

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CRUZ**

**Rules of Court**

*Effective January 1, 2021*



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## HOW TO NAVIGATE THE LOCAL RULES

**TABLE OF CONTENTS:** Clicking on the page numbers associated with a particular division or rule will take you directly to that section in the document.

**HYPERLINKS:** Clicking on the blue hyperlinks within the document will bring you back to the table of contents. These hyperlinks will bring you back to either the division heading or main rule heading for the section you selected. For example, using the Division Three hyperlink will bring you to the beginning of the table of contents for Division Three. Clicking on Rule 3.1.13 will bring you back to the beginning of Rule 3.1 in the table of contents.

**BOOKMARKS:** To view the bookmarks for this document, click on the bookmark icon. Using the PDF bookmarks will allow you to navigate to main divisions within the rules without going back to the table of contents.

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LOCAL RULES OF COURT

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**DIVISION ONE -- GENERAL RULES**

**Rule 1.1 ADMINISTRATION AND DISTRIBUTION OF BUSINESS**

**Rule 1.1.01 Application of Local Rules**

These local rules apply to all Superior Court matters filed in the County of Santa Cruz.

(Eff. 1/1/95) (Rev. 1/1/99)

**Rule 1.1.02 California Rules of Court**

These local rules are intended to supplement and in no way reduce any requirements of the California Rules of Court.

(Eff. 1/1/86)

**Rule 1.1.03 Presiding Judge of Superior Court**

The Superior Court judges shall elect, by majority vote, a presiding judge who shall serve for a two year term. "Majority" is defined as a majority of all active judges, not a majority of votes cast.

(Eff. 1/1/95) (Rev. 1/1/01) (Rev. 7/1/19)

**Rule 1.1.04 Assistant Presiding Judge**

The judges of the Superior Court bench shall elect an assistant presiding judge who shall undertake all roles of the presiding judge in his or her absence. "Majority" is defined as a majority of all active judges, not a majority of votes cast.

(Eff. 1/1/95) (Rev. 1/1/01) (Rev. 7/1/19)

**Rule 1.1.05 Department Assignments**

Judicial officers shall be assigned to departments by the presiding judge.

(Rev. 1/1/95) (Rev. 1/1/99)

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## **Rule 1.1.06 Calendar**

All matters will be regularly calendared as stated in the Superior Court Calendar Policy issued by the presiding judge and posted on the Court's website.

(Eff. 1/1/93) (Rev. 1/1/99)

## **Rule 1.1.07 Duties of the Presiding Judge**

The presiding judge shall have all the duties specified by the California Rules of Court, Rules of the California Judicial Council and statute.

(Eff. 1/1/95) (Rev. 1/1/97)

## **Rule 1.1.08 Executive Officer and Clerk of the Superior Court**

A majority of the judges may appoint an Executive Officer of the Superior Court who shall also act as Clerk of the Court.

- (a) Pursuant to Government Code § 69898, subdivisions (c) and (d), the Court hereby transfers from the County Clerk to the Executive Officer all of the powers, duties and responsibilities of the County Clerk which are related to, serve or impact the functions of this Court. The powers, duties and responsibilities transferred pursuant to this rule shall include all of those performed by the County Clerk with respect to Superior Court actions, proceedings and records, including but not limited to:
1. The acceptance, processing and filing of papers in connection with any action or proceeding before the Court, including but not limited to those relating to the Court's original jurisdiction, appellate jurisdiction and appeals from the Court; the maintenance and management of Court records; the microfilming of Court records and the keeping and disposition of papers, documents, files and exhibits in accordance with law.
  2. The maintenance of indexes of all Court files; the keeping of a register of actions or its alternate.
  3. The issuance of process and notice including without limitation, summons, writs of execution and other writs; subpoenas to witnesses; probate notices; citations in probate, guardianship and other matters; the acceptance of service on parties; the entry of defaults; the transmission of transcripts on change of venue.

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4. The attendance at each session of Court and upon the judge in chambers when required; the administration of oaths; the keeping of minutes and other records of the Court.
  5. The entry of orders, findings, judgments and decrees; the acceptance for filing of confessions of judgment; the authentication of records; certification of abstracts of judgment; the keeping of a judgment book or its equivalent.
  6. The collection, receipt, deposit and accounting of fees for filings, for preparing or certifying copies and for other fees; the receipt of jury fees, bonds, undertakings, fines, forfeitures and revenues; the keeping of money deposited in Court, including but not limited to funds received in connection with minor's compromises; the recovery of county costs in judicial commitment proceedings.
  7. The maintenance of statistical and financial records and the preparation of reports to the Judicial Council and other state and county offices as required by law or policy.
  8. The preparation of the clerk's transcript on appeal and the transmission of the record and exhibits to the reviewing Court.
  9. The receipt of wills of decedents.
  10. The taking of bail and related matters as provided in the Penal Code.
  11. The provision of calendar management, including the calendaring of cases and hearings and the maintenance of Court calendars and schedules.
  12. The printing and sale of Court forms and rules of Court; the procurement of supplies.
  13. The keeping and affixing of the seal of the Court to appropriate instruments.
  14. Administrative functions related to the above, including hiring, training and supervision of personnel; accounting functions; mailing activities; and ordering and storing equipment and supplies.
- (b) The County Clerk is hereby relieved of any obligation imposed on him or her by law with respect to the above powers, duties and responsibilities.

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- (c) If any portion of this subsection is held to be unconstitutional or invalid, the remaining parts shall not be affected thereby.

(Eff. 7/1/90) (Rev. 1/1/99) (Rev. 1/1/13)

## **Rule 1.1.09 Definition of a Judge's Vacation Day**

Required by California Rules of Court.

A day of vacation for a judge of the Superior Court of California, County of Santa Cruz, is an approved absence from the Court for one full business day. Other absences from the Court listed in California Rule of Court 10.603(c)(2)(H) are excluded from this definition.

(Eff. 1/1/04) (Rev. 7/1/07)

## **Rule 1.1.10 Elisors**

Where one of the parties fails to execute a document necessary to carry out a court order, the Clerk of the Superior Court or the Clerk's authorized representative or designee may be appointed as an elisor to sign the document.

(a) Civil and Probate Cases:

1. An application for appointment of an elisor shall be made by filing an application, declaration in support and proposed order.
2. The declaration supporting the application must include specific facts establishing the necessity for the appointment of an elisor.
3. The proposed order shall:
  - a) Clearly identify the document(s) the elisor is being asked to sign. A deed must state the type of deed (i.e. grant deed, interspousal transfer deed, etc.) Escrow documents must be listed separately (i.e. Escrow Instruction Dated..., Disclosure Regarding Real Estate Agency Relationship, Hazards Report, etc.).
  - b) The order shall describe the exact location(s) in the document(s) where the elisor is to sign and identify the name of the party for whom the elisor is signing.
  - c) The order must state "The Clerk of the Court or Clerk's Designee" as the elisor. It cannot state a name or title of a specific court employee.



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4. If the Court grants the application for appointment of an elisor, the Clerk's Office will arrange for a time for the actual signing of the documents. The appointed elisor has up to three (3) court days to complete the actual signing of the documents. Any exceptions to the three-day period shall be addressed on a case-by-case basis by the Court.
5. If the elisor is signing documents requiring notarization, the applicant must arrange for a notary to be present when the elisor signs the document(s).

(b) Family Law Cases:

1. A court order for the appointment of an elisor must be made by a request for order and a supporting declaration.
2. At least one supporting declaration needs to be filed with the request. The declaration must:
  - a) Include a list of the exact documents the elisor is being asked to sign. A deed must state the type of deed (i.e. grant deed, interspousal transfer deed, etc.) Escrow documents must be listed separately (i.e. Escrow Instruction Dated..., Disclosure Regarding Real Estate Agency Relationship, Hazards Report, etc.).
  - b) Include a description of the good faith efforts to meet and confer to resolve the issue.
  - c) Specify facts establishing the necessity or the appointment of an elisor.
3. If the Court grants the application for appointment of an elisor, the Clerk's Office will arrange for a time for the actual signing of the documents. The appointed elisor has up to three (3) court days to complete the actual signing of the documents. Any exceptions to the three-day period shall be addressed on a case-by-case basis by the Court.
4. If the elisor is signing documents requiring notarization, the applicant must arrange for a notary to be present when the elisor signs the document(s).

(Eff. 1/1/20)

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## **Rule 1.2 DOCUMENTS PRESENTED FOR FILING**

### **Rule 1.2.01 Clerks' Offices - Hours of Operation**

Courts must remain open to the public each business day according to the Judicial Council directives. The exact hours of operation of the Clerks' Offices are determined by the judges consistent with Judicial Council directives and will be posted on the Court's website. Hours of operation are subject to change so long as they remain consistent with Judicial Council directives and with prior notification to the public.

(Rev. 1/1/95) (Rev. 7/1/13)

### **Rule 1.2.02 Requests for Copies**

All requests for copies of documents, except for copies to be delivered by e-mail, must be accompanied by a stamped, self-addressed envelope. Certified copies cannot be sent electronically. When no such envelope is provided, the documents will be retained in the Clerk's Office for 30 days.

(Eff. 1/1/88) (Renumbered 7/1/07) (Rev. 7/1/16)

## **Rule 1.3 ELECTRONIC FILING**

### **Rule 1.3.01 Electronic Filing General**

Electronic filing is required for civil, family, probate, LPS, appellate (except felony appellate filings), criminal (subsequent filings only), juvenile justice (subsequent filings only), and dependency cases types. Court reporter transcripts for all case types must be electronically filed. Electronically filed documents must comply with Code of Civil Procedure § 1010.6 and California Rules of Court 2.250 through 2.261.

(a) Filing Service Provider:

Electronic filing of documents shall occur through the Court's electronic service provider(s) which is available on the Court's website at [www.santacruzcourt.org](http://www.santacruzcourt.org) or [www.efileca.com](http://www.efileca.com).

(b) Fees:

Electronic filing service providers may charge reasonable fees in addition to any filing fees required by the Court. Any party who has received a fee waiver from the Court, or who has otherwise obtained an order of the Court waiving such fees, is exempt from the fees and costs associated with electronic filing.

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## (c) Exceptions to Electronic Filing:

The following items are not subject to mandatory electronic filing under these rules:

1. Documents presented for filing by a self-represented party. Although electronic filing is not mandatory for self-represented parties, they are encouraged to electronically file documents.
2. Documents ordered by the Court as exempt from electronic filing. A party may seek a court ordered exemption by ex parte application for reason of undue hardship, significant prejudice or other good cause.
3. Documents lodged with the Court provisionally under seal pursuant to California Rule of Court 2.551.
4. Documents with jurisdictional time limits, including notices of appeal, motions for new trial, motions for JNOV, motions to quash service for personal jurisdiction, and petitions for writs. Although not required, electronic filing of these documents is encouraged.
5. Original documents required for a proceeding, including bench warrants, subpoenaed documents, affidavits regarding real property of small value, bonds, undertakings, financial documents submitted by a private professional conservator, letters (probate, guardianship, conservatorship), wills and codicils (for filing or safekeeping) and orders to deposit money and receipt of depository.
6. Documents presented for filing in cases under seal.
7. Documents and/or reports provided to the Court from third-party service providers or experts. These documents and reports may be e-filed at the discretion of the provider or expert unless otherwise order to e-file.

## (d) Digital Exhibits as Attachment to Electronically Filed Documents

Exhibits in a format that is not appropriate for electronic filing (i.e. CD/DVD/USB Drive) shall be submitted in the courtroom only. The submitting party shall be responsible for providing the necessary equipment to view/present the exhibits.

## (e) Effective Date and Time of Electronic Filing:

Documents received by the Court for electronic filing at or prior to 11:59 p.m. on any court day, which otherwise satisfy all requirements for filing, will be deemed filed on that court day as provided in California Rules of Court 2.253(b)(7) and 2.259. The Court will

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issue a confirmation that the document has been received and filed in accordance with California Rule of Court 2.259. The confirmation shall serve as proof that the document(s) has been filed.

(f) Redaction of Confidential Information is the Filer's Responsibility:

The responsibility for redacting personal identifiers and privileged or confidential information rests solely with counsel and the parties. The clerk will not review pleadings or other documents for compliance with the law. The court may impose sanctions for violation of these requirements.

(g) Courtesy Copies:

The Court may order the delivery of paper courtesy copies of electronically filed documents.

(h) E-Service:

Unless otherwise ordered by the Court, electronic service of electronically filed documents is optional as provided in California Rules of Court 2.251 and 2.253.

(i) Electronic Signatures:

Signatures: California Rule of Court 2.257 should be followed regarding signatures on electronically filed documents.

(j) Filing Documents Intended for Multiple Cases:

Any party seeking to file a single document into multiple cases must e-file that document into each case. The clerk's office will not place a document from one case into another on behalf of the party. It is the responsibility of the party to file separately for each case.

(Eff. 7/1/16) (Renumbered & Revised 7/1/17)  
(Rev. 1/1/18) (Rev. 7/1/18) (Rev. 7/1/20) (Rev.  
1/1/21)

## **Rule 1.3.02 Electronic Filing Criminal Master Calendar**

For cases that are sent to the Master Calendar, criminal trial documents must be electronically filed no later than 12 p.m. the day of the Master Calendar.

(Eff. 7/1/17) (Rev. 1/1/18)

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## **Rule 1.4 REMOTE APPEARANCES**

Pursuant to California Judicial Council Emergency Rule 3, <https://www.courts.ca.gov/documents/appendix-i.pdf>, this Court will proceed with conducting Remote Appearances via Zoom (Remote Appearance Application). This Emergency Rule is intended to address the ongoing COVID-19 pandemic. Appearance information for each department may be found at <https://www.santacruzcourt.org/content/remote-appearance-0>.

Public access for specific subject matters will be live-streamed. Information is available at <https://www.santacruzcourt.org/content/remote-appearance>.

There is no cost to appear remotely via Zoom.

