served pursuant to this rule must not be filed with the court except as provided in Family Code section 3552.
- 3. **Child and Temporary Spousal Support Guidelines.** The court uses the DissoMaster™ computer program to calculate guideline child support (except in Department of Child Support Services (DCSS) enforcement actions) and temporary spousal support. In calculating temporary spousal

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support, the court uses the “Santa Clara” formula as contained with the DissoMaster™ computer program.

4. **Deviations from Guideline Child Support or Temporary Spousal Support.** Unless otherwise allowed by the court, if a party contends that the amount of support as calculated under the guideline formula is inappropriate, that party must file a declaration stating the amount of support alleged to be proper and the factual and legal bases justifying a deviation from guideline support. In its discretion, for good cause shown, the court may deviate from the amount of guideline support resulting from the computer calculation.
 5. **Request for Attorney Fees.**
 - a. Attorney Declaration. Any request for attorney fees or costs in excess of \$2,000 must be accompanied by a factual declaration completed by the attorney. The declaration must state the attorney’s hourly rate, the amount of fees due and payable, how fees requested were or will be spent, and identification of a source for payment of the fees. The declaration shall further state such facts as may be relevant to the court’s determination of the reasonableness of the fees.
 - b. Bifurcation Re: Fees and Costs. Where counsel requests fees pursuant to Family Code section 271, the court will defer any decision until all other issues have been determined and will not receive an attorney’s declaration relating thereto until commencing consideration of the attorney fee issue.
 6. **Request for Expert Fees.** Any request for expert fees must be accompanied by a factual declaration completed by the expert. The declaration must state the expert’s hourly rate, the scope of the expert’s task, and an estimate of the number of hours required to complete the task.
 7. **Request for Modification of Prior Support Orders.** The supporting declaration submitted in support of any request for modification of a prior child or spousal support order must include specific facts demonstrating a change of circumstances.
- e. **Continuances.**
1. **Stipulated Continuances.** After the RFO has been served, three (3) continuances (not counting continuances necessitated by the court due to overbookings for mediation or the lack of an interpreter) may be obtained by stipulation upon payment of the continuance fee.
 2. **Continuances for Good Cause.** Other than as allowed in paragraph (e)(1), continuances must be obtained by appearance and order of the court

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upon good cause shown. Continuances of “special set” matters are discouraged. If the matter has settled, the parties must either appear in court and announce the settlement on the record or provide the court with a written settlement agreement or stipulation at, or prior to, the hearing. In the absence of a settlement or good cause shown, a “special set” matter generally will not be continued, but will be dropped from calendar without prejudice.

f. Hearings on Request for Orders.

1. **Personal or Telephone Appearance Required.** A party, or his or her attorney, must personally appear at the hearing on a RFO or appear by telephone in accordance with Local Rule 11.1. If a party or attorney cannot appear as the result of illness, extreme economic hardship, or other good cause, that party, or his or her attorney, must immediately contact the other party and make all reasonable efforts to continue the hearing. In the absence of a settlement or an agreement to continue the hearing, the party who is unable to appear must file a declaration detailing the communication or attempted communication with the other party and request a continuance.
2. **Late Appearance.** If for any reason an attorney or party is unable to be present at the time the matter is called for hearing, he or she must immediately notify the clerk and the opposing party, by telephone, of the reasons for and the extent of the delay,
3. **Failure to Appear.** Failure of the moving party, or his or her attorney, to appear without notice to the responding party will in most cases result in the matter being dropped from the calendar. However, if a party who has filed a response to a RFO re custody and visitation appears and asks to go forward, the court may either continue the matter and award attorney’s fees to the responding party, or may enter an order on the pleading and testimony of the responding party. If the responding party fails to appear without notice to the moving party, the court will either continue the matter and award attorney’s fees or may enter an order on the pleadings and testimony of the moving party.

- g. Submission of Order after Hearing.** The prevailing party shall submit and Order after Hearing in compliance with California Rules of Court rule 3.1312 unless the court orders otherwise. If there is a disagreement between the parties concerning the accuracy of the proposed Order after Hearing, either party may calendar the matter to compel the entry of the order. In the court’s discretion, attorney’s fees may be awarded if opposition to entry of the proposed order is not meritorious.

(Effective 1/1/17)

15.5 Ex Parte Applications

Ex parte applications shall not be used as a means to avoid calendaring a Request for Order (RFO). Applications for ex parte non-emergency relief must clearly state the factual and legal basis for proceeding.

- a. **Filing/Scheduling.** Ex parte applications involving family law or guardianship matters must be filed at the civil division filing counter by 11:00 a.m. in order to be placed on the 1:15 p.m. ex parte calendar. No drop box filing is allowed for ex parte applications.
- b. **Notice**
 1. **Duty to Provide.** Parties shall comply with applicable laws regarding the notice of ex parte requests, including all requirements for a declaration setting forth that notice to the other party has been given or, alternatively, the reason notice has not been given.
 2. **Timing.** Absent a showing of exceptional circumstances, a party seeking an ex parte order shall notify all parties, or their attorneys if represented, no later than 10:00 a.m. the court day before the application is filed with the court.
 3. **Manner.** Notice of the application shall be given by the means most likely to result in actual notice: telephone, e-mail, text message, personal delivery, and/or facsimile transmission. Service by mail is allowed only when other forms of notice are not possible. If notice by mail is used, the notice must be mailed to allow for delivery by the court day before the application is filed with the court.
 4. **Service of Moving Papers.** Parties appearing at the ex parte hearing shall serve the ex parte application or any written opposition on all other appearing parties at the first reasonable opportunity, no later than the time of the appearance.
- c. **Supporting Declarations**
 1. **General Requirements.** Declarations in support of the application must be based on the declarant's personal knowledge and must comply with California Rules of Court rule 5.151(d). The declaration must, in itself, be adequate and supported by admissible evidence to warrant the relief requested. It cannot contain hearsay statements of persons other than the declarant, and it cannot be augmented by oral statements to the court. There is an absolute duty to disclose the fact that a requested ex parte order will result in a change in the status quo.
 2. **Custody and Visitation Orders.** The court will not grant ex parte orders changing the status quo of visitation and/or custody of the child

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unless there is a very strong factual showing of immediate harm to the child or immediate risk that the child will be removed from the state of California (Family Code 3064, California Rules of Court rule 5.15(b)(1)). In the absence of a sufficient factual showing pursuant to Family Code 3064 and California Rules of Court rule 5.151, custody and visitation matters must be properly set on the appropriate family law calendar and noticed for hearing with both parties present and afforded the opportunity to be heard.