(Eff. 1/1/21)

### **Rule 1.4.01 Appearances in Non-Criminal (Civil, Family, Restraining Orders, Probate, LPS, Appeals and Juvenile Dependency Departments**

- (a) Remote video appearances are mandatory for attorneys unless otherwise directed by the judge.
- (b) Self-represented litigants, witnesses and other participants are strongly encouraged to appear remotely but may appear in person.
- (c) No prior authorization is required to appear remotely.
- (d) Audio only appearances are an option only if a party has no access to a device with video capabilities.
- (e) Documentary evidence shall be submitted electronically no later than seven court days before a trial or hearing. Details regarding evidence submission for each department will be posted on the Court's remote appearance web page.

(Eff. 1/1/21)

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## **Rule 1.4.02 Appearances in Criminal Departments**

The Court authorizes the use of remote appearance for *pretrial* proceedings in criminal cases in accordance with the requirements of Judicial Council Emergency Rule 3 and other applicable laws covering the use or involvement of remote appearance. The following details also apply:

- (a) Remote appearances are voluntary for attorneys unless otherwise directed by the judge.
- (b) Defendants and other participants are strongly encouraged to appear remotely but may appear in person unless otherwise directed by the Court or their attorney.
- (c) No prior authorization is required to appear remotely.
- (d) When electing to appear remotely, attorneys must appear by video unless otherwise permitted by the Court to appear by audio-only in advance of the proceeding. Audio only appearances are an option only if a party has no access to a device with video capabilities.
- (e) Attorneys must appear in person for any proceeding where they intend to present evidence to the Court unless otherwise directed by the Court in advance of the proceeding.

(Eff. 1/1/21)

## **Rule 1.4.03 Appearances in Traffic and Minor Violation Departments**

The Court authorizes the use of remote appearance for *arraignment* proceedings in Traffic and minor violation cases according to the following details:

- (a) Remote appearances are mandatory for attorneys unless otherwise directed by the judicial officer.
- (b) Self-represented litigants are strongly encouraged to appear remotely but may appear in person unless otherwise directed by the judicial officer.
- (c) No prior authorization is required to appear remotely.
- (d) When electing to appear remotely, litigants are strongly encouraged to appear by video. Audio only appearances are an option only if a party has no access to a device with video capabilities.

(Eff. 1/1/21)

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**Rule 1.4.04 Appearances in Juvenile Justice**

- (a) Remote video appearances are mandatory for all participants unless otherwise directed by the Court.
- (b) Audio only appearances are an option only if a party has no access to a device with video capabilities.
- (c) Attorneys must appear in person for any proceeding where they intend to present evidence to the Court unless otherwise directed by the Court in advance of the proceeding.

(Eff. 1/1/21)

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**DIVISION TWO - CIVIL RULES**

**Rule 2.1 CASE MANAGEMENT**

**Rule 2.1.01 Initial Contact**

At the time the case is filed, the clerk shall append to the initial pleading a document entitled "CASE MANAGEMENT PROGRAM INFORMATION AND SETTING" stating that the case is in the Case Management Program, that it is the duty of each party to be familiar with the California Rules of Court, and the DATE, TIME and PLACE of the first case management conference. The first conference date shall be set approximately 120 days from the date of filing of the initial pleading. It is the responsibility of the filing party to serve all other parties with notice of the case management conference date. Collection cases, as defined by California Rule of Court 3.740(a), shall be set approximately 360 days after the filing of the complaint.

(Eff. 1/1/92) (Renumbered & Rev. 7/1/02)  
(Rev. 1/1/09) (Rev. 7/1/15)

**Rule 2.1.02 Cross Complaints**

Cross-complainants shall serve all cross-defendants with a copy of the initial "ALTERNATIVE DISPUTE RESOLUTION INFORMATION PACKET" and shall serve notice of any other pending case management conference hearing date.

(Eff. 1/1/92) (Renumbered 7/1/02) (Rev. 7/1/20)

**Rule 2.1.03 Continuances of Case Management Conference**

- (a) Application by stipulation or by plaintiff if defendants have not appeared: Parties requesting a stipulated continuance of a case management conference must submit a written application on local form SUPCV 1014, Application and Stipulation for Order to Continue for Order to Continue Mediation Hearing and/or Case Management Conference, supported by a declaration showing good cause and a proposed order for the Court's signature. The application shall be filed with Court no later than ten (10) calendar days before the conference. The order shall be granted only upon a finding of good cause. Only one such continuance shall be allowed per case and the case management conference shall not be continued more than two months.
- (b) Other requests for continuance: Parties requesting a non-stipulated continuance of a case management conference must file a noticed motion and set a hearing date pursuant to



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court rules governing hearings. The application must be supported by a declaration, and the order shall be granted only upon a finding of good cause.

- (c) Application by stipulation or requests for continuances may be considered on the ex parte calendar.

(Eff. 1/1/95) (Renumbered 7/1/02) (Rev. 1/1/19)  
(Rev. 7/1/20)

## **Rule 2.1.04 Request to Advance Case Management Conference**

A party wishing to advance the date of the first case management conference may do so by ex parte application. The requesting party is responsible for noticing all other parties.

(Eff. 1/1/95) (Renumbered 7/1/02)

## **Rule 2.2 SETTING CASES FOR TRIAL**

### **Rule 2.2.01 Requests for Trial Settings**

- (a) General civil cases shall be set at the case management conference.
- (b) Family law cases filed on or after January 1, 1999: Trials will be set pursuant to Local Rule 3.1.07.
- (c) Probate cases: The assigned judge will set cases for trial in court.

(Eff. 1/1/92) (Rev. 7/1/02) (Rev. 1/1/13)

### **Rule 2.2.02 Long Cause Trials**

- (a) Civil Long Cause Master Calendar Call. All long cause trials will be called on the Thursday before the date set for trial at 1:30 p.m. in the department of the master calendar judge. Counsel must be prepared to advise the Court of all relevant trial data at that time.
- (b) Jury deposits are to be made as provided in Code of Civil Procedure §§ 631 et seq.
- (c) Jury Instructions. Each party must file proposed jury instructions no later than 12 noon the day of the Trial Calendar Call/Master Calendar. Such instructions must comply with California Rule of Court 2.1055.
- (d) Motions in Limine. All in limine motions must be in writing. Each motion shall be limited to a single subject and the motions shall be numbered consecutively. Responses shall address only the subject of the motion and shall be numbered the same as the motions.

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- (e) All proposed jury instructions, motions in limine, witness lists, exhibit lists and trial briefs (if so ordered by the Court) shall be filed no later than 12 noon the day of the Trial Calendar Call/Master Calendar.

(Rev. 7/1/98) (Rev. 1/1/99) (Rev. 7/1/07)  
(Rev. 1/1/09) (Rev. 1/1/11) (Rev. 1/1/13)  
(Rev. 7/1/13) (Rev. 1/1/14) (Rev 1/1/17)  
(Rev 7/1/17)

## **Rule 2.2.03 Short Cause Trials**

Short Cause Trials will be calendared on the daily 8:30 a.m. Law & Motion Calendar.

(Eff. 1/1/80) (Rev.1/1/95) (Rev. 1/1/09)  
(Renamed & Rev. 1/1/11)

## **Rule 2.2.04 Settlement Conferences Revoked 1/1/09**

Revoked 1/1/09 Preempted by California Rules of Court

## **Rule 2.2.05 Settlement Conference Statement Revoked 1/1/09**

Revoked 1/1/09 Preempted by California Rules of Court

## **Rule 2.2.06 Trial Briefs in Civil Cases**

Trial briefs for civil cases are optional unless ordered by the Court. When so ordered, they shall be submitted to the Court and opposing counsel no later than the court day preceding the date set for trial, unless the Court orders submission at an earlier date. Trial briefs shall set forth the issues to be tried and any significant evidentiary problems which are likely to be presented.

(Eff. 1/1/87) (Renumbered 1/1/95) (Rev. 1/1/09)  
(Rev. 1/1/11)

## **Rule 2.2.07 Continuances of Trials**

- (a) Requesting a Continuance of a Trial in Traffic/Minor Violation Court.

If you are unable to present your case on the date ordered for trial in traffic/minor violation court, a continuance must be requested as follows:

1. The request must be in writing, copied to the other side.
2. If requested by the defendant and it is a time not waived trial, the request must state "time is waived."

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3. The request must be received by the Court fifteen days prior to the hearing.
4. The original request must be filed with the Court. The moving party (requesting party) must mail or deliver a copy of the request to the other side. The original request will not be processed unless the requesting party indicates that a copy has been mailed or delivered to the other side, and, if the request for a continuance is by the arresting agency, the original request will not be processed unless the request indicates that a copy has been mailed to the defendant.
5. If this procedure is not followed, or if the action is not timely, the matter may be heard in the absence of the requesting party.

(b) Requesting a Continuance of All Other Trials

1. Application by stipulation or by plaintiff if defendants have not appeared: Parties requesting a stipulated continuance of a trial must submit a written application on local form SUPCV 1013, Application and Stipulation for Order to Continue Trial, supported by a declaration showing good cause and a proposed order for the Court's signature. The request shall be filed no later than ten (10) days before the date set for trial. The request shall be granted judicial approval only upon a finding of good cause. Only one such continuance shall be allowed per case. A short cause trial shall not be continued more than two months.
2. Requests for continuances of status conferences, settlement conferences and trials may be considered on the ex parte calendar.
3. Other requests for continuance: Parties requesting a non-stipulated continuance of a trial must file a noticed motion and set a hearing date pursuant to court rules governing hearings. The application must be supported by a declaration, and the request shall be granted only upon a finding of good cause.
4. Motions for continuance of a trial or specially set hearing will not be entertained on the date set except under the most extraordinary circumstances. In that event all such motions shall be made at the time the master calendar is called and only before the judge calling the master calendar or the judge before whom the matter is specially set.

(Eff. 1/1/95) (Rev. 1/1/01) (Rev. 1/1/09)  
(Renumbered, Renamed and Rev. 1/1/11)  
(Rev. 01/01/15) (Rev. 1/1/19)

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## **Rule 2.2.08 Complex Litigation**

The court follows the California Rules of Court for Complex Litigation matters.

(Eff. 7/1/04) (Rev. 1/1/09) (Renumbered 1/1/11)  
(Rev. 7/1/17)

## **Rule 2.3 COMPROMISE OF MINORS' CLAIMS**

### **Rule 2.3.01 Petition**

Petitions for compromise of minor's claim under the Probate Code or under the Code of Civil Procedure § 372 and California Rule of Court 7.950, shall be filed with the Court at least ten (10) days before the scheduled hearing.

(Rev. 7/1/02)

### **Rule 2.3.02 Attorney Fees Revoked 1/1/2020 Preempted by California Rules of Court**

### **Rule 2.3.03 Order**

The order approving the compromise of the minor's claim shall be prepared by counsel and shall set forth fully the following:

- (a) The total amount of the payment approved in compromise of the claim.
- (b) The amount of all attorney's fees and costs to be allowed.
- (c) The amount of all medical expenses to be paid or reimbursed together with names of the payees.
- (d) If the Court shall order that all or any part of the money to be paid under compromise be deposited in a blocked account, the order shall conform to California Rule of Court 7.953

(Rev. 7/1/02) (Rev. 1/1/09)

## **Rule 2.4 LAW & MOTION CALENDAR**

### **Rule 2.4.01 Setting Hearings**

- (a) Before any law and motion or default matter is set, the hearing date must be cleared with the Clerk's Office by calling (831) 420-2204 or emailing [civilinfo@santacruzcourt.org](mailto:civilinfo@santacruzcourt.org)
- (b) When a law and motion matter is set the clerk will check determine if a case management conference is scheduled within the 90 days prior to the law and motion date. If so, the

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clerk will continue the case management conference to the law and motion date. The date will be continued once the moving papers have been filed with the court and the fees have been paid. No other notice will be sent to the parties. If the law and motion matter is taken off calendar after the date has been continued, the case management conference will remain set on the law and motion date.

(Rev. 1/1/99) (Rev. 1/1/08) (Rev 7/1/17)  
(Rev. 7/1/20)

## **Rule 2.4.02 Requests for Continuances**

- (a) Requests for continuances based on stipulation by the parties must be made by the moving party by calling the Clerk's Office (831) 420-2204 or emailing [civilinfo@santacruzcourt.org](mailto:civilinfo@santacruzcourt.org)
- (b) Requests for continuances made within 24 hours of the date of hearing (Saturday, Sunday and holidays excepted) ordinarily will not be granted even if made by stipulation.
- (c) Subject to paragraph (b), counsel may continue matters by timely application or by stipulation. However, only one (1) such continuance per side will be granted. Thereafter, if the matter does not proceed, it may be dropped from the calendar.

(Eff. 1/1/99) (Rev. 1/1/08) (Rev. 1/1/09)  
(Rev. 1/1/19) (Rev. 7/1/20)

## **Rule 2.4.03 Argument and Oral Testimony at Law and Motion Calendar**

- (a) Argument in excess of ten (10) minutes per side will ordinarily not be permitted on the law and motion calendar. If it is anticipated that lengthier argument will be necessary, permission must be obtained from the law and motion judge. When such a request is made, the law and motion judge will decide whether to grant the request for lengthier arguments to be heard on the law and motion calendar, or will set the matter for special hearing.
- (b) Oral testimony is ordinarily not allowed on the law and motion calendar. If oral testimony is desired, a request must be made to the law and motion judge, pursuant to California Rule of Court 3.1306, who will either grant the request and leave the matter on the law and motion calendar, grant the request and direct that set the matter be specially set with the calendar clerk, for special hearing, or deny the request and insist that the matter be heard on declarations.

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(Rev. 1/1/93) (Rev. 1/1/95) (Rev. 7/1/97)

(Rev. 7/1/07) (Rev. 7/1/17)

**Rule 2.4.04 Appearance at Hearing Revoked 1/1/09 Preempted by California Rules of Court.**

**Rule 2.4.05 Orders and Stipulations for County Funds Revoked 7/1/07 Preempted by California Rules of Court.**

**Rule 2.4.06 Orders for Funds Held in Interest Bearing Account**

For funds to be deposited with the Court in an interest bearing account, a Court order must be obtained specifying that the funds are to be held in an interest bearing account.

(Eff. 1/1/93)

**Rule 2.4.07 Calendaring Demurrers and Motions to Strike in Unlawful Detainer Cases**

- (a) Upon the service of an unlawful detainer summons and complaint the defendant has five calendar days to file a response.
- (b) All demurrers and motions to strike filed in an unlawful detainer action shall be set for hearing within ten calendar days consistent with California Rule of Court 3.1320(d). The Court finds good cause to set such hearings on a shortened time as Code of Civil Procedure § 1170.5(a) expressly contemplates that the Court conduct expedited proceedings in those cases.
- (c) Demurrers and motions to strike shall be served on the plaintiff as follows:
  - 1. If by personal service, at least five calendar days prior to the hearing.
  - 2. If served by mail, at least nine calendar days prior to the hearing.
- (d) Opposition to the demurrer and motion to strike shall be filed and served at least three calendar days prior to the hearing. Service must be by personal delivery, electronic or facsimile transmission (if agreed upon), express mail, or other means reasonably calculated to ensure delivery to the other party or parties no later than the close of business three calendar days before the hearing.
- (e) Should the demurrer be overruled, the motion to strike be denied, or the motion to strike part of the complaint be granted without leave to amend, the defendant shall be granted five calendar days to file an answer.

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(Eff. 1/1/14) (Rev. 7/1/15) (Rev. 7/1/17)

**Rule 2.5 MOTIONS FOR SUMMARY JUDGMENT Revoked 1/1/09**

Preempted by California Rules of Court

**Rule 2.6 MOTIONS FOR APPROVAL OF CLASS ACTION SETTLEMENT**

**Rule 2.6.01 Motions for preliminary and final approval of class action settlements**

Motions for preliminary and final approval of class action settlements are to comply with the California Superior Court Guidelines for Motions for Preliminary and Final Approval of Class Settlement both as to the information to be provided in the motion, and the order in which the information is to be presented. The Guidelines may be found on the court's website at <https://www.santacruzcourt.org/divisions/civil>.

(Eff. 7/1/20)

**Rule 2.7 TELEPHONE APPEARANCES Revoked 1/1/21**

**Rule 2.7.01 Telephone Appearances Revoked 1/1/21**

**Rule 2.7.02 Program Overview Revoked 1/1/21**

**Rule 2.7.03 Participation in CourtCall Appearances Revoked 1/1/21**

**Rule 2.7.04 Appearance Procedure Revoked 1/1/21**

**Rule 2.8 MISCELLANEOUS LAW AND MOTION RULES**

**Rule 2.8.01(Reserved)**

**Rule 2.8.02 Attorney Fees**

(California Rule of Court 3.1800(b))

- (a) When the clerk is authorized to enter judgment pursuant to Code of Civil Procedure § 585(a) and, if the obligation sued upon provides for the recovery of a reasonable attorney's fee, the clerk shall compute the attorney's fee by adding to the judgment, exclusive of costs, the following amounts unless a lesser sum is requested:

- 20 percent of the first \$ 1,000 with minimum fee of \$100.00
- 10 percent of the next \$ 9,000
- 5 percent of the next \$15,000

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- 3 percent of the next \$40,000
- 2 percent of the next \$50,000
- 1 percent of the amount over \$100,000

(b) Plaintiff shall have the right, in accordance with Code of Civil Procedure § 585(a), to have the attorney's fee fixed by the Court in an amount different from that set forth above.

(Eff. 1/1/86) (Renumbered 7/1/07) (Rev. 1/1/09)  
(Renumbered 7/1/20)

**Rule 2.8.03 Stipulation to Commissioners**

A party is deemed to stipulate that all matters heard in the civil department may be heard and disposed of by a commissioner, acting as a temporary judge, by failing to file an objection in writing within thirty (30) days after the first pleading is filed in the action by that party, or at the first hearing on a motion heard in the civil department, if heard before the expiration of the thirty (30) days, whichever comes first.

(Eff. 12/3/03) (Renumbered 7/1/07) (Renumbered  
7/1/20)

**Rule 2.8.04 Exhibit Formatting**

Exhibit attachments to pleadings shall be separated by a standard size 8 ½ x 11 sheet of paper with a title identifying the sequence of the exhibit. This shall appear in the middle of the page using 36 pt. font. No tabs shall be included in any documents submitted for filing. California Rules of Court must be followed, including Rules 2.256 and 3.1110.

(Eff. 7/1/16) (Rev. 7/1/17) (Renumbered 7/1/20)

**Rule 2.9 EX PARTE MATTERS**

**Rule 2.9.01 Notice to Parties and to Court**

- (a) Notice to Parties: Notice is governed by California Rules of Court 3.1203 et. seq.
- (b) Notice to Court: The party seeking ex parte relief should notify the Court by telephone (831) 420-2200 before 11:00 a.m. the day of the ex parte hearing. This does not apply to family law or restraining order matters. Refer to Local Rule 4.1.08 for probate ex parte procedures.
- (c) Telephonic appearances: Telephone appearances at ex parte are governed by California Rule of Court 3.670.



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- (d) All Civil Harassment Prevention, Workplace Violence Prevention, Gun Violence Prevention and Private Postsecondary School Violence Prevention Restraining Order requests must be filed with the Clerk's Office in Watsonville no later than 10:00 a.m. for the request to be considered that same day. If the initial papers are brought to the Santa Cruz Clerk's Office, they will be scanned to the Watsonville Courthouse. All papers, other than the initial restraining order request, must be filed at the Watsonville Courthouse. All hearings will take place at the Watsonville Courthouse.

(Rev. 1/1/00) (Rev. 7/1/04) (Renumbered & Rev. 7/1/07) (Rev. 1/1/11) (Rev. 7/1/13) (Rev. 7/1/14) (Rev. 7/1/16) (Renumbered 7/1/17) (Renumbered 7/1/20)

## **Rule 2.9.02 Time; Matters Not Appropriate For Ex Parte Procedure**

The Family Law Department has its own local rules regarding ex parte matters. See Local Rule 3.1.13

- (a) Time: A judge will be available each day, Monday through Friday to consider ex parte orders. The ex parte courtroom schedule is posted on the Court's website.
- (b) Non-appropriate Matters: If the judge determines that the matter can be handled through normal procedure (i.e. noticed hearing or sent through the Clerk's Office), the application will be denied. The Court shall retain denied applications. The following types of orders will not be accepted:
1. Stipulated Orders in an existing case (e.g. Stipulated Judgment).
  2. Orders After Hearing
  3. Judgment After Trial
  4. Default Judgment
- (c) Stipulations for Order to Continue Trial, Mediation, or Case Management may be sent through the Clerk's Office without a noticed ex parte hearing.
- (d) Matters not appropriate for the ex parte procedure are to be submitted to the Clerk's Office. If a time urgency exists, a request to expedite may be made.

(Eff. 1/1/91) (Rev. 7/97) (Renumbered 7/1/07) (Rev. 1/1/09) (Rev. 7/1/14) (Renumbered 7/1/17) (Rev. 1/1/19) (Renumbered 7/1/20)

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## Rule 2.10 TENTATIVE RULINGS

### Rule 2.10.01 Civil Tentative Rulings

The court follows the tentative ruling procedure set forth in Rule 3.1308 of the California Rules of Court. Tentative Rulings are not required, but a Judicial Officer who does issue Tentative Rulings will prepare and publish a Tentative Ruling by 3:00 p.m. on the day preceding the scheduled hearing.

- (a) Obtaining Rulings. A tentative ruling on civil law and motion matter may be obtained by:
1. Telephoning the court at (831) 420-2300 between 3:00 and 4:00 pm of the court day preceding the scheduled hearing; or
  2. Accessing tentative rulings on the court's website, at [www.santacruzcourt.org](http://www.santacruzcourt.org).
- (b) Appearance and Oral Argument. If a party wants to present oral argument, pursuant to Rule 3.1308, the party must contact the court at (831) 420-2483 and all opposing parties by 4:00 p.m. of the court day preceding the scheduled hearing. Notice may consist of a phone call or email to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly). Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court.

Whenever a tentative ruling has not been issued, the parties are to appear at the hearing unless otherwise ordered. Appearance is always required on small claims matters and on all claims of exemption.

Absent a request to appear and be heard for any matter on the Civil Law and Motion Calendar, all posted tentative rulings shall become the final ruling of the court. Should a hearing be requested by any party or ordered by the court, the Court may, in its discretion, modify or affirm the tentative ruling and advise the parties of its ruling at the hearing.

- (c) Sanction Requests. All requests for sanctions not ruled upon are deemed denied.
- (d) Preparation of Order. When a tentative ruling is uncontested or is adopted in full by the Court as the final ruling after argument, without modification, the prevailing party is required to prepare a formal order repeating verbatim the substantive portion of the ruling. Copy the text from the proposed tentative ruling and paste it into a pleading template. The order may be immediately submitted to the Court for execution in the courtroom or submitted for e-filing without obtaining approval of other parties. In all other cases, the prevailing party shall prepare an order consistent with the announced ruling in accordance

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with California Rule of Court 3.1312 and shall forward the proposed order to counsel for review before submitting it to the Court for execution and filing.

(Eff. 7/1/17) (Renumbered 7/1/20)

## **Rule 2.11 CASES INVOLVING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

### **Rule 2.11.01 Form and Format of the Administrative Record**

The format of the administrative record shall be governed by California Rule of Court 3.2205.

(Eff. 1/1/20) (Renumbered 7/1/20)

### **Rule 2.11.02 Lodging of the Administrative Record**

In accordance with California Rule of Court 3.2206, the party preparing the administrative record must lodge the record as follows (1) one copy of the record is to be lodged in an electronic format that is both searchable and readable, and complies with California Rule of Court 3.2207; and (2) one copy of the record is to be lodged in paper format that complies with California Rule of Court 3.2208, and is bound in three ring binders.

(Eff. 1/1/20) (Renumbered 7/1/20)

### **Rule 2.11.03 Disputes Regarding the Contents of the Administrative Record**

Once the administrative record has been filed, any disputes about its accuracy or scope should be resolved by appropriate noticed motion. A motion to supplement the certified administrative record with additional documents or to exclude certain documents from the record may be noticed by any party and should be filed no later than the deadline for filing of petitioner's opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should be filed no later than the deadline for filing the opposition and reply memoranda regarding the writ.

(Eff. 1/1/20) (Renumbered 7/1/20)

### **Rule 2.11.04 Trial Notebooks**

Petitioner shall prepare a trial notebook that must be delivered to the trial judge 14 days before the date of the hearing or at the time the Reply Brief is filed, whichever is later. The trial notebook must consist of the petition, all answers, the briefs, any motions set to be heard at trial, the statement of issues, and any other documents agreed upon by the parties.

(Eff. 1/1/20) (Renumbered 7/1/20)

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## **Rule 2.11.05 Administrative Record Documents**

Petitioner, in cooperation with the responding parties, must prepare a collection of the key Administrative Record documents for the use of the trial judge. The collection shall contain each page of the Administrative Record cited in any of the parties' briefs, including the page before and the page following the cited page in the Administrative Record. The collection of Administrative Record documents must be housed in three-ring binders and lodged with the clerk of the court 14 days before the date of the hearing.

(Eff. 1/1/20) (Renumbered 7/1/20)

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**DIVISION THREE – FAMILY LAW**

**Rule 3.1 GENERAL RULES**

**Rule 3.1.01 Local Civil Rules Applicable to Family Law**

Except as otherwise provided in these rules, all provisions in the Local Civil Rules apply to Family Law proceedings.

(Rev. 1/1/93) (Rev. 1/1/95) (Rev. 1/1/09)  
(Rev. 1/1/13)

**Rule 3.1.02 Telephone Appearance Revoked 1/1/21**

**Rule 3.1.03 Meet and Confer Requirement**

Prior to any hearing on the family law calendar, and prior to filing a status conference statement or settlement conference statement, counsel or parties in pro per must meet and confer, in person or by telephone, unless prohibited by a restraining order, on the following issues:

- (a) settlement possibilities;
- (b) any proposed orders to be requested; and
- (c) suitability of the case for case management, pursuant to Family Code §§ 2450, et seq.

(Eff. 1/1/91) (Rev. 1/1/01) (Renumbered 1/1/13)

**Rule 3.1.04 Completion of Forms**

All Judicial Council forms, including declarations, must be timely filed. All blanks on the forms must be answered. Notations such as "Unk." for Unknown, "Est." for Estimate, "N/A" for Not Applicable, and "None" should be used to avoid leaving any item blank.

(Eff. 1/1/91) (Renumbered 1/1/13)

**Rule 3.1.05 Initial Status Conference**

At the time a Petition for Dissolution, Petition for Nullity, Petition for Legal Separation, Petition for Dissolution/Nullity/Legal Separation of Domestic Partnership or a Complaint for Paternity (other than filed by the District Attorney) is filed, the Clerk shall append to the initial pleading a document entitled Notice of Status Conference stating the DATE, TIME and PLACE of the status conference. The conference date shall be set approximately 180

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days from the date of filing of the initial pleading. It is the responsibility of the filing party to serve all other parties with Notice of the Status Conference date. The conference date will automatically be vacated when a judgment is entered or a dismissal filed.