3. **Temporary Restraining Orders.** Declarations submitted to the court with a request for an ex parte temporary restraining order must specifically include the date(s) of the incidents, a detailed statement of facts, and a description of the specific harm caused or threatened, which supports the request for extraordinary relief. Conclusions, feelings, wishes, or fears will not adequately support an ex parte order.
4. **Exclusive Use of Vehicles.** No ex parte order will be granted giving one party the exclusive use of a vehicle unless the declaration demonstrates that the opposing party has suitable transportation available or requires no such transportation, or for other good cause shown.
5. **Exclusive Use of Residence.** No ex parte order will be granted removing a party from a residence except in cases of domestic violence where the moving party's declaration sets forth facts required by Family Code section 6321, or for other good cause shown.

(Effective 1/1/17)

15.6 Child Custody and Visitation

a. Mediation

1. **Personal Appearance by Parties Generally Required.** In all proceedings involving a contested issue regarding custody or visitation of a child, the parties shall attend mediation prior to a hearing or trial. Failure to attend a scheduled mediation without good cause may result in sanctions against the party who fails to attend. Sanctions may include, but are not limited to, monetary sanctions, denial of relief sought, dismissal of Request for Order (RFO), entry of substantive orders, or contempt.
2. **Telephone Appearance for Mediation.**
 - a. For good cause shown, a party may request the opportunity to appear for mediation by telephone. Examples of "good cause" include: a party resides out of state, a party or a member of a party's family has a serious health issue which makes travel to court difficult or impossible, serving in the military, or the party

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would suffer extreme financial hardship if required to appear in person.

- b. At least fifteen (15) days prior to the scheduled mediation, the party who wishes to appear by telephone shall file and serve a [Request to Appear by Telephone \(Form #MFL-148-local\)](#). A reliable phone number must be included on the form. The mediator may grant or deny the request for a telephone appearance in his or her discretion. If denied by the mediator, the requesting party may request that the court approve his or her request to appear by telephone. The court's decision on this issue is final.
- c. A party approved for a telephone appearance must:
 - i. Complete and return the [Family Mediation Intake Form \(Form #MFL-230-local\)](#) by fax, email, or mail at least five (5) days prior to the scheduled mediation;
 - ii. Ensure that a private, secure telephone line is available for the duration of the mediation and take all reasonable steps to maintain the confidentiality of all communications which occur during the mediation.

3. **Non-Recommendation Confidential Mediation.** Mediation sessions are confidential. The mediator conducting a confidential mediation will not make a report or recommendation regarding the child except as follows:

- a. **Child at Risk:** As a mandated reporter, the mediator will make a report to Child Welfare Services if the mediator believes that a child is at risk of abuse or neglect.
- b. **Threats of Death or Bodily Injury:** The mediator is required to report threats of death or great bodily harm made to a party, any other person, or to the mediator.
- c. Without disclosing details from the mediation, the mediator may recommend that the court consider appointing counsel to represent the child or children or appoint a child custody evaluator.

4. **Children May Not Participate in Mediation Without Prior Authorization.** A child who is of sufficient age to express a meaningful preference (Family Code 3042) may participate in mediation with the consent of all parties and the prior authorization of the mediator. Parties shall not bring a child to court with the expectation that the child will be allowed to participate in mediation prior to obtaining the consent of the other party and the consent of the mediator.

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5. **Mediator May Not be a Witness.** The mediator may not be called as a witness at any court hearing regarding any matter discussed during confidential mediation.
 6. **Parties Do Not Reach Agreement.** If the parties do not reach agreement on some or all of the issues presented, the mediator will schedule a court hearing date and notify the parties, their attorneys, and the court.
 7. **Ex Parte Communication.** Except as provided in Family Code section 216, there shall be no ex parte communication between the attorney for any party (including minor's counsel) and the mediator, except to schedule appointments. No attorney or party shall provide the mediator with documents relevant to the case without first giving copies to the other parties or attorneys.
 8. **Interpreters.** The court shall attempt to obtain the services of a certified interpreter for mediation if such is required by one or more of the parties. In the event that a certified interpreter is not available, a neutral person fluent in English and the party's native language may interpret for the party in mediation after signing a confidentiality agreement. In no case may a child of the parties serve as an interpreter.
 9. **Mediation Complaints.** A party or attorney who wishes to lodge a complaint about a mediator shall complete a [Client Complaint Form \(Form #MFL-270-local\)](#), and deliver it to the Court Executive Officer at the earliest opportunity. The court executive officer or his or her designee (investigator) shall conduct an investigation of the complaint which shall include consultation with the mediator. Within fifteen (15) days of receiving the complaint, the investigator shall decide whether to replace the mediator who is the subject of the complaint. The complainant shall be informed in writing of the investigator's decision, which shall be final.
- b. **Parenting Apart Workshop.** In an action for dissolution of marriage or legal separation involving children, 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 should complete and submit the [Parenting Apart Registration Form](#) to attend the workshop in conjunction with the filing of his or her initial papers. The respondent 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.

c. **Appointment of Counsel for the Child**

1. **Generally.** In any family law proceeding as defined by Local Rule 15.1, the court may, if it finds it would be in the best interest of the child, appoint counsel to represent the interests of the child. (Family Code section 3151)
2. **Compensation.** When the court appoints counsel to represent a child, counsel shall receive a reasonable sum for compensation and expenses. Compensation and expenses shall be determined by the court and paid by the parents in such proportion as the court deems just, or by the county pursuant to Family Code section 3153. Counsel shall utilize the billing procedures set forth in Local Rule 19.8(a), (d).
3. **Complaints.** A parent's complaint about the conduct of or procedures employed by court appointed counsel for a child must be made in writing to the family law judge. A copy of the complaint must be provided to all parties. The court must determine what action, if any, to take, including whether the complaint should be referred to the appropriate professional licensing board. The court will explain its decision in a written ruling or on the record in open court. If a child complains about his or her court-appointed attorney, the court may, in its discretion, follow the procedures set forth above or hold a confidential hearing akin to a Marsden hearing provided that a confidential verbatim transcript of said hearing is prepared.

d. **Child Custody Evaluations**

1. **Applicable Law.** This Local Rule of Court is designed to implement Family Code 3111, Evidence Code 730, and California Rules of Court rules 5.225 and 5.230
2. **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 at the earliest opportunity.
3. **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.
4. **Complaints.** If a party, or his or her attorney, has a complaint regarding a court ordered child custody evaluator, he or she should bring the complaint to the attention of the court at the earliest possible opportunity using any means authorized by law. If the complaint is raised outside of a court hearing, the other party shall receive notice of the

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complaint prior to, or at the same time the complaint is file with the court. The court may hold a hearing on the complaint or take other action as appropriate.