(Eff. 1/1/99) (Rev. 1/1/09) (Renumbered & Rev.  
1/1/13)

## Rule 3.1.06 Status Conference

- (a) After the initial status conference, status conferences will be set as frequently as needed in order to expedite the completion of the case in compliance with California Rule of Court 5.83.
- (b) The parties must complete the Status Conference Statement – Family Law, local form SUPFL 1034, to inform the court of the progress they have made in their case. The form may be filed jointly. This must be filed no later than 10 days before the court date. Parties may attend the conference and discuss their progress towards case resolution with the Court.
- (c) If the parties would like to move their status conference date or continue the date because they are in mediation this joint request needs to be made on the Stipulation and Application for Order to Change Status Conference, local form SUPFL 1013. This needs to be filed no later than 10 days before the court date. In most circumstances the Court will not grant more than a four month continuance.
- (d) If one party wants to continue the status conference date and the other party does not, then both parties must complete the Status Conference Statement – Family Law, local form SUPFL 1034 to inform the Court of the progress they have made in their case. This must be filed no later than 10 days before the court date. The Court will decide at the status conference if the case will be continued to a further status conference date.
- (e) At the status conference the Court will consider: Setting an Early Neutral Evaluation (ENE), continuing the case for further status conference or Family Centered Case Resolution Conference, severing or bifurcation causes of actions or issues, consolidating cases, dismissing the action for lack of progress, setting the case or bifurcated issues for trial, or taking steps to bring the parties into compliance with any previously ordered Family Case Centered Resolution plan.
- (f) Self represented litigant matters, after the initial status conference date, will be set on a separate self represented litigant calendar. They will be removed from this calendar if either party becomes represented by an attorney.

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- (g) Privately mediating parties, after the initial status conference date, will thereafter be scheduled for a status conference date no less frequently than every four months.

(Eff. 1/1/99) (Rev. 1/1/01) (Rev. 1/1/06)  
(Rev. 1/1/07) (Rev. 1/1/09) (Rev. 1/1/11)  
(Renumbered & Rev. 1/1/13) (Rev. 7/1/20)

**Rule 3.1.07 Trial and Settlement Conference Continuances**

- (a) Either side may file a Request for Trial – Family Law, local form SUPFL 1042. After receipt of this request the Court will send out notices for the date of the trial setting. The trial setting court date will be scheduled within four weeks. Either trial counsel, or parties without an attorney, must be present at the trial setting.
- (b) It is the policy of the Court not to continue matters set for trial or settlement conference without good cause. Any stipulated request for such continuance must be accompanied by local form SUPCV 1013, Application and Stipulation for Order to Continue Trial, with a declaration of cause. A stipulation is not alone sufficient to obtain a continuance. To be considered the declaration must also contain a time estimate for trial. Such a request must be submitted at least ten calendar days prior to the trial or settlement conference sought to be continued.
- (c) Requests for continuances of status conferences, settlement conferences and trials may be considered on the ex parte calendar.
- (d) Trials will not be set prior to the completion of discovery.

(Eff. 1/1/99) (Rev. 7/1/04) (Rev. 1/1/06)  
(Renumbered 1/1/07) (Rev. 1/1/09) (Renumbered &  
Rev. 1/1/13) (Rev. 1/1/19) (Rev. 7/1/20)

**Rule 3.1.08 Settlement Conferences**

- (a) Settlement conferences may be set at least four weeks prior to trial. Prior to filing a Settlement Conference Statement, the parties are required to meet and confer as set out in Local Rule 3.1.03. Each party must provide to the settlement conference judge pro tem at the settlement conference, the following:
1. If support is an issue and if financial information is not up to date each party shall bring current Income and Expense Declaration, Judicial Council form FL-150, including the last three pay stubs, the last two years income tax returns, corporate

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income tax returns if applicable, W-2's, 1099's for the last two years and any and all information tending to assist the Court in deciding questions of income.

2. On one sheet of paper, set out how the property and debts should be divided and how any equalization payment should be handled.
3. A list of witnesses and a short statement as to what each will testify to.
4. A list of stipulated and/or undisputed facts and a description of which exhibits are agreed to be admissible.
5. Failure to comply with the procedure outlined above may subject the offending party/attorney to sanctions. Represented and self-represented litigants are expected to comply with this Rule.

(Eff. 7/1/05) (Rev. 1/1/07) (Rev. 1/1/09)  
(Rev. 1/1/11) (Renumbered 1/1/13) (Renamed &  
Rev. 1/1/21)

## **Rule 3.1.09 Judicial Mediation**

- (a) The Court may conduct judicial mediations. The scope and content of the mediation is in the discretion of the judicial officer facilitating the mediation. Judicial mediation will be facilitative in nature.
- (b) Counsel shall prepare and lodge a confidential mediation brief at least seven (7) court days prior to the mediation date. The brief shall not exceed ten pages, excluding necessary exhibits. Failure to comply with this requirement may result in monetary sanctions, termination of the mediation, or both.

(Eff. 1/1/07) (Rev. 1/1/11) (Renumbered 1/1/13)  
(Rev. 7/1/17) (Rev. 1/1/21)

## **Rule 3.1.10 Trial**

- (a) Matters will not be set for trial until discovery has been completed.
- (b) Trials will be set directly on the Family Law Department Calendar.
- (c) Unless the Court states otherwise, trial briefs are required for any evidentiary hearing greater than 1 and ½ hours in length. Trial briefs are due no later than seven (7) court days prior to the scheduled trial date.



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(Eff. 1/1/06) (Renumbered 1/1/07) (Rev. 1/1/09)  
(Renumbered 1/1/13) (Rev. 1/1/16) (Rev. 1/1/21)

## **Rule 3.1.11 Stipulation to Commissioner**

In some proceedings assigned to a family law department, the parties may be asked to stipulate that their matter be heard and decided by a commissioner, acting as a temporary judge, including the power to punish for contempt.

(Eff. 7/1/05) (Renumbered 1/1/06) (Renumbered  
1/1/07) (Rev. 1/1/09) (Renumbered 1/1/13)

## **Rule 3.1.12 Stipulation to Drop/Request to Reset Motions and OSC Revoked 7/1/13**

## **Rule 3.1.13 Ex Partes in Family Law**

- (a) Ex Parte Application (Domestic Violence filings, see item (i) below)

Ex parte applications are extraordinary remedies. Most ex parte applications are appropriate only when irreparable injury or immediate danger would result before the matter could be heard through the regular process of filing a motion (order to show cause). All ex parte applications are handled on the documents submitted.

- (b) Notice of Application

The moving attorney or self-represented party must give notice of all ex parte applications to the opposing attorney or self-represented party prior to submission of the request, except where it is impossible to give notice, notice would frustrate the purposes of the order requested, and notice would result in irreparable injury or where no significant burden or inconvenience would result. The different types of notice accepted by the Court are indicated on Judicial Council form Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders, FL-303. This notice must be given by 10:00 a.m. the court day **before** the 1:00 p.m. ex parte hearing (notice given by 10:00 a.m. Friday will result in a court day the next day the court is open). The same day you give notice you must call the ex parte clerk at the Watsonville Courthouse by 11:00 a.m. to inform the Clerk's Office that you have an ex parte hearing the next day. You can reach the notice line by calling (831) 786-7200; follow phone prompts to family law/ex parte where you will be prompted to leave a message.

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## (c) Submitting Ex Partes

All ex parte moving papers shall be submitted to the Clerk's Office. Ex parte moving papers must be delivered to the Watsonville Courthouse no later than 3:00 p.m. the day before the ex parte hearing.

## (d) Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders

The attorney or self-represented party requesting ex parte orders must submit Judicial Council form Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders, FL-303 along with other moving papers.

**THERE IS AN ABSOLUTE DUTY TO DISCLOSE IN YOUR MOVING PAPERS BOTH (1) THE FACT THAT A REQUESTED EX PARTE ORDER WILL RESULT IN A CHANGE OF STATUS QUO AND/OR (2) WHETHER ORDERS ARE ALREADY IN EFFECT REGARDING THE SAME ISSUE.**

## (e) The person filing for the ex parte must provide a copy of the moving papers to the other side no later than 3 p.m. the day before the ex parte hearing. The papers may be delivered in person, by fax or by email.

## (f) Opposition

Responding/opposing attorneys or self represented parties shall submit their objections to the party moving for ex parte application and to the clerk's office as soon as possible after notice is received, but no later than 10:00 a.m. the day of the hearing.

## (g) Ex Parte Orders

All family law ex parte orders are ready at approximately 1:30 p.m. Parties will be notified by the Clerk's Office if there is a change in time for the ex parte orders. If you electronically file your ex parte request, you must include availability dates with your ex parte request. Include three dates both to cover an order shortening time (no more than 21 days) and a denied order shortening time (no less than 30 days). Your ex parte papers and court date will be returned electronically. If you decide you do not want to go forward on your ex parte motion, normal procedures should be followed to take a matter off calendar. The refund of your filing fee will take approximately 4 to 6 weeks. If you do not include dates with your electronically filed ex parte, then it will be assumed you are picking up the paperwork in person, and the papers will be processed for in person pick-up. If you are a self represented litigant who filed court papers at the clerk's office in Watsonville, ex parte court papers can be picked up at 1:30 p.m. when you will schedule a court date.

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- (h) Domestic Violence Restraining Orders (Domestic Violence Prevention and Elder or Dependent Adult Abuse Prevention) must be filed with the Clerk's Office no later than 10:00 a.m. for the request to be considered that same day. If the initial papers are brought to the Santa Cruz Clerk's Office they will be scanned to the Watsonville Courthouse. All papers, other than the initial restraining order request, must be filed at the Watsonville Courthouse. All other papers must be filed at the Watsonville Courthouse.

(Eff. 1/1/09) (Rev. 1/1/11) (Renumbered & Rev. 1/1/13) (Rev. 7/1/13) (Rev. 7/1/16) (Rev. 1/1/17) (Rev. 7/1/17)

## **Rule 3.1.14 Service by Publication or Posting for Summons**

- (a) A petitioner may serve a summons by publishing or posting only if service cannot be effectuated as outlined by the Code of Civil Procedure § 415.10 through § 415.40. However, service by posting may be ordered only if the petitioner is found to be indigent.
- (b) To request service by publication or posting, the petitioner must follow the instructions, complete and submit to the Court the following Judicial Council forms; Application for Order for Publication or Posting (FL-980), Order for Publication or Posting (FL-982), and when needed Proof of Service by Posting (FL-985).

(Eff. 1/1/09) (Rev. 1/1/11) (Renumbered 1/1/13) (Rev. 7/1/13)

## **Rule 3.1.15 Assignment of Cases and Challenges to Assigned Judge**

- (a) Upon first filing of a case in the Family Law Division the clerk shall assign the case to one of the two family law departments. Nothing in these rules shall prevent the court from reassigning a subject case to a different judge, in which case the court shall notify the parties of the assignment.
- (b) A challenge to the assigned judge pursuant to Code of Civil Procedure section 170.6 shall be made within 15 days after notice of the all-purpose assignment, or if the party has not yet appeared in the action, then within 15 days after the appearance. Upon the acceptance of such a challenge, the court shall reassign the case to a different judge and notify counsel, or parties, of the reassignment.

(Eff. 7/1/19)

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## Rule 3.1.16 Request for Continuances

- (a) A request to continue a hearing set by a previously filed Request for Order may be submitted using the Judicial Council form FL-306 Request to Reschedule Hearing or FL-307 Request to Reschedule Hearing Involving Temporary Emergency (Ex Parte) Orders and the FL-309 Order on Request to Continue Hearing, and a proof of service.
- (b) **Time for submitting request:** In accordance with California Rule of Court 5.95(d)(1)(A)(iv), the request for continuance and proof of service must be submitted to the court no later than 5 court days prior to the hearing date originally set on the Request for Order.
- (c) **Service of request required before submitting to the Court:** Before filing with the court, the other party or attorney for the other party must be served with a copy of the request and complete a proof of service.
- (d) Time for service:
  - 1. Service by mail must be no later than 10 court days prior to the hearing date originally set on the Request for Order.
  - 2. Personal or electronic service must be no later than 7 court days prior to the hearing date originally set on the Request for Order. Electronic service requires prior consent from the other party or attorney for the other party.
- (e) **Untimely Request:** If service is unable to be made in accordance with (d) the party asking to reschedule shall appear in court on the scheduled hearing date to make an oral request for a continuance in accordance with California Rule of Court 5.95(d)(1)(B). The requesting party must complete and submit a proposed FL-309 Order on Request to Reschedule Hearing.

(Eff. 1/1/20) (Rev. 7/1/20)

## Rule 3.2 FINANCIAL ISSUES

### Rule 3.2.01 Financial Issues - General Rules

- (a) The Court's temporary spousal support guideline is based on the current Alameda County guidelines using the Dissomaster program. The suggested schedule is a guideline only and the Court will exercise its discretion and depart from the schedule upon a showing of good cause.

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- (b) At the time of hearing on spousal and/or child support, each party will be expected to furnish evidence as to the earnings of the parties or explain his/her inability to secure same.
- (c) The Court uses Dissomaster for its child support and temporary spousal support calculations. In Department of Child Support (DCSS) cases, the Court uses the Department of Child Support's web-based guideline calculator.
- (d) Except in DCSS cases, the Court discourages counting hours to determine timeshare. The Court will not use less than whole numbers in computing timeshare.
- (e) In most non-DCSS cases, the Court uses the following timeshare percentages:
  - one evening per week 7%
  - 1-24 hr day per week 14%
  - alternate weekends 14%
  - split holidays 2%
  - 1 week per year 2%
  - 2 hours per week 1%

(Rev. 7/1/97) (Rev. 1/1/06) (Rev. 1/1/09)

## Rule 3.3 CUSTODY ISSUES

### Rule 3.3.01 (Reserved)

### Rule 3.3.02 Child Custody Recommending Counseling (CCRC)

- (a) Meet and Confer: Parties shall make a good faith effort to arrive at an agreement regarding child custody or visitation before any court hearing.
- (b) Child Custody Recommending Counseling (CCRC): If there is disagreement over child custody or visitation in the matter before the Court, this issue may be referred to CCRC at no cost to the parties. Parties are allowed three free hours of CCRC every 12 months. After the first three hours court fees will be assessed. Failure to appear without 48 hours notice will result in assessment of fees.
- (c) Santa Cruz is a "recommending" jurisdiction.
- (d) All Child Custody Recommending Counseling proceedings shall be held in private, and all communications from the parties to the counselor shall be deemed official information within the meaning of Evidence Code § 1040. In the absence of an agreement between the parties, the counselor will make recommendations to the Court as to the custody and

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visitation issues including, if appropriate, a recommendation for an investigation pursuant to Family Code §§ 3110 through 3113.

- (e) No challenge of a court counselor shall be allowed.
- (f) No documents or pleadings shall be sent or provided to counselor unless requested by the counselor.
- (g) The day of your mediation date you will be required to come 30 minutes early to participate in Family Court Services (FCS) Orientation which consists of a video overview of the mediation process.

(Eff. 1/1/00) (Rev. 1/1/01) (Rev. 1/1/09)  
(Rev. 1/1/11) (Rev. 1/1/13) (Rev. 1/1/16)

### **Rule 3.3.03 Custody Investigation and Evaluation**

- (a) In any case in which custody/visitation is in dispute the Court may order a custody investigation. Counsel will only be allowed to be present during any interview if specifically requested by the investigator.
- (b) No challenge of a Court-appointed investigator shall be allowed.
- (c) Except in extraordinary circumstances, including the potential for danger to the child, children will be informed that the information provided by the child will not be confidential.
- (d) A child may be seen alone, with one parent, and/or both, at the discretion of the investigator.
- (e) Interviews with siblings may be separate, at the discretion of the investigator.
- (f) All written reports and recommendations shall be served upon the parties or their attorneys.
- (g) Any written report or recommendation as part of the investigation shall be confidential and unavailable to any person except the Court, the parties, their attorneys and any person to whom the Court expressly grants access by written order made with prior notice to all parties.

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- (h) Pursuant to Family Code § 3111(a), any evaluation report generated by an evaluator may be considered by the court and admitted into evidence at any hearing or trial.

(Eff. 1/1/99) (Rev. 1/1/01) (Renumbered & Rev.  
1/1/09) (Rev. 1/1/11)

## **Rule 3.3.04 Communication**

- (a) No investigator or custody counselor may accept ex parte communication from counsel or any party. No attorney or party shall contact the investigator or custody counselor unless in the presence of the opposing counsel or party or in writing. All writings provided to the investigator or custody counselor by one attorney or party shall be provided to the opposing counsel or party in a timely fashion.
- (b) No attorney or party shall request information regarding final recommendations from any investigator or custody counselor prior to the release of the final report. No investigator or custody counselor shall divulge final recommendations to either party or his or her attorney, separately. Final recommendations shall be made available in written form to all parties and their attorneys simultaneously.
- (c) No documents or pleadings shall be sent or provided to any evaluator unless requested by the evaluator.

(Rev. 7/1/95) (Rev. 1/1/01) (Renumbered & Rev.  
1/1/09) (Rev. 1/1/11) (Rev. 1/1/13)

## **Rule 3.3.05 Referrals**

In some cases, involving allegations of abuse, neglect or other serious unfitness of a parent, the investigation of these issues will be referred by the Court for an investigation under Welfare & Institutions Code § 300. This referral may occur at any stage of the proceedings. Appointment of counsel under Family Code §§ 3150, et seq. will be considered.

(Rev. 7/1/95) (Renumbered & Rev. 1/1/09)

## **Rule 3.3.06 Private Mediation**

The parties may stipulate to have a private mediator or custody investigator attempt to help resolve their disputes regarding custody and visitation.

(Rev. 1/1/01) (Renumbered 1/1/09) (Rev. 1/1/11)

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## Rule 3.3.07 Complaint Process

- (a) Complaints regarding Family Court Services shall be registered in writing with the Court Executive Officer (CEO).
- (b) The CEO, or his or her designee, shall conduct an appropriate investigation of the matter including consultation with the individual. Within 30 days the CEO will respond. The date and action taken shall be recorded and the complainant shall be informed in writing.

(Rev. 1/1/01) (Renumbered 1/1/09) (Rev. 1/1/11)

## Rule 3.4 CO-PARENT WORKSHOP

### Rule 3.4.01 Co-Parent Workshop Program

- (a) After filing for dissolution, legal separation, paternity, nullity, or petition for custody and support, those parties with children will be required to attend an educational program designed to inform parents of the needs of children when their parents do not live together. This program is mandatory. Parties filing other case types may be ordered by the court to attend the program.
- (b) The parties must complete the Judicial Council's online Parenting after Separation Course or PAS (Families Change: <http://parenting.familieschange.ca.gov/>). There are no substitutions without prior judicial approval.

(Eff. 7/1/91) (Rev. 1/1/01) (Rev. 1/1/11)

(Rev. 1/1/16) (Rev. 7/1/16) (Rev. 1/1/18)

### Rule 3.4.02 Attendance

- (a) Both parties must complete the program.
- (b) In true default cases (no response and no agreement/MSA) the respondent is not required to take the class however the Court highly encourages it and may require that the respondent complete the class in the future if they file any requests for orders regarding their children.
- (c) The parties should complete the program before their first court appearance. This may be a hearing on a Request for Order, mediation appointment, or status conference, whichever comes first.



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- (d) After completing the online course, the party will be required to print out and file a copy of the certificate with the Court. A certificate is required to be on file to complete the court case as stated in Local Rule 3.4.01(a).

(Eff. 7/1/91) (Rev. 1/1/01) (Rev. 1/1/11)  
(Rev. 1/1/16) (Rev. 1/1/18)

## **Rule 3.4.03 Information Sheet**

A copy of the information sheet on the program shall be served with the summons and petition.

(Eff. 7/1/91)

## **Rule 3.5 OFFICE OF FAMILY LAW FACILITATOR**

(Incorporated into Self Help Center 1/1/09)

### **Rule 3.5.01 Duties**

- (a) When performing duties under the Family Law Facilitator Act (Family Code § 10000, et. seq.), in addition to the services provided by the family law facilitator set out in Family Code § 10004, the duties of the facilitator may include any or all of the duties set out in Family Code § 10005, as designated by the Court and subject to adequate funding.
- (b) The Court may assign duties to the facilitator outside the scope of the Act if funding other than AB 1058 funding is available to expand the facilitator's hours.

(Eff. 7/1/97) (Rev. 1/1/00)

## **RULE 3.6 TIME TO PREPARE ORDERS/JUDGMENTS**

### **Rule 3.6.01 Order Preparation**

The timeframe to prepare court orders, as set by the California Rule of Court Rule 5.125, does not start to run for litigants sent to the Self Help Center for assistance in preparing orders, until the date of their appointment.

(Eff. 1/1/13)

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**RULE 3.7 COURT REPORTER**

**Rule 3.7.01 Court Reporters Revoked 1/1/18 incorporated into Rule 9.1.02**

**RULE 3.8 COUNSEL FOR MINOR CHILDREN**

**Rule 3.8.01 Appointment of Counsel**

If the family court appoints counsel for a minor child, the appointed attorney must file the Judicial Council form Declaration of Counsel for a Child Regarding Qualifications (FL-322) with the court indicating compliance with all requirements, including education requirements, no later than 10 days after being appointed and before beginning work on the case. The Judicial Council form Order Appointing Counsel for a Child (FL-323) will be prepared by the Court, by one of the parties or party's counsel, at the Court's direction, after the appointment is made. See Family Code §§ 3150 et seq. and California Rules of Court 5.240 et seq.

(Eff. 7/1/14)

**Rule 3.8.02 Complaint Process**

Any party or counsel may present a complaint about the performance of appointed counsel. The complaint must be in writing and served on counsel and self-represented parties. The complaint is to be directed to the Court's Presiding Judge. A response to the complaint, if any, shall be directed to the Court's Presiding Judge within seven days of service. The response must be in writing and served on all parties. The Presiding Judge, or his or her designated agent, shall respond by either setting the matter for hearing or issuing a written response within 30 days.

(Eff. 7/1/14)

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**DIVISION FOUR - PROBATE RULES**

**Rule 4.1 PROBATE GENERAL RULES**

**Rule 4.1.01 Applicability of Rules**

Except as otherwise provided in these rules, all provisions in the local general and civil law and motion rules apply to probate proceedings.

(Rev. 7/1/91)

**Rule 4.1.02 Appearances**

Appearances are required on all petitions for appointment of conservators/guardians, confirmation of sale of real or personal property, modification of a trust, any petition which has objections filed, and minor's compromises.

If counsel does not appear on a matter, cases which are incomplete or questionable will be continued or will be dropped from the calendar, depending on the circumstances.

(Rev. 7/1/99) (Rev. 7/1/03)

**Rule 4.1.03 Probate Attorney's Office**

(a) Matters appearing on the probate calendar are reviewed by the Probate Attorney three or more court days prior to the hearing. Parties and counsel may view the Pre-Approval List on the Santa Cruz County Superior Court's website three or more days prior to the hearing to determine if an appearance is necessary. The Probate Attorney may initiate contact with counsel or pro per petitioners concerning procedural defects, either by telephone or facsimile transmissions.

(b) The Probate Attorney can be reached at 831-420-2204

(Rev. 1/1/96) (Rev. 7/1/03) (Rev. 1/1/08)

(Rev. 1/1/09) (Rev. 1/1/11) (Rev. 1/1/19)

**Rule 4.1.04 Trial on Contested Matters**

(a) Trial Setting: A contested matter requiring an evidentiary hearing will be set for trial in the probate department. Counsel is required to provide the Court with reasonable and accurate time estimates for trial.

(b) Meet and Confer: No later than fourteen calendar days before the date set for trial, counsel must meet and confer, in person, in good faith. Although the petitioner has the

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duty to initiate the meet and confer process, the responding party(ies) must initiate it if the petitioner fails to timely do so.

(c) Trial Brief: No later than seven (7) court days before the date set for trial, counsel shall file trial briefs. The trial brief must contain the following:

1. A complete and concise factual statement of the case;
2. A complete and concise statement of the contested issues;
3. Any points and authorities relevant to a particular contested issue;
4. A list of witnesses that shall include the witness' name and business address, a brief statement of the substance of the witness' testimony, and a time estimate for direct and cross-examination;
5. A list of exhibits to be offered at trial; and
6. A reasonable and accurate time estimate for trial.

(Eff. 7/1/03) (Rev. 1/1/09) (Rev. 1/1/15) (Rev. 1/1/21)

## **Rule 4.1.05 Correction of an Order**

If an order has been filed, it can only be amended by court order. Depending on the circumstances, the Court may approve an amended order upon a letter from counsel, or may require a verified petition setting forth the basis for the correction and requesting the judge to sign the amended order. Correction of an order shall be in the form of an amended order with all provisions of the original order restated.

(Rev. 7/1/91) (Rev. 7/1/99) (Renumbered 7/1/07)

## **Rule 4.1.06 Petitions**

Except as otherwise specified herein, all petitions must be filed with the Clerk's Office at least 15 days prior to the hearing. A Notice of Hearing on the mandatory Judicial Council form must be submitted at the time of filing of the petition. Proof of Service of the Notice of Hearing must be filed not later than two court days prior to the hearing date.

(Rev. 7/1/01) (Renumbered 7/1/07) (Rev. 1/1/09)  
(Rev. 1/1/20)

# Superior Court of California County of Santa Cruz

## Rule 4.1.07 Orders

- (a) Proposed Orders and Letters: Except in the case of confirmation of sales and contested matters, counsel shall submit the order, and any proposed letters, not later than the fifth court day prior to the hearing date. Orders shall have the scheduled calendar day and time noted on the face sheet below the title of the document.
- (b) Form of Orders: All orders must be complete. The order shall be drawn so that its substance may be determined without having to refer to the petition on which it is based. For example, all orders of distribution shall include complete legal descriptions of the property being distributed. The order shall set forth all matters actually passed on by the Court and the relief granted.
- (c) Orders in Contested Matters: The attorney preparing a final order following a contested hearing must provide opposing counsel an opportunity to review and approve the proposed order as to form and content before submitting the order to the court for signature. Objections to form or content relating to the proposed order may be made by letter or in pleading form accompanied by a proposed alternative form of order.

(Rev. 7/1/01) (Renumbered 7/1/07) (Rev. 1/1/09)  
(Rev. 1/1/20) (Rev. 7/1/20)

## Rule 4.1.08 Ex Parte Matters – Probate

- (a) Ex parte matters are heard Monday - Friday at 1:00 p.m. Petitions appropriate for ex parte hearing include, but are not limited to, petitions for special administration, petitions for appointment of temporary conservators/guardians and orders shortening time.
- (b) **For all ex parte petitions and motions other than petitions for appointment of temporary conservators/guardians:** Counsel or the self-represented petitioner shall call the Court's Probate Attorney to schedule the ex parte and submit the paperwork by 10 a.m. the court day before the intended ex parte.
- (c) **For ex parte petitions for appointment of temporary conservators/guardians:** Counsel or the self-represented petitioner seeking to file an ex parte petition for appointment of temporary conservator/guardian shall contact the Court's Probate Attorney to schedule the ex parte hearing, which date will be based on notice and any court investigation required for the ex parte. Once a date is scheduled, the paperwork shall be presented to the clerk's office as soon as possible but no later than 10:00 a.m. five (5) court days before the ex parte date.
- (d) A request to expedite the matter may be made if a time urgency exists.

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(e) Telephone appearances at ex parte are governed by California Rule of Court 3.670.

(Rev. 7/1/03) (Renumbered 7/1/07) (Rev. 1/1/09)  
(Rev. 7/1/14) (Rev. 1/1/18) (Rev. 1/1/19)  
(Rev. 7/1/20)

## **Rule 4.1.09 Blocked Accounts**

- (a) A petition and order to place assets in a blocked account shall state that "no withdrawals shall be made without prior Court order". A receipt acknowledged by the financial institution indicating the deposit of cash into a blocked account must be filed with the Clerk's Office within ten (10) days after the date of deposit.
- (b) A petition for withdrawal of funds may be submitted ex parte. The mandatory Judicial Council form Petition for Withdrawal of Funds From a Blocked Account (MC-357) must be used.
- (c) Monies in blocked accounts should not exceed the limit of Federal Deposit Insurance Corporation insurance for each individual bank or savings and loan association. The attorney, or petitioner in pro per, shall immediately file an ex parte petition for an order authorizing establishment of additional blocked accounts into which funds exceeding the insurance limit shall be deposited.
- (d) Petitioners and attorneys should carefully monitor the interest rates being earned on blocked funds. They should strive to earn the maximum amount of interest possible, even if it means obtaining an ex parte order from the Court to remove the funds from one institution to place them in another earning higher interest rates.