5. **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 rule 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.
6. **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.
7. **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 rules 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.

e. **Child’s Participation in Custody Proceedings**

1. **Applicable Law.** This rule is intended to implement Family Code 3042 and California Rules of Court rule 5.250. If any portion of this local rule is found to be in conflict with state law, the provisions of the statute or Rule of Court will control.
2. **Court to Determine Nature of Child’s Participation Prior to Custody Proceeding.** Family Code section 3042 and California Rules of Court rule 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:
 - a. 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.

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- b. 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 3(a)(ii)(c).

3. Procedure for Obtaining Court Order Re Child’s Participation in Custody Proceeding

- a. A party or attorney may request a court order regarding a child’s participation in a custody proceeding by any of the following methods:
 - i. If the child is at least fourteen (14) years of age:
 - a. The child, or if the child is represented, the child’s attorney, 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.
 - b. 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 (California Rules of Court rule 2.50(c)(2)).
 - ii. If the child is under fourteen (14) years of age:
 - a. 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.
 - b. 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

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participate in a custody proceeding and the method of such participation.

- c. 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.
- b. 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.

4. **Evidentiary Issues**

- a. 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 California Rules of Court rule 2.50(d)(3)-(6).
- b. 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 California Rules of Court rule 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.

(Effective 1/1/17)

15.7 **Default or Uncontested Judgments**

- a. **By Affidavit or Declaration.** To obtain a Judgment of Dissolution or Legal Separation by Declaration (non-appearance) pursuant to Family Code section 2336, the following completed forms must be submitted to the clerk:

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1. Declaration for Default or Uncontested Dissolution, signed by one of the parties. In the absence of an agreement between the parties, the relief sought in the declaration must agree with relief sought in the petition. If either party is receiving public assistance, that fact shall be stated.
 2. Current Income and Expense Declaration if (1) support is to be ordered, (2) there are minor children and child support is not reserved, or (3) the marriage has existed for ten (10) years or more, unless parties have otherwise agreed in a Marital Settlement Agreement or stipulation.
 3. Request to Enter Default or Appearance, Stipulation and Waiver, whichever applies.
 4. Original and two (2) copies of Judgment.
 5. Original and two (2) copies of Notice of Entry of Judgment.
 6. Two (2) pre-addressed, stamped envelopes with proper postage for the parties, with the return address of Superior Court of California, County of Mendocino.
- b. **Acknowledgment of Receipt of Proof of Service.** No default will be entered without filing a Proof of Service of Summons with the clerk. Unless the court orders otherwise, a default will not be entered based on a Notice and Acknowledgment of Receipt signed by a person other than the party to whom it is directed.
- c. **Child Support, Spousal Support, or Attorney Fees Awards.** No award of child support, spousal support, or attorney fees will be granted unless there is either an attached written agreement between the parties settling those issues, or there is sufficient information on which the court may base an order, including a fully completed and executed Income and Expense Declaration (with information on both parties where available and a support calculation, if applicable. If either party is receiving public assistance, the signature of an attorney in the Department of Child Support Services consenting to the child support provision must be affixed to the judgment. The judgment shall contain a provision for medical support pursuant to Family Code sections 3750-3753.
- d. **Community and/or Separate Property and Debts.** No division of community property (assets or debts) or confirmation of separate property will be ordered unless there is either an attached written agreement between the parties settling those issues, or there is a completed Property Declaration attached to and served with the Request to Enter Default.
- e. **Custody and Visitation.** Where the judgment is taken by default and either supervised visitation or denial of visitation is requested, unless a written agreement of the parties concerning custody and visitation is submitted with the judgment, a factual declaration under penalty of perjury shall be submitted with

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the judgment. The declaration shall be mailed to the defaulting party with the Request to Enter Default, and proof of mailing shall be filed with the court. The declaration shall include the following:

1. **Where a party is seeking to deny visitation between the child and the defaulting party:** The specific reasons visitation should be denied; the date upon the last visitation between the child and the defaulting party occurred; and a statement that the whereabouts of the defaulting party is unknown, or, if known, the defaulting party's address.
 2. **Where a party is seeking supervised visitation between a child and the defaulting party:** The reasons such visitation should be supervised; when and where supervised visitation should occur; the name and address of the person or agency who/which will perform the supervision; and the method by which the supervisor is to be compensated.
 3. **Other information:** The date upon which the parties separated, the identity of the primary caretaker of the child during the last six (6) months, and the extent of contact between the child and the non-caretaker parent during that time.
- f. If the court, in its discretion, requires additional information in order to enter a default or uncontested judgment, the party or parties shall be noticed of date and time to appear.

(Effective 1/1/17)

15.8 Family Law Trials

- a. **Trial Setting.** At any time after a response to the petition has been filed, either party may request that a trial date be set by filing a [Request for Trial – Family Law \(Form #MFL-143-local\)](#), or by orally requesting a trial date at any Family Law Case Management Conference.
- b. **Mandatory Settlement Conference.** All family law trials estimated to take more than one (1) day shall be set for a mandatory settlement conference with either a judicial officer or a family law attorney serving as a settlement conference official. Any other family law matter may be set for a mandatory settlement conference at the request of the parties or in the discretion of the court. Mandatory settlement conferences shall be conducted in compliance with Local Rule 15.9.
- c. **Parties to Exchange Information and Trial Briefs Prior to Trial.** The parties shall exchange evidentiary documents, motions in limine, trial briefs and other documents expected to be used at trial in accordance with the rules governing civil trials set forth in Local Rules 5.1 through 5.6.

- d. **Continuances.** Continuances of family law trials shall be governed by Local Rule 15.4(e).

(Effective 1/1/17)

15.9 Mandatory Settlement Conferences

- a. **Discovery.** Discovery must be completed no later than five (5) court days prior to the settlement conference, except upon order of the court for good cause shown.

- b. **Settlement Conference Statements.**

- 1. **Time for Lodging and Service.** At least five (5) calendar days before the settlement conference, each party must prepare, lodge with the court, and service on the other party, a Settlement Conference Statement as set forth below. If service is by mail, an additional five (5) calendar days' notice is required.

- 2. **Contents.**

- a. **Income and Expenses.** In all cases where support or attorney fees is in issue, a current Judicial Council Income and Expense Declaration shall be prepared, signed, and dated. In addition, all income and other financial information as required by Local Rule 15.4(d) shall be attached.

- b. **Assets and Liabilities.** In all cases where property issues (characterization, division, and/or valuation) are unresolved, each party must prepare a comprehensive inventory of all assets (real and personal) and liabilities claimed by the community property and/or community debt. This inventory can either be typed on applicable Judicial Council forms, or may be prepared in any form which contains substantially the same information as set forth on the Judicial Council forms.

The parties must attach to their Settlement Conference Statements copies of the completed inventory assets and liabilities forms indicating their claim to values and proposal for division of property.

In all cases where the characterization of real or personal property of the parties (whether community or separate) or reimbursement for contributions to the community from a separate property source is in issue, the parties must set forth all of the facts upon which their claims are based and cite appropriate legal authorities for each of those claims.

- c. **Contentions about Child and Spousal Support.** Both parties shall specify their contentions as to the amount of child support and amount and duration of spousal support. Include calculations showing guideline child support. If any child is a recipient of public assistance, and the DCSS is the assignee of the support, the statement shall show that the DCSS has been notified of the time and date of the Settlement Conference and has been provided copies of all pertinent, current financial documents (*i.e.* Income and Expense Declarations, support calculations, etc.).
- d. **Contentions about Attorney Fees, Accountant Fees, Expert Fees, and Costs.** Both parties shall include in their statement their position regarding requests for attorney and accountant fees, other expert fees, and court costs. Where appropriate, such requests shall be supported by adequate documentation.

(Effective 1/1/17)

15.10 Party Requesting Domestic Violence Restraining Order Must Appear at Domestic Violence Restraining Order Hearings

- a. The person requesting a domestic violence restraining order (DVRO) pursuant to Family Code 6200 *et. seq.* must appear in person, via CourtCall, or through counsel of record at the following hearings:
 - 1. *Ex parte* request for temporary restraining order (TRO); and
 - 2. Hearing on Request for DVRO
- b. The failure of the party requesting the DVRO to appear at the *ex parte* hearing shall result in the matter being dropped from the calendar and the Request for the DVRO being dismissed without prejudice.
- c. The failure of the party requesting a DVRO to appear at the Hearing on the Request for DVRO without notice to the court or the opposing party shall result in the TRO expiring, the matter being dropped from calendar, and the Request for DVRO being dismissed without prejudice

(Eff. 7/1/17)

Chapter 16: Juvenile Court Rules

These local rules are intended to supplement State statutes which are principally found in the Welfare & Institutions Code. In addition, they supplement the California Rules of Court relating to juvenile court matters (see California Rules of Court rules 5.501-5.830) (*Effective 1/1/99; amended 7/1/05; renumbered & amended 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.

(Effective 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 forty-eight (48) hours prior to the requested hearing date. Any request submitted less than forty-eight (48) hours prior to the requested hearing date, other than a request for a detention hearing, shall be accompanied by an order shortening time.

(Effective 1/1/99; amended 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. and California Rules of Court rule 5.546.

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- 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) court 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) court 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.** Requests for transcripts in any juvenile case must be submitted on [Request for Special Transcript and Order \(Form #MJV-300-local\)](#) and in accordance with Local Rule 16.~~2025~~

(Effective 1/1/99; amended 7/1/04; renumbered 1/1/07; amended 1/1/07; renumbered 1/1/10; amended 1/1/17; amended 1/1/18)

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 for Orders \(Form #MMC-121-local\)](#). 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.

(Effective 1/1/99; amended 7/1/07)

16.5 Attendance at Hearings (California 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 (4) 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.

(Effective 1/1/99; amended 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.

(Effective 1/1/199; amended 7/1/04)

16.7 Access to Courtroom by Non-Parties (Welfare & 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.

(Effective 1/1/99; amended 7/1/04)

16.8 Informal Exchange of Juvenile Records

- a. For the purpose of this rule, “juvenile records” include those records described in California Rules of Court rule 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 Welfare & Institutions Code section 827, California Rules of Court rule 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., Welfare & Institutions Code Section 827(a)(1)(J), (K)*)

The court hereby finds that a limited and informal disclosure of juvenile records by Probation and CPS 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 Welfare & Institutions Code section 827 and 10850, *et. seq.*, and establishes good cause for this rule.

1. CPS 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. CPS;
 - c. Facilitators of CPS 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

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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 submitted on [Declaration: Information Exchange of Juvenile Records \(Form #MJV-102-local\)](#) pursuant to (Welfare & Institutions Code section 827; California Rules of Court rule 5.552).

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- b. Probation and CPS 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 sections 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 Welfare & Institutions Code section 827 and California Rules of Court rule 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 court 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 CPS 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 Welfare & Institutions Code section 827, California Rules of Court rule 5.552, and Local Rule 16.8.

(Effective 1/1/99; renamed & amended 7/1/05; amended 1/1/07; renumbered 1/1/10)

16.9 Medical Issues

- a. **Standing Order Permitting Health Assessments, and Treatment of Temporarily Detained Minors.** *(Subdivision (a) amended 7/1/05)*
In order that children detained by the Mendocino County Probation Department (Probation) and Department of Social Services, Child Protective Services (CPS) 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

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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 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 & 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 give consent), the social worker or probation officer shall request a court order for any non-routine health care. (*Subdivision (b) effective 7/1/04*)
- c. **Authorization for Use of Psychotropic Medication (Welfare & 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, [Application for Psychotropic Medication \(Form JV-220\)](#), and shall comply in all respects with Welfare & Institutions Code section 369.5.