(Rev. 7/1/01) (Renumbered 7/1/07) (Rev. 1/1/09)

## **Rule 4.1.10 Appointment of Probate Referee**

The Probate Referees for Santa Cruz County are:

- (a) Lucia Areias, 4962 El Camino Real, Suite 121, Los Altos, CA 94022. Telephone: (650) 321-9825, Fax: (650) 320-8086; and
- (b) Brian A. Nicholson, 9020 Soquel Drive, Suite 101, Aptos, CA 95003. Telephone: (831) 684-1045, Fax: (831) 684-1062.

Lucia Areias will be assigned to all odd-numbered matters and Brian Nicholson will be assigned to all even-numbered matters.

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(Rev. 1/1/96) (Rev. 1/1/06) (Renumbered 7/1/07)  
(Rev. 1/1/13) (Rev. 1/1/16) (Rev. 7/1/17)  
(Rev. 8/1/17) (Rev. 7/1/18)

## **Rule 4.1.11 Supporting Documents**

All supporting documents and a proposed order must be submitted at least five (5) court days prior to the hearing. In the event that procedural defects or other problems are noted by the Probate Attorney, documents remedying such defects must be filed by 11:00 a.m. on the day before the hearing.

(Eff. 7/1/99) (Rev. 1/1/09) (Renumbered 7/1/17)  
(Rev. 1/1/19)

## **Rule 4.2 PROBATE OF ESTATES**

### **Rule 4.2.01 Letters of Special Administration**

Petitions for Letters of Special Administration, Judicial Council form DE-111, ordinarily will not be granted on less than 24 hours' notice to the surviving spouse, the person nominated as executor and any person the Court determines to be entitled to notice. In making the appointment, preference is given to the person entitled to letters, but if it appears that a contest exists, the Court may appoint a neutral person or corporation as special administrator.

(Rev. 7/1/91)

### **Rule 4.2.02 Petitions for Appointment**

- (a) When a Petition for Probate of a Will or Codicil, Judicial Council form DE-111, is filed, the original of the document being offered for probate shall whenever possible be filed prior to or concurrently with the petition. If the will or any part thereof is handwritten, an exact typewritten copy of the handwritten portion must also accompany the petition.
- (b) If the will is in a foreign language, a translation by an expert shall be submitted at the time of filing the Petition for Probate, Judicial Council form DE-111. An affidavit as to the expertise of the translator shall accompany the translation.
- (c) Petitions for Probate of Lost Wills, Judicial Council form DE-111, must clearly state on their face that the will is lost and both the published and mailed notice must so state. Evidence will be required to overcome the presumption of revocation under Probate Code § 6124. In those cases where there is no copy of the will, the Petition for Probate, shall include a written statement of the testamentary words or their substance.

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- (d) Attachment 8 must clearly identify the relationship of lineal descendants to predeceased heirs and beneficiaries.

(Rev. 7/1/01)

**Rule 4.2.03 Declination of Executor**

If a nominated executor declines to act, a signed declination must be filed prior to the hearing date.

(Eff. 7/1/91)

**Rule 4.2.04 Duties and Liabilities of Personal Representative**

Duties and Liabilities of Personal Representative, Judicial Council form DE-147, must be filed with the Court before the hearing of the Petition for Probate. The Judicial Council form, Confidential Supplement to Duties and Liabilities of Personal Representative DE-147(S), is not required to be filed.

(Rev.7/1/01) (Rev. 1/1/09)

**Rule 4.2.05 Consent of Representative(s)**

Where a petition seeks the appointment as personal representative of one or more persons other than the petitioner, consent to serve as personal representative must be filed for each proposed personal representative.

(Rev. 1/1/91) (Rev. 7/1/03) (Rev. 1/1/09)

**Rule 4.2.06 Notices**

- (a) Publication: The Clerk DOES NOT handle the mailing and publication of notices. The Notice of Petition to Administer Estate, Judicial Council form DE-121, must be filed with the Petition for Probate, Judicial Council form DE-111.
- (b) Defective Notice:
1. Publication Correct but Mailing Defective: The hearing normally will be continued to allow enough time for the mailing of the required amended notice. Republication is not required.
  2. Mailing Correct but Publication Defective: The hearing will normally be continued to allow time for new notice to be given by publication and mailing.



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- (c) In a Petition for Probate of a Will, all persons and organizations named in the will or codicils shall be listed in the appropriate attachment and noticed.
- (d) If the decedent had no known heirs, or heirs of a predeceased spouse pursuant to Probate Code § 6402.5, a declaration to that effect shall be filed setting forth the basis for the declaration and the efforts made to locate any heirs.
- (e) All Petitions for Probate filed prior to the issuance of letters must be noticed pursuant to Probate Code § 8100 et seq. including publication.
- (f) A petition for appointment of a successor personal representative does not require a Notice of Petition to Administer Estate. Notice shall be given in the manner provided in Probate Code § 8100, et seq. Publication is not required.

(Rev. 7/1/01) (Rev 7/1/03) (Rev. 1/1/09)  
(Rev. 1/1/20)

### **Rule 4.2.07 Bond Waivers**

If written waivers are filed with the Court, bond may be waived by the Court pursuant to Probate Code § 8481, provided all heirs or beneficiaries are competent to act. If any such persons are incompetent (e.g., minors), an appropriate representative must waive bond on their behalf.

(Rev. 7/1/01) (Rev. 1/1/09)

### **Rule 4.2.08 Inventory and Appraisal**

An Inventory and Appraisal, Judicial Council form DE-160, must be filed within four months from when Letters are issued to the general Personal Representative. The Court will set a date for proof of filing the Inventory and Appraisal at the time the Order for Probate is granted. This proof date will not require an appearance in court. Compliance will be determined by the Clerk's Office. The Inventory and Appraisal must be filed five court days prior to the date set for proof of filing. If the Inventory and Appraisal is not timely filed the Clerk's Office will set an order to show cause hearing at which counsel will be required to personally appear and explain why the Inventory and Appraisal has not been timely filed.

(Eff. 1/1/91) (Rev. 7/1/01) (Rev. 1/1/09)

### **Rule 4.2.09 Continuances**

Matters set by the Court, such as compliance hearings and status hearings, can be continued only by the judge in open court on the date originally set. Continuances for these matters can

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be requested in writing by filing a formal declaration with the Court ten court days before the hearing.

(Renamed and Rev. 1/1/09)

## **Rule 4.2.10 Sale of Real Property**

- (a) A copy of the contract of sale shall be attached to the petition for confirmation of sale.
- (b) Petitions for confirmation of sales of real property, Judicial Council form DE-260/GC-060 Report of Sale and Petition for Order Confirming Sale of Real Property, shall set forth the amount of bond in force at the time of the sale and the amount of property in the estate which should be covered by a bond. If no additional bond is required or if bond is waived, that fact should be alleged in the petition.
- (c) Where the estate owns only a fractional interest in the real property, the petition must state whether the sale is conditioned upon closing of a sale of the un-owned fraction. The other fractional owner(s) shall be noticed of the hearing. If the whole parcel is being sold, only the fractional interest and its value shall be listed on the petition and used to calculate the overbid.
- (d) Overbids: All overbids in open court must be in writing before the Court will accept the offer and grant the sale.
- (e) Reappraisals: When the date of the confirmation hearing is more than one year after date of death, a reappraisal for sale must be filed with the Court before the confirmation hearing can proceed. Reappraisals must be made by the probate referee unless the Court has waived appointment of the referee. The following information should be inserted in the reappraisal for sale immediately after the legal description of the real property:
  - 1. The appraised value as of the date of death.
  - 2. The appraised value as of the date of the appraisal.
- (f) Cash deposit on bids for real property: Bids for the purchase of real property must be accompanied by a minimum of ten percent of the amount bid. When an overbid is made in court, the bidder must submit cash, money order, or certified check at the time of the hearing in the amount of ten percent of the minimum overbid.

(Eff. 1/1/91) (Rev. 7/1/99) (Rev.7/1/03)  
(Rev. 1/1/09)

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## Rule 4.2.11 Petitions for Instructions

A petition for instructions is appropriate only when no other procedure is provided by statute. For example, the Court will not determine the manner in which an estate should be distributed on a petition for instructions. Such direction can only be obtained by a petition for distribution or by a petition to determine persons entitled to distribution.

(Eff. 1/1/91) (Rev. 7/1/99)

## Rule 4.2.12 Petitions for Distribution

- (a) Ex Parte Preliminary Distribution Petitions: Ex parte petitions for distribution must set forth the justification for such urgent action.
- (b) Description of Assets: Property to be distributed shall be listed and described in detail; description by reference to the will or inventory is not acceptable. This applies to preliminary and final distributions with or without an accounting. If the distribution includes any interest in real property, the legal description, including the assessor's parcel number, must be included in the body of the decree or in an attachment incorporated by reference.
- (c) Specifically Bequeathed Property: If specifically bequeathed property is not in existence at the time of final distribution, the petition shall set forth a full explanation concerning that fact.
- (d) Description of Distributees: The names and present addresses of all persons entitled to receive property of the estate must appear in the petition for final distribution.
- (e) Allegations re Health Care Benefits: The first report of administration of a decedent's estate must contain allegations either that notice of decedent's death has been provided to the Director of Health Services required by Probate Code §§ 9202 and 215 or that no such notice is required.
- (f) Distribution to Intestate Heirs: The relationship of heirs who take by intestacy should be sufficiently described in the petition for distribution to permit the Court to determine whether the laws of interstate succession have been properly applied. If an heir takes by right of representation, the petition must indicate parentage and the approximate date of the parent's death.
- (g) Interest on General Pecuniary Legacies: The Court will strictly enforce Probate Code § 12003 and will order payment of interest at the statutory rate on all general pecuniary legacies not paid within one year from the date of decedent's death unless payment of

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interest is waived in the will. Attorneys are responsible for determining the correct rate and computing the amount of interest.

- (h) Payment of Taxes: The petition for final distribution must address the question of the source of the payment of the federal estate tax if any. If prorated, the final report must show the computation and the order for final distribution must include the proration. All persons sharing the tax obligation shall be given notice of the hearing on the petition.
- (i) Allegation re Character of Assets: The petition for distribution must contain an allegation as to the separate or community character of the property.
- (j) Closing Expenses: When closing expenses are requested, the petition and order must set forth the distribution of any unused portion thereof.
- (k) When there is insufficient cash in the estate to pay the statutory attorney's fees, the petition shall address the method of payment of the fees (e.g., via a lien on real property, or pursuant to outside agreement between the attorney and all residual beneficiaries, etc.). There shall be sufficient evidence to indicate that all beneficiaries affected are aware of the arrangement.

(Rev. 7/1/01) (Rev. 7/1/03) (Rev. 1/1/09)  
(Rev. 1/1/13)

## **Rule 4.2.13 Final Discharge**

The "order" portion of the Judicial Council form DE-295, Ex Parte Petition for Final Discharge and Order shall be completed in full except for the date and name of the judge.

(Eff. 1/1/91)

## **Rule 4.2.14 Removal of a Personal Representative**

With the petition for removal, the petitioner shall submit a proposed order directing the clerk to issue a citation. The petitioner shall also submit the citation requiring the representative to appear personally and to show cause why the petition for removal should not be granted and letters revoked.

(Eff. 1/1/91) (Rev. 7/1/01)

## **Rule 4.2.15 Compensation of Personal Representatives and Attorneys in Probate Estates**

- (a) Allowance on account of statutory compensation in advance of final distribution must be in accordance with the work performed. Ordinarily, no more than 75% of the statutory compensation will be allowed before approval of final distribution. In the Court's

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discretion, the full amount may be allowed where the estate or heirs will benefit (e.g., to reduce income taxes) or where ordinary services have been completed and final distribution is delayed only in order to perform extraordinary services.

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

(c) Community Property Election:

1. If both halves of the community property are properly included in the probate proceeding, statutory compensation calculated on both halves of the community property will be allowed.
2. In cases in which only one-half of the community property is subject to probate, compensation for ordinary services may only be based upon the value of that part of the community property which is subject to probate.

(d) Extraordinary Services:

1. Ordinarily, compensation for extraordinary services will not be allowed or paid before the final accounting has been approved by the Court.
2. Except as stated below for routine real property sales and federal estate tax work, applications for fees or commissions for extraordinary services shall include the information specified in California Rule of Court 7.703

(e) Sales of Real Property: In determining the compensation of an attorney for extraordinary services rendered with respect to real property sales, the Court will consider the amount of time involved, whether or not a real estate broker was employed, the involvement of the attorney in negotiations, the nature of other services rendered (e.g., drafting of the sales agreement and its complexity, preparation of deeds and other documents) and other similar information. In cases where there is a confirmation of sale hearing, the Court will consider \$1,000 to be reasonable compensation. If that amount is requested, detailed information as to services rendered will not be required. This guideline only applies to attorneys' compensation; however, a personal representative may also request compensation for extraordinary services in regard to sales of real property.

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

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If neither the personal representative nor an attorney provides the Court with such information the Court will assume that the sum of \$1,000 is a reasonable amount for the preparation of the federal estate tax return.

- (g) Costs: Where reimbursement for costs incurred is requested by the personal representative or attorney, the cost items advanced by such party must be separately stated and described.
- (h) Extraordinary Compensation When Statutory Compensation Exceeds \$20,000: Whenever statutory compensation exceeds \$20,000 and the attorney or personal representative requests extraordinary compensation that exceed the amounts of Local Rule 4.2.15 subsection (e) or (f) above, the request must be supported with a declaration that outlines all the ordinary and extraordinary services that were provided.