(Effective 1/1/99; amended 7/1/05; renumbered 1/1/10)

16.10 ~~16.12~~—Inspection of Law Enforcement Holding Facilities

Pursuant to Welfare & 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.

(Effective 1/1/99; renamed & amended 7/1/04; renumbered 1/1/10; renumbered 1/1/18)

16.11 ~~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).

(Effective 1/1/99; renamed & amended 7/1/04; renumbered 1/1/10; renumbered 1/1/18)

16.12 ~~16.16~~—Paternity Findings (California Rules of Court Rule 3.822)

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

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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.

*Effective 1/1/99; renumbered & amended 1/1/07; amended 1/1/09; renumbered 1/1/10;
renumbered 1/1/18)*

16.13 ~~16.17~~—Representation of Parties (Welfare & Institutions Code section 317-318, California Rules of Court rules 5.660 and 5.663)

- a. **General Competency Requirement.** All court-appointed attorneys appearing in juvenile court must meet the minimum standards of competence set forth in Welfare & Institutions Code section 634.3 and California Rules of Court, rule 5.664. 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 [Declaration of Eligibility for Appointment to Represent Youth in Delinquency Court \(Judicial Council Form JV-700\)](#). The presiding judge of the juvenile court shall review the competency form prior to appointing an attorney to represent a party in juvenile court. (*Subdivision (a) effective 7/1/05; amended 7/1/17*)
- b. **Continuing Education.** Each court-appointed attorney who practices before the Juvenile Dependency Court shall, pursuant to California Rules of Court, rule 5.664, 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. (*Subdivision (b) effective 7/1/05; amended 7/1/17*)
- 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.

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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 about Performance of Court Appointed Attorney \(Form #MJV-101-local\)](#). 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**
 - i. 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 as set forth in Welfare & Institutions Code section 326.5.
 - ii. Independent Investigation. An attorney for a child in a dependency proceeding shall make an independent investigation pursuant to Welfare & Institutions Code section 317(e). If the minor is four (4) 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.
 - iii. Access to Children in Welfare & Institutions section 300, Proceedings

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- 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 & Institutions Code section 324.5. *(Subdivision (b)(2) amended, merged with subdivision (b)(3) effective 7/1/04)*
- c. This rule does not apply to the investigating probation officer or investigating social worker. *(Subdivision (3) renumbered 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 one (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.

(Effective 1/1/99; renamed 7/1/04; amended 1/1/07; amended 1/1/09; renumbered 1/1/10; renumbered 1/1/18)

16.14 ~~16.18~~ Modifications of Orders (Welfare & Institutions Code section 386-388, 775-779)

- a. **Previous Order.** Any request order to change, modify or set aside a previous order of the juvenile court must comply with Welfare & Institutions Code sections 386-388, 775-779). *(Effective subdivision (c) 1/1/99; renumbered & amended 7/1/04)*
- b. **Decrease in Visitation by Parent/Party.** 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. *(Effective subdivision (d) 1/1/99; renumbered & amended 7/1/04)*

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- c. **Vacations Out of Mendocino County.** 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. *(Effective subdivision (e) 1/1/99; renumbered & amended 7/1/04)*
- d. **New Service Plan Requirements.** 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. *(Effective subdivision (f) 1/1/99; renumbered & amended 7/1/04)*

(Effective 1/1/99; subdivisions (a) & (b) repealed 7/1/04; renamed 7/1/04; amended 1/1/09; renumbered 1/1/99; renumbered 1/1/18)

16.15 ~~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 & 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.** 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 on Judicial Council form, [Custody Order – Juvenile – Final Judgment \(JV-200\)](#), 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. *(Amended 7/1/04; amended 1/1/09)*
- 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 & Institutions Code section 362.4.

(Effective 1/1/99; renumbered 1/1/10; renumbered 1/1/18)

16.16 ~~16.20~~—Guardians Ad Litem

- a. **For Children.** 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). *(Renumbered 7/1/04)*
- b. **For Parents.** 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. *(Renumbered & amended 7/1/04)*
- 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.

(Effective 1/1/99; subdivisions (a)(2) & (3) repealed 7/1/04; subdivisions (c)(2) & (3) combined & renumbered 7/1/04; renumbered & amended 1/1/10; renumbered 1/1/18)

16.17 ~~16.22~~—Restitution Determination Procedures (Welfare & Institutions Code Sections 730.6, 742)

- a. In any juvenile delinquency disposition where the Probation Department (Probation) 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 & 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 sixty (60) days for a restitution hearing.
 2. Probation 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.

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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 Probation 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 sixty (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).

| *(Effective 7/1/05; renumbered 1/1/10; renumbered 1/1/18)*

16.18 ~~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.

(Effective 7/1/05; renumbered 1/1/10; ~~renumbered 1/1/18~~)

16.19 ~~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 & Institutions Code Sections 100 through 109, inclusive, and California Rules of Court rule 5.655.
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.

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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.

(Effective 7/1/13; renumbered 1/1/18)

16.20 ~~16.25~~—Request for Transcript of Confidential Proceeding

Any person who requests a transcript of a confidential juvenile court proceeding for any purpose other than appeal, shall submit a [Request for Special Transcript and Order \(Form #MJV-300-local\)](#) to the presiding judge of the juvenile court.

If the applicant requests that the transcript be provided at court expense, a current fee waiver request or other proof of current financial circumstances must be submitted with Form #MJV-300-local, or have been filed with the court within the preceding three (3) months.

If the applicant requests that the transcript be provided in an expedited manner (within ten (10) days of the request) justification therefore must be clearly stated in the request.

(Effective 1/1/17; renumbered 1/1/18)

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

(Effective 1/1/99; amended 7/1/09; amended 1/1/12; amended 7/1/12; amended 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 Rules of Court rule 2.956(e)(1)). The written request for court reporter may be made on a [Request for a Court Reporter \(Form #MMC-140-local\)](#), 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 days court session (Government Code section 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 Rules of Court rule 2.956(b)(3),(c)).

(Effective 1/1/99; renumbered 1/1/07; amended 1/1/07; amended 7/1/08; amended 1/1/07; amended 1/1/09; amended 1/1/12; amended 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 (1) 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.