(Eff. 1/1/91) (Rev. 7/1/01) (Rev. 7/1/03)  
(Rev. 1/1/09)

## **Rule 4.2.16 Accounts and Reports of Executors and Administrators**

- (a) Notation of omitted schedules: Where a particular schedule is unnecessary, it need not be included, and that fact must be noted in the Summary of Account with the word “none” in the blank provided for the total from the schedule.
- (b) Contents of account: The account and report must contain the following material:
  - 1. The beginning and ending dates of the account.
  - 2. A detailed description of all receipts and all disbursements of the fiduciary.
  - 3. An explanation either in the account, or in the report accompanying the account, for any item that is not self-explanatory.
  - 4. Receipts indicating the date of receipt, the source of the payment, and the amount. Each receipt from a source that pays more frequently than once a year must be described; a lump sum amount is not permissible.
  - 5. A description of all disbursements indicating the date of the expenditure and the nature of the expense, its purpose, and the amount.

(Eff. 1/1/09) (Rev. 1/1/13)

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## Rule 4.3 CONSERVATORSHIPS AND GUARDIANSHIPS

### Rule 4.3.01 Court Investigation Agency Revoked 7/1/16

### Rule 4.3.02 Temporary Conservatorships and Guardianships

- (a) The Petition for Appointment of a Temporary Conservator, Judicial Council form GC-111, or Petition for Appointment of a Temporary Guardian, Judicial Council form GC-110 or GC-110(P), may be filed with or after the filing of a petition for a permanent conservator /guardian. The petition must state facts establishing the urgency requiring the appointment of the conservator or guardian (e.g., situations requiring immediate action to protect the health, welfare or the estate of the proposed conservatee/minor). Notice shall be given as set forth in Probate Code § 2250(e), unless the Court for good cause otherwise orders. A temporary conservator/guardian will be appointed without notice only in emergency situations.
- (b) If the attorney is informed that the Petition for Appointment of a (permanent) Probate Conservator, Judicial Council form GC-310 will be contested, all known potential objectors must be given at least 24 hours notice of the time and place the Petition for Appointment of the Temporary Conservator will be presented unless the Court for good cause waives this requirement.
- (c) Ordinarily the Court will require a bond or a blocked account for temporary conservators/guardians of the estate.
- (d) Good cause must be shown for special powers to be granted without a hearing. If special powers are sought, they must be specified in the petition and supported by factual allegations.

(Eff. 1/1/91) (Rev. 7/1/01) (Rev. 1/1/09)

### Rule 4.3.03 Petitions for Appointment of Conservators/Guardians

Unless a temporary conservator or guardian has been appointed, forty-five (45) days notice is required on all petitions for appointment.

(Eff. 1/1/91) (Rev. 7/1/01) (Rev.1/1/09)

### Rule 4.3.04 Assessments

- (a) A \$750.00 fee for the services of the Court Investigator shall be imposed upon the initial filing of a guardianship or conservatorship petition and a \$250.00 fee for each

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investigation or review thereafter, unless waived pursuant to Probate Code §§ 1513.1(a) and 1851.5(b).

- (b) Assessments are charged to the conservatee's or ward's assets and shall be paid to Superior Court, 701 Ocean Street, Room 110, Santa Cruz, CA 95060.
- (c) All assessments must be paid before the Court will sign an order settling the final account. All previous waivers of assessments will be reviewed at that time to determine the ability to pay.

(Eff. 1/1/91) (Rev. 7/1/01) (Rev. 7/1/14)

### **Rule 4.3.05 Independent Powers**

If independent powers under Probate Code §§ 2590 and 2591 are requested, an attachment to the petition shall specify the powers and the reasons requiring the powers requested. Only those powers necessary and proper shall be granted. The same powers must be attached to the proposed order or letters.

(Eff. 1/1/91) (Rev. 1/1/09)

### **Rule 4.3.06 Limited Conservatorships**

- (a) If the proposed conservatee is a developmentally disabled person (Probate Code § 1420), a Petition for Limited Conservatorship, using Judicial Council form GC-310, is mandatory. However, pursuant to Probate Code § 1828.5(d), upon investigation, the Court may find that a general conservatorship (as opposed to a limited conservatorship) is appropriate.
- (b) Appointment of counsel for a proposed limited conservatee is mandatory. To avoid continuance or delay an ex parte application and order for appointment of counsel should be submitted to Room 110 to the attention of the Probate Attorney, prior to the hearing to avoid continuance or delay. If a Public Defender is requested, facts in the application must assert the proposed conservatee's financial inability to obtain private representation.

(Eff. 1/1/91) (Rev. 1/1/09) (Rev. 1/1/13)  
(Rev. 1/01/19)



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## **Rule 4.3.07 Local Forms Required**

In every conservatorship, local form SUPPR 1085 Referral to Court Investigator CONFIDENTIAL and applicable attachments must be filed with the initial petition for appointment.

(Eff. 1/1/91) (Rev. 7/1/01) (Rev.1/1/09)  
(Rev. 7/1/15) (Rev. 7/1/17) (Rev. 7/1/18)  
(Rev. 7/1/20)

## **Rule 4.3.08 Declaration Under UCCJEA**

In any guardianship of the person a Declaration under the Uniform Child Custody Jurisdictional and Enforcement Act, Judicial Council form GC-120, shall be filed with the petition for appointment and at any time there is a change of address of the minor.

(Eff. 1/1/91) (Rev. 1/1/09) (Rev. 7/1/16)

## **Rule 4.3.09 Conservatee's Mental Capacity**

A proposed conservatee, who has made a nomination and/or waived the requirement of a bond, must prove to the Court that he or she has the capacity to understand the nature and significance of such actions. This may be done by oral representation at the hearing for appointment. A statement by counsel that the conservatee is present and does not object is not sufficient. This also applies where the proposed conservatee is the petitioner.

(Eff. 1/1/91)

## **Rule 4.3.10 Guardianship Funds for Support of Minor**

In all cases where it is intended that guardianship funds be used for the ordinary expenses of supporting a minor and there is a parent living who has the obligation to support the minor, the guardian shall obtain Court approval prior to the expenditure of funds for that purpose (Probate Code § 2422). A petition for authority to expend such funds must be presented in a separate petition, containing a detailed explanation, including financial statements, of the parents' inability to support the child.

(Eff. 1/1/91) (Rev. 1/1/09)

## **Rule 4.3.11 Inventory and Appraisal Required**

An Inventory and Appraisal, Judicial Council form GC-040, shall be filed in all cases where there is a conservatorship or guardianship of the estate, even in a case where relief from the requirement of filing accountings may be sought under Probate Code § 2628. When there are

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no assets in the hands of the fiduciary, the inventory shall so indicate and state who has possession of any assets.

(Eff. 1/1/91) (Rev. 7/1/01) (Rev.1/1/09)

### **Rule 4.3.12 Review Hearing for Inventory and Appraisal and for Accountings**

The Inventory and Appraisal, Judicial Council form GC-040, is due 90 days from appointment of the conservator or guardian. A proof of filing date will be set at the time of the appointment to confirm that the documents have been filed. A review hearing to monitor the timely filing of the first and subsequent accountings will also be set from the time of the initial appointment. No appearance is required for the proof of filing dates of the Inventory and Appraisal or for proof of filing of accountings. However, if the Inventory and Appraisal or accounting is not timely filed the Clerk's Office will set an order to show cause hearing at which time sanctions or surcharges may be imposed for failure to timely file the required documents.

(Eff. 1/1/91) (Rev. 7/1/01) (Rev. 1/1/09)

### **Rule 4.3.13 Separate Accounting for Several Minors**

When a guardianship of the estate has been instituted for more than one minor, the interests of each minor must be separately stated in the inventory and separate accounting schedules must be presented so that the receipts, disbursements and assets pertaining to each minor's estate are readily ascertainable.

(Eff. 1/1/91)

### **Rule 4.3.14 Successor Conservator/Guardian**

- (a) The petition for a successor conservator/guardian shall be submitted on the same form approved by the Judicial Council for initial petitions; GC-210, GC-210(P), GC-310.
- (b) Successor conservators/guardians of the estate shall file an accounting one (1) year after the successor appointment date and thereafter at least biennially.

(Eff. 1/1/91)

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## Rule 4.3.15 Revoked 7/1/99

## Rule 4.3.16 Revoked 7/1/99

## Rule 4.3.17 Accounts in Guardianship Proceedings

### (a) Frequency of accounts

1. Guardianship accounts must be filed after the first anniversary of the establishment of the guardianship and biennially thereafter. The account must be filed within 60 days after the anniversary date.
2. Successor guardians must file an accounting one year after the successor appointment date and biennially thereafter.

### (b) Presence of ward is necessary if final account waived

The Court ordinarily will not approve a ward's waiver of the final account unless the ward is present at the time of hearing and competent to answer questions by the court.

### (c) Reports accompanying accounts

In addition to the contents required by Probate Code § 1064, the report accompanying an account must contain the following:

1. A statement of the age, health, and the present address of the ward.
2. If income producing property is inventoried in the guardianship and the account fails to indicate that income is being produced by the property, an explanation must appear in the report;
3. Whether any real property has been rented or leased to any court employee, or any person related by blood or marriage to a court employee, who has duties or responsibilities related to the appointment of a guardian or the processing of any documents related to a guardian;
4. Whether any personal property has been sold at a private sale, rented or leased to any court employee, who has duties or responsibilities related to the appointment of a guardian or any processing of any documents related to a guardian;
5. Whether the guardian, in exercising his or her duties, has hired or referred any business to an entity in which he or she has a financial interest as defined in

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Probate Code § 2351, subdivision (d) or Probate Code § 2401, subdivision (c);  
and

6. Whether the guardian has sold, leased, or rented any real or personal property to any person with whom the guardian has a family or affiliate relationship as defined in Probate Code § 2403, subdivision (c)(2).

(Eff. 1/1/09)

## **Rule 4.3.18 Waiving of Accounts**

- (a) Pursuant to the provisions of Probate Code § 2628, the Court may waive the requirement of an accounting. Any prior grant of independent powers will be reconsidered at that time and should be addressed by the petition. The petition must allege whether the conservatee or minor (over the age of 12) is aware of the request and agrees to the waiver.
- (b) If the conditions of Probate Code § 2628 are satisfied and the Court approves the petition to dispense with the accounting, no further filings of accounts will be necessary until such time as the provisions of Probate Code § 2628(a) are no longer applicable. This must be explicitly set forth in the order. The petitioner must nevertheless continue to keep accurate records in order to prepare any accounts which may be required under Probate Code §§ 2628(b) and (c).

(Eff. 1/1/91) (Rev. 7/1/01) (Rev.1/1/09)  
(Rev. 7/1/17)

## **Rule 4.3.19 Reports Accompanying Accounts in Conservatorships**

In addition to the contents required by Probate Code § 1064, the report accompanying a conservatorship account must contain the following:

- (a) The present address of the conservatee;
- (b) If income producing property is inventoried in the conservatorship and the account fails to indicate that income is being produced by the property, an explanation must appear in the report;
- (c) Whether any real property has been rented or leased to any court employee, or any person related by blood or marriage to a court employee, who has duties or responsibilities related to the appointment of a conservator or the processing of any documents related to a conservator;

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- (d) Whether any personal property has been sold at a private sale, rented or leased to any court employee, or any person related by blood or marriage to a court employee, who has duties or responsibilities related to the appointment of a conservator or any documents related to a conservator;
- (e) Whether the conservator, in exercising his or her duties, has hired or referred any business to an entity in which he or she has a financial interest as defined in Probate Code § 2351, subdivision (d) or Probate Code § 2401, subdivision (c); and
- (f) Whether the conservator has sold, leased, or rented any real or personal property to any person with whom the conservator has a family or affiliate relationship as defined in Probate Code § 2403, subdivision (c)(2).

(Eff. 1/1/09)

**Rule 4.3.20 Termination of Conservatorships and Guardianships**

- (a) Investigation Reports: When the conservatorship/guardianship is being terminated for reasons other than death or attaining the age of majority, a hearing must be set at least forty-five (45) days in advance in order to allow time for an investigation report.
- (b) Notice: Notice must be given to a former minor or conservatee on the settlement of the final account. Notice must also be given to the representative of a deceased ward or conservatee. If the representative of the estate is the same person as the guardian or conservator or if there is no such representative, notice must also be given to the heirs or devisees of the deceased ward or conservatee.
- (c) Discharge of a guardian: Discharge of a guardian will not be made in the order settling final account. A separate Petition and Order for Final Discharge, Judicial Council form GC-395, must be submitted together with the receipt executed by the former minor. The petition must state the date on which the minor reached majority. A guardian is not entitled to a discharge until one year after the minor has attained majority.

(Eff. 1/1/91) (Rev. 7/1/01) (Rev. 1/1/09)  
(Rev. 1/1/11)

**Rule 4.3.21 Fees and Commissions**

- (a) The Court will evaluate the services as a whole rather than designate part of the services as "ordinary" and part of the services "extraordinary". Fee requests must comply with California Rule of Court 7.751.

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## (b) Attorney Fees:

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

1. In any such matter in which it is reasonably foreseeable that the total expenses to a client, including attorney fees will exceed one thousand dollars (\$1,000), there should be a written contract between the attorney and client for services in the matter containing all of the following:
  - a. The hourly rate and other standard rates, fees and charges applicable to the matter.
  - b. The general nature of the legal services.
  - c. The respective responsibilities of the attorney and the client as to the performance of the contract.
2. Such a written contract will not be required in any of the following situations:
  - a. Services are rendered in an emergency to avoid foreseeable prejudice to the rights or interests of the client or where a writing is otherwise impractical.
  - b. An arrangement as the fee implied by the fact as previously rendered to and paid for by the client.
  - c. If the client knowingly states in writing, after full disclosure of this section, that a writing concerning fees is not required.
  - d. If the client is a corporation or a public entity.
3. In any guardianship, conservatorship or trust within the jurisdiction of the Court where there is no such written contract reasonable attorney's fees will be determined by the Court using hourly rates that are customary in Santa Cruz County.
4. In any case, attorney's fees may be denied or reduced below reasonable or contractually agreed amounts if the Court determines that the services have not been performed in an efficient, timely or competent manner.