(Effective 1/1/99; amended 7/1/08; amended 1/1/12; amended 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.

(Effective 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 (1) 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.

(Effective 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.

(Effective 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 (1) 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.

(Effective 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.

(Effective 1/1/99)

20.9 Use of Electronic Recording

- a. Pursuant to Government Code section 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 California Rules of Court rule 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 California Rules of Court rule 8.837(d)(6)(A). The trial judge will not order that a transcript be prepared as the record of the oral proceedings. (See California Rules of Court rule 8.837(d)(6)(B).)
- c. In an appeal from a misdemeanor case in which the proceedings were officially recorded electronically in accordance with California Rules of Court rule 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 California Rules of Court rule 8.869(d)(6)(A). The trial judge will not order that a transcript be prepared as the record of the oral proceedings. (See California Rules of Court rule 8.869(d)(6)(B).)
- d. In an appeal from an infraction case in which the proceedings were officially recorded electronically in accordance with California Rules of Court rule 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

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transcript or settled statement, pursuant to California Rules of Court rule 8.916(d)(6)(A). The trial judge will not order that a transcript be prepared as the record of the oral proceedings. (See California Rules of Court rule 8.916(d)(6)(B).)

(Effective 1/1/13)

20.10 Electronic Filing of Court Ordered Transcripts

Staff reporters and pro tem court reporters shall file transcripts electronically with the court. Electronic transcripts shall conform to the following specifications:

1. Electronic transcripts must have a file name in the following uniform format:

[year, month, day of proceeding; case name; type of proceeding]

Examples: Criminal case: 20170817 People v Smith Prelim

Civil case: 20170817 Smith v Jones Jury Trial

Juvenile or other confidential case: 20170817 In re RK Detention

2. There shall be a notification placed in the court file indicating the title of the transcript.

3. Court reporters who utilize this system shall initiate email notifications to all parties and the court when transcripts are uploaded to the data repository.

4. The date and time a transcript is uploaded will constitute the filing date of the transcript. If uploaded before 4:00 p.m. on a court business day, that will be the file date. If uploaded after 4:00 p.m., the next court business day will be the file date.

(Effective 1/1/18)

Chapter 24: Appellate Division Rules

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 division. The presiding judge of the appellate division shall recommend judges to serve as members of the appellate department each year.

(Effective 7/1/04; amended 7/1/08)

24.2 Regular & Special Sessions

Regular sessions of the appellate division of the superior court shall be held on the ~~third~~^{fourth} Friday of each calendar month. Motions shall be heard at regular sessions, unless otherwise designated by the presiding judge of the appellate division. Special sessions shall be held at the call of the presiding judge of the appellate division.

(Effective 7/1/04; amended 7/1/08; amended 1/1/18)

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.

(Effective 7/1/04)

24.4 Briefs

Each party must file with the Clerk of the Court an original brief with three (3) copies.

(Effective 1/1/04; renumbered & amended 1/1/07; amended 7/1/08; amended 1/1/10)

24.5 Clerk's Transcript on Appeal

a. LIMITED CIVIL CASES

1. Pursuant to California Rules of Court rule 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 Rules of Court rule 8.831, nor does it eliminate Respondent's right to seek to augment the record, pursuant to California Rules of Court rule 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

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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 Rules of Court rule 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 Rules of Court rule 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 Rules of Court rule 8.836 or 8.837.

b. MISDEMEANOR CASES

1. Pursuant to California Rules of Court rule 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 Rules of Court rule 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 Rules of Court rule 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 Rules of Court rule 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, the appellant must serve and file a notice stating whether the appellant elects to use a statement on appeal (California Rules of Court rule 8.916) as the record for the portion of the proceedings that was not recorded or cannot be transcribed. (California Rules of Court rule 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 respondents and/or closing briefs, the clerk shall set the appeal for hearing and notify all parties of the hearing date and location.

| *(Effective 7/1/12; renumbered 1/1/18)*

Superior Court of California, County of Mendocino

List of Local Forms

Form Number	Form Name	Mandatory/ Optional	Eff/Rev Date
MADOPT-110-local	Request to Calendar Adoption Matter	Optional	10/3/13
MADR-100-local	Alternative Dispute Resolution Information Packet	Optional	7/23/12
MADR-110-local	ADR Packet Notice	Optional	8/1/13
MCH-120-local	How do I Ask the Court to Renew My Restraining Order?	Optional	8/22/16
MCR-009-local	Agreement to Appear	Optional	8/1/13
MCR-100-local	Restricted Documents	Optional	
MCR-101-local	Notice of Non-Compliance 40002	Optional	5/8/09
MCR-102-local	Plea in Absentia	Mandatory	7/1/08
MCR-103-local	Request to Calendar Case	Optional	1/1/12
MCR-104-local	Request to Calendar Information Sheet	Optional	
MCR-105-local	Request to Calendar Case Proof of Service	Optional	7/1/10
MCR-107-local	Jail Commitment Notification—Quick Reference Guide	Optional	8/22/16
MCR-109-local	Referral for Substance Abuse Assessment/Treatment	Optional	4/1/10
MCR-110-local	Stipulation and Order re: Disposition of Exhibits – Criminal/Juvenile Delinquency	Optional	4/19/11
MCR-120-local	Case Related Worksheet	Optional	5/21/15
MCR-140-local	Notice of Hearing re: Dismissal	Optional	8/22/16
MCR-150-local	Notice and Order re: Fees Due for Dismissal	Optional	8/22/16
MCR-160-local	Abstract of Judgement—County Prison	Optional	10/14/11
MCR-170-local	Bail Bond Forfeiture Check List	Optional	1/1/12
MCR-180-local	Ukiah—Complaint Filing by Citation—CRTR	Optional	12/28/15
MCR-181-local	Ukiah—Complaint Filing by Citation—CRCR	Optional	12/28/15
MCR-182-local	Ukiah—Complaint Filing by Citation—CRNT	Optional	12/28/15
MCR-183-local	Ten Mile—Complaint Filing by Citation—CRTR	Optional	12/28/15
MCR-184-local	Ten Mile—Complaint Filing by Citation—CRCR	Optional	12/28/15
MCR-185-local	Ten Mile—Complaint Filing by Citation—CRNT	Optional	12/28/15
MCV-100-local	Notice of Appeal of Parking Citation	Optional	5/1/15
MCV-101-local	Notice of Case Management Conference	Optional	5/1/17
MCV-102-local	Notice of Hearing	Optional	7/1/14
MCV-110-local	Stipulation and Order re: Disposition of Exhibits – Civil	Optional	5/26/11
MCV-120-local	Ex Parte Request to Dismiss Restraining Order(s)	Mandatory	1/1/15
MCV-121-local	Order Granting Ex Parte Request to Dismiss Restraining Order	Mandatory	1/1/15
MCV-130-local	Mediation Services Referral	Optional	8/22/16
MCV-140-local	Notice of Returned Documents	Optional	5/1/17
MCV-150-local	Case Management Form—Civil	Optional	9/1/16
MCV-160-local	Minute Order Setting Jury Trial and Other Proceedings	Optional	1/30/17
MCV-180-local	Notice of Hearing re: Relief from Firearms Prohibition	Optional	5/1/17
MCV-190-local	Order to Show Cause re: Failure to Pay Court Ordered Sanctions	Optional	3/11/15
MCV-191-local	Order for Writ of Execution for Failure to Pay Court Ordered Sanctions	Optional	
MCV-192-local	Authorization for Fees to be Paid for Enforcement of Ordered Write of Execution—Money Judgment	Optional	
MCV-200-local	Court Fees Assessment Form	Optional	10/31/15
MCV-210-local	Settlement Agreement and Order for Compliance	Optional	1/18/17

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Form Number	Form Name	Mandatory/ Optional	Eff/Rev Date
MEA-120-local	How do I Ask the Court to Renew my Restraining Order—Elder Abuse or Dependent Adult Abuse	Optional	
MEX-100-local	Exhibit Room Sign In Log	Optional	
MEX-110-local	Exhibit Record	Optional	
MEX-120-local	Temporary Release of Exhibit	Optional	
MEX-130-local	Exhibit Verification—Ongoing Trials and Hearings	Optional	
MEX-140-local	Exhibit List	Optional	
MEX-141-local	Exhibit List—Juvenile	Optional	
MEX-150-local	Exhibit In/Out Card	Optional	
MEX-160-local	Order to Return or Destroy Exhibits/Depositions in Civil Actions	Optional	7/1/11
MEX-161-local	Order to Return or Destroy Exhibits in Criminal Actions	Optional	8/21/15
MFD-022-local	No Unregistered or Registered Guns or Other Firearms Statement	Optional	10/28/13
MFD-102-local	Firearms Relinquishment or Sale Checklist	Optional	
MFD-110-local	AFS and CARPOS Search and Report—Confidential	Optional	
MFL-142-local	Statement of Related Cases—Family Law	Optional	
MFL-143-local	Request for Trial – Family Law	Mandatory	7/1/09
MFL-143-local	At Issue Memorandum (fillable Word Document)	Mandatory	7/1/09
MFL-144-local	Stipulation for Continuance of Hearing or Trial – Family Law	Optional	3/1/09
MFL-145-local	Order Regarding Application for Continuance of Hearing or Trial – Family Law	Mandatory	1/1/17
MFL-146-local	Request for Telephone Appearance for Evidentiary Hearing – Family Law	Mandatory	1/1/17
MFL-147-local	Order re: Request for Telephone Appearance for Court Hearing – Family Law	Mandatory	1/1/17
MFL-148-local	Request for Telephone Appearance for Family Law Mediation	Mandatory	1/1/17
MFL-149-local	Order re: Request for Telephonic Appearance for Family Law Mediation	Mandatory	1/1/17
MFL-150-local	Minute Order on Settlement Conference—Partially Settled	Optional	8/16/16
MFL-151-local	Minute Order on Settlement Conference—Not Settled	Optional	8/16/16
MFL-152-local	Minute Order on Settlement Conference—Settled	Optional	8/16/16
MFL-153-local	Mandatory Settlement Conference Statement	Optional	1/1/17
MFL-160-local	Order re: Supervised Visitation	Optional	7/29/16
MFL-170-local	Work Search Report	Optional	5/26/11
MFL-180-local	How do I get Child Support for my Children Questions & Answers		
MFL-190-local	Order for Payment of Family Court Evaluation Fees	Optional	7/1/11
MFL-200-local	Bring Your Own Interpreter (Spanish)		
MFL-210-local	Minute Order—Request for Records CPS	Optional	4/4/16
MFL-220-local	Ex Parte Application for Order Terminating Minor’s Blocked Account(s); Declaration In Support Thereof (Family Code 6753)	Optional	8/30/12
MFL-221-local	Order Terminating Minor’s Blocked Account(s) (Family Code 6753)	Optional	8/31/12
MFL-230-local	Family Mediation Intake	Optional	7/1/09
MFL-240-local	Guidelines for Appearing by Telephone for Family Mediation		

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Form Number	Form Name	Mandatory/ Optional	Eff/Rev Date
MFL-250-local	Notice of Family Law Case Management Conference	Mandatory	1/1/17
MFL-251-local	Family Law Case Status Report	Mandatory	1/1/17
MFL-253-local	Family Law Case Management Conference Information Sheet		
MFL-260-local	Register of Actions		
MFL-270-local	Family Court Services Client Complaint Form	Optional	1/1/17
MFL-280-local	Mediation Report	Mandatory	1/5/17
MFL-281-local	Mediation Report (Guardianship)	Mandatory	1/5/17
MJV-101-local	Complaint About Performance of Court Appointed Attorney	Mandatory	1/1/05
MJV-102-local	Declaration of Informal Exchange of Juvenile Records	Mandatory	1/1/05
MJV-120-local	300 Juvenile Lead Case		
MJV-121-local	300 Juvenile Lead Case Supplemental		
MJV-130-local	Court Designated Child Advocate Oath		
MJV-140-local	Application for Juvenile Court Records	Optional	8/2/16
MJV-150-local	Request for Telephone Appearance – Juvenile Dependency	Mandatory	8/2/16
MJV-151-local	Order re: Request for Telephone Appearance – Juvenile Dependency	Mandatory	1/1/17
MJV-151-local	Order re: Request for Telephone Appearance – Juvenile Dependency (Fillable Word Document)	Mandatory	1/1/17
MJV-160-local	Notice and Order to Appear re: Financial Evaluation		
MJV-161-local	Order for Repayment of Costs of Legal Services		
MJV-180-local	Acknowledgement of Receipt of Transferred Case File		
MJV-190-local	Request to Calendar Case – Juvenile	Optional	7/7/14
MJV-190-local	Request to Calendar Case – Juvenile (Fillable Word Document)	Optional	7/7/14
MJV-200-local	Stipulation and Order re: Victim Restitution	Optional	
MJV-200-local	Stipulation and Order re: Victim Restitution (Fillable Word Document)	Optional	
MJV-210-local	Juvenile Statement of Related Cases	Optional	
MJV-300-local	Request for Special Transcript and Order	Mandatory	1/1/17
MMC-100-local	Notice of Administratively Voided Document	Optional	
MMC-110-local	Request for Interpreter	Optional	8/22/16
MMC-120-local	Ex Parte Hearing Notice Information Civil/Fam Law	Mandatory	
MMC-121-local	Declaration re: Notice Upon Ex Parte Application for Orders (Family Law)	Mandatory	7/1/13
MMC-122-local	Request to be Transported Pursuant to Penal Code 2625	Mandatory	1/1/17
MMC-123-local	Order re: Prisoner Transport Pursuant to Penal Code 2625	Mandatory	1/1/17
MMC-124-local	Restricted Documents (Cover Sheet)	Optional	
MMC-125-local	Civil Bench Warrant Form	Optional	
MMC-126-local	Notice of Returned Ex Parte Letter	Optional	
MMC-127-local	Minute Order re: Peremptory Challenge CCP 170.6	Optional	
MMC-128-local	Minute Order of Reassignment re: Peremptory Challenge CCP 170.6	Optional	
MMC-130-local	Declaration of Service by Mail	Optional	
MMC-131-local	Claim Form	Mandatory	1/1/12
MMC-131-local	Claim Form – Instructions	Optional	1/1/12
MMC-132-local	Scheduling/Vacating Interpreter	Optional	
MMC-133-local	Authorization Order	Optional	

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Form Number	Form Name	Mandatory/ Optional	Eff/Rev Date
MMC-134-local	Action Required on Timeliness	Optional	
MMC-135-local	Instructions for Payment of Claims	Optional	
MMC-136-local	Sample Billing	Optional	1/1/09
MMC-140-local	Request for a Court Reporter	Optional	7/1/12
MMC-150-local	Oath for Temporary Judge and Settlement Conference Official	Optional	
MMC-160-local	Acknowledgement of Receipt of Transferred Case File	Optional	
MMC-170-local	Judicial Request for Transcript	Optional	
MMC-180-local	Assistive Listening Device Tally	Optional	
MMC-190-local	No Further Pleadings Cover Sheet	Optional	
MMC-200-local	Certificate of Monitor	Optional	
MMC-220-local	Stipulation for Temporary Judge	Optional	2/14/14
MMC-240-local	Chronology of Court Proceedings	Optional	
MMC-230-local	Confidential Documents (Cover Sheet)	Optional	
MMC-300-local	Drop Box Policy	Optional	
MMC-310-local	Certified Mail Card Returned	Optional	
MMC-311-local	Certified Mail Receipt	Optional	
MNC-110-local	Declaration re: Name Change	Optional	
MPB-110-local	Probate Checklist (Cal Prep)	Optional	
MPB-120-local	Exemplification of Record	Optional	
MPB-130-local	Guardianship information	Optional	
MPB-140-local	Conservatorship Investigator Update Report	Optional	
MPB-150-local	Order re: Judicial Investigation Review and Fee Assessment	Optional	
MPB-151-local	Order re: Investigation and Fee Assessment Upon Appointment of Conservator	Optional	
MPB-152-local	Order for Payment of Guardianship Investigation Fees	Mandatory	1/18/17
MPB-160-local	Order of Appointment of Counsel	Optional	
MPB-170-local	Ex Parte Hearing Notice Information—Guardianship/Conservatorship	Optional	
MSC-101-local	Small Claims Settlement Agreement	Optional	8/22/16
MSC-102-local	Noticed Motion Requesting Entry of Judgment After Default and Supporting Declaration – Small Claims	Optional	8/22/16
MSC-103-local	Have You Considered Mediation?	Optional	
MTR-110-local	Civil Assessment Petition and Order	Optional	
MTR-110-local	Civil Assessment Petition and Order (Fillable Word Form)	Optional	
MTR-111-local	Judges Response Traffic Correspondence	Optional	
MTR-120-local	Important Notice (payment plans)	Optional	
MTR-130-local	Declaration re: No Traffic School Attendance within Last 18 Months	Optional	8/22/16
MTR-140-local	Advisement of Rights and Plea of Not Guilty in Writing – Traffic Infraction	Optional	5/26/15
MTR-170-local	Traffic Violator School Checklist	Optional	3/23/16
MTR-180-local	Request for Ability to Pay Determination	Optional	3/8/17
MUD-102-local	Stipulation for Entry of Judgment – Unlawful Detainer	Optional	1/25/15
MUD-103-local	Noticed Request for Entry of Judgment Pursuant to Default and Supporting Declaration – Unlawful Detainer	Optional	7/28/14
MWV-120-local	How do I Ask the Court to Renew My Restraining Order—Workplace Violence	Optional	

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Form Number	Form Name	Mandatory/ Optional	Eff/Rev Date
PRU-100-local	DUI Advisement of Rights, Waiver, and Plea form (1st offense, VC § 23152)	Optional	
PRU-101-local	DUI Advisement of Rights, Waiver, and Plea form (VC § 23152)	Optional	
PRU-102-local	Addendum to DUI Advisement of Rights, Waiver, and Plea Form	Optional	
PRU-103-local	DUI Advisement of Rights, Waiver, and Plea form (VC § 23153)	Optional	
PRU-106-local	Advisement of Rights, Waiver, and Plea form (VC § 14601 et seq., VC § 12500)	Optional	
PRU-200-local	Misdemeanor Advisement of Rights, Waiver, and Plea Form	Optional	
PRU-1000-local	Advisement of Rights, Waiver, and Plea Form—Deferred Entry of Judgment (PC § 1000 et seq.)	Optional	