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5. Only legal fees for counsel appointed by the Court to represent the conservatee may be approved and included in the Order Appointing Conservator, Judicial Council form GC-340.
6. Where an attorney is the fiduciary and is a member of a law firm, attorneys' fees will not be allowed unless a declaration is executed by the fiduciary agreeing that the fiduciary will not share in the attorneys' fees to be received by the firm.
7. When the court is to approve or review reasonable attorney fees to be granted in guardianships, conservatorships and trusts within the jurisdiction of the Court copies of invoices or declarations shall be submitted to the court which comply with the requirements of Business and Professions Code § 6148(b).

(c) Conservator or Guardian Commissions:

1. In the event the attorney has performed bookkeeping and other services for an individual fiduciary, the Court may award the fiduciary's attorney a larger compensation and the individual fiduciary a lesser compensation.
2. Ordinarily, reasonable compensation for guardians and conservators who are not private professional fiduciaries shall not exceed \$40 per hour.

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

(Rev. 7/1/01) (Rev. 7/1/03) (Rev. 1/1/09) (Rev.  
7/1/19)

### **Rule 4.3.22 Registration of Private Professional Conservator**

- (a) Registration information required: Any petition to appoint a conservator filed by a private professional conservator must include his or her State of California registration numbers and the date he or she registered. No petition by a private professional conservator will be heard unless he or she is currently registered with the State. Any private professional conservator must comply with all California state licensing requirements before he or she can be appointed in Santa Cruz County.
- (b) Disclosure of other proceedings required: The petitioner must disclose, by separate declaration, any proceedings, pending or concluded in Santa Cruz County or any other

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jurisdiction, where orders have been issued or are sought to be issued which in any way affect the ward or conservatee that is the subject of the proceedings in Santa Cruz County.

(Eff. 1/1/09) (Rev. 7/1/16)

## **Rule 4.3.23 Consent of Conservator(s)**

Where a petition seeks the appointment as conservator of one or more persons other than the petitioner, a consent to serve as conservator must be filed for each proposed conservator.

(Eff. 1/1/13)

## **Rule 4.4 TRUSTS**

### **Rule 4.4.01 Accounts filed by trustees must conform to the requirements of Local Rule**

#### **4.2.16**

(Renumbered 1/1/09)

### **Rule 4.4.02 Contents of First Account**

The first account filed must clearly reconcile the amount first chargeable with the decree of distribution of the estate from which the property was received.

(Renumbered 1/1/09)

### **Rule 4.4.03 Description of Principal and Income**

Receipts and disbursements must be allocated between principal receipts and disbursements and income receipts and disbursements.

(Renumbered 1/1/09)

### **Rule 4.4.04 Frequency for Filing Accounts**

Trustees must file accounts at least annually. The fact that an account covers more than a one year period of time will not constitute grounds for deviation from any of the normal requirements of an account.

(Renumbered 1/1/09)

### **Rule 4.4.05 Service on Beneficiaries When Power Sought is Not Conferred**

When the trustee seeks instructions to exercise a power not conferred by the will, a copy of the petition must be served by mail on all beneficiaries.

(Renumbered 1/1/09)



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## Rule 4.4.06 Bond for Trustee

Trustees appointed by the Court are subject to the same rules as personal representatives pertaining to the posting of bond.

(Renumbered & Rev. 1/1/09)

## Rule 4.4.07 Petition for Confirmation of Trust Assets

Pursuant to *Estate of Heggstad* and pursuant to Probate Code § 850.

- (a) Copies of all testamentary instruments shall be attached to the petition.
- (b) Copies of pertinent and current documents of title to the assets in question shall be attached to the petition. Petitioner shall obliterate confidential information such as social security numbers before attaching the document to the petition.
- (c) Any Petition under Probate Code section 850 must state the names and last known addresses of all parties entitled to notice pursuant to Probate Code section 851.
- (d) For any Petition under Probate Code section 850(a)(3)(B), the parties entitled to notice pursuant to Probate Code section 851(b) shall include the following:
  1. The parties entitled to notice under Probate Code section 851(b)(1) shall include the following:
    - a) If a will and any codicil has been conclusively admitted to probate in the State of California within the meaning of Probate Code sections 8226 and 8007, to all beneficiaries mentioned in that will and codicil.
    - b) If a court in the State of California has ordered appointment of an administrator and if the later of the following time periods has elapsed: (1) one hundred twenty (120) days after such appointment of administrator and (2) sixty (60) days after proponent of a Will first obtains knowledge of the Will, to all heirs at law.
    - c) If a court in the State of California has made an order determining entitlement and the order is final within the meaning of Probate Code section 11705, to all heirs or beneficiaries identified in the order.
    - d) If none of (a) or (b) or (c) applies, then to all beneficiaries mentioned in every known Will, whether admitted to probate or not, to all beneficiaries

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mentioned in every known Codicil, whether admitted to probate or not, and to all heirs at law.

2. The parties entitled to notice under Probate Code section 851(b)(3) shall include each person listed in section 17203.
- (e) For any Petition under Probate Code section 850 that concerns a lease of land held by the Bureau of Indian Affairs, the parties entitled to notice pursuant to Probate Code section 851(a)(2) shall include the Bureau of Indian Affairs.
- (f) For any Petition under Probate Code section 850 that concerns an asset which is subject to the Employee Retirement Income Security Act (ERISA--29 USC sections 1001 et seq.) and which is held by an institution defined in Probate Code section 2890(c) or by a financial institution defined in Probate Code section 2892(b), the parties entitled to notice pursuant to Probate Code section 851(a)(2) shall include the financial institution.

(Eff. 7/1/01) (Renumbered 1/1/09) (Rev. 1/1/13)  
(Rev. 1/1/20)

## **Rule 4.4.08 Trustee Compensation**

Compensation for the trustee will ordinarily be allowed as provided in the governing instrument, unless the Court fixes a greater or lesser amount pursuant to Probate Code § 15680(b). If the instrument is not specific, the Court will establish reasonable compensation as follows:

- (a) Requests for trustee fees must be supported in the petition or in a separate verified declaration stating the nature, necessity, success, cost in time, detail of services performed, the value of the services believed to warrant additional fees, and the amount requested. Mere recitation of time spent, without more, is not adequate. In making this determination the criteria set forth in Estate of Nazro (1971) 15 Cal.App.3d 218 shall be applied.

Estate of Nazro (1971) 15 Cal.App.3d 218 states the following applicable criteria: 1) the gross income of the estate; 2) the success or failure of the administration of the fiduciary; 3) any unusual skill or experience that the fiduciary in question may have brought to his/her work; 4) the fidelity or disloyalty displayed by the fiduciary; 5) the amount of risk and responsibility assumed; 6) the time spent in carrying out his/her duties; 7) the custom in the community as to allowances by settlors or courts, and as to charges of corporate fiduciaries; 8) the character of the work performed, i.e., whether routine or involving skill or judgment; 9) the fiduciary's estimate of the value of his/her own services.

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- (b) The court has discretion to require further justification for all trustee fees. Although the court will, as a general guideline, allow a fee of one percent (1%) of fair market value per annum, court approval must nevertheless first be obtained in all instances where the amount of compensation is not expressly authorized in the trust instrument. Mere recitation of one percent (1%) guideline is not sufficient. Trustees who base their requests for compensation on this guideline shall include a second column in the accounting which shall indicate the fair market value of each trust asset next to the carry value.
- (c) This Rule only applies under the following circumstances: (1) a court-supervised trust; (2) a Petition under Probate Code section 17200 requesting that the court fix or allow payment or review the reasonableness of the trustee's compensation; or (3) when the trustee is seeking the protection offered by court approval.

(Eff. 7/1/01) (Renumbered 1/1/09) (Rev. 1/1/20)

## **Rule 4.4.09 Attorney Fees**

Compensation for attorney for the trustee will ordinarily be allowed as provided in the governing instrument. If the instrument is not specific, the Court will establish reasonable compensation, based on a detailed description of the services rendered, their necessity, benefit to the estate, expertise required, time expended, and hourly rate. Copies of invoices or declarations shall be submitted to the court which comply with the requirements of Business and Professions Code § 6148(b).

(Eff. 7/1/01) (Renumbered 1/1/09) (Rev. 7/1/19)

## **Rule 4.4.10 Consent of Trustee**

Where a petition seeks the appointment as trustee of one or more persons other than the petitioner, consent to serve as trustee must be filed for each proposed trustee.

(Eff. 1/1/13)

## **Rule 4.5 SPECIAL NEEDS TRUSTS**

### **Rule 4.5.01 General Procedures for Special Needs Trusts**

- (a) Establishment of special needs trusts in Santa Cruz County  
If a special needs trust is included as part of a minor's compromise or other judgment entered in Santa Cruz County, the following procedures shall be followed:
1. A petition to approve the terms of the special needs trust shall be filed in the civil action or as part of a petition to approve minor's compromise. The judge assigned

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to hear the civil action or the petition to approve minor's compromise shall approve the terms of the special needs trust per Probate Code section 3604. The petition shall include the complete terms of the proposed trust.

2. Once so approved and signed, a copy of the fully executed special needs trust instrument and a copy of the order approving the trust shall be filed in the county in which the trust is to be administered pursuant to that county's procedures. If the trust is to be administered in Santa Cruz County, the trust shall be filed in a separate file and assigned a probate case number. No filing fee shall be charged for said filing as the trust instrument is the result of a petition filed to approve a minor's compromise claim per Probate Code section 3600 et seq. (Gov. Code, § 70655.)
  3. The party filing the special needs trust instrument per subsection (2) shall file a notice in the civil action file or the minor's compromise file indicating the county in which the trust is being administered and the case number assigned to the probate file containing the special needs trust.
- (b) Transfer of special needs trusts into Santa Cruz County
- Whenever a special needs trust is transferred into Santa Cruz County and the court file being transferred does not contain a copy of the fully executed special needs trust instrument, the trustee shall provide the court with a copy of the fully executed trust document within 90 days after the court file is received by Santa Cruz County.

(Eff. 7/1/19)

### **Rule 4.5.02 Accountings and Reports of Special Needs Trusts**

- (a) Expenditures on behalf of beneficiary
- In all accountings for special needs trusts, the trustee shall provide an explanation of any unusual or extraordinary expenses incurred by the trustee on behalf of the beneficiary. These include, but are not limited to, payment of all expenses associated with real property partially owned by the trust, payment of automobile insurance for a vehicle not owned by the trust, acquisition or maintenance of assets not ordinarily used by a beneficiary with the beneficiary's type of disability, and so forth.
- (b) Hiring of agents
- The court acknowledges that trustees of special needs trusts often hire agents to advise them concerning the administration of the special needs trusts and the provision of services to the beneficiary. A trustee hiring such an agent shall specify in any report or accounting seeking approval of payment to said agent the type of and need for the services provided by the agent. The trustee shall also include a declaration from the agent

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concerning the hours spent working with the trustee and the amount of compensation sought.

(c) Parents as caregivers to child as beneficiary

In an account or report indicating that a parent was hired to provide caregiver services to his or her child, the trustee shall provide the following information:

1. A description of the services rendered by the parent that are above and beyond the care normally provided by a parent to a child.
2. A description of the special skills possessed by the parent enabling him or her to perform these services.
3. The benefit to the beneficiary of having the parent perform the services instead of a professional caregiver.
4. The hours worked by the parent.
5. The hourly rate being paid to the parent and a justification of that rate. Justification may include a comparison to the rate charged by a professional for the same or similar services.
6. Whether caregiving services are being provided through IHSS and if so, the frequency and type of the services provided.
7. Whether insurance is in place to cover the caregiver parent in case of injury and if so, the amount of the periodic premium being paid by the parent or the trust.

(Eff. 7/1/19)

### **Rule 4.5.03 Compensation of Conservator from Trust**

If a conservatee is also the beneficiary of a trust and the compensation of a conservator of the person or estate, or his or her attorney, is sought from the trust in part or in whole, the conservator shall first seek approval of the compensation in the conservatorship matter. The petition shall include a declaration by the trustee as to whether there are sufficient funds in the trust to allow for the compensation sought. If the conservatorship of the estate has sufficient funds to pay for the requested compensation, the conservator shall explain why compensation is sought from the trust and not the estate. A trustee shall not pay a conservator's compensation without a court order approving said compensation by the judge assigned to hear the conservatorship matter.

(Eff. 7/1/19)

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**DIVISION FIVE - CRIMINAL PRACTICE**

**Rule 5.1 CRIMINAL RULES**

**Rule 5.1.01 Criminal Departments**

- (a) All felony and misdemeanor cases, including probation violations, will be assigned to a specific department, using a case management system
- (b) Consolidation motions shall be heard in the department which has the lowest numbered case sought to be consolidated. If consolidation is granted, all charges will be consolidated into the lowest numbered case file.
- (c) Cases involving probation violations based on new offenses occurring in Santa Cruz County shall be assigned as follows:
  - 1. If the new offense is filed as a felony, all matters will be assigned to the felony department in which the new felony case is assigned.
  - 2. If the new offense is filed as a misdemeanor, and there are any felony probation violations, all matters will be assigned to the felony department assigned to hear the felony probation violations.
  - 3. If the new offense is filed as a misdemeanor, and there are misdemeanor probation/conditional sentence violations only, all matters will be assigned to the misdemeanor department in which the new misdemeanor case is assigned.

(Eff. 1/1/95) (Rev. 1/1/99) (Rev 1/1/09)  
(Rev.1/1/11) (Rev. 1/1/13)

**Rule 5.1.02 Applicability of Title 4 of California Rules of Court**

The Criminal Rules as set forth in Title 4 of the California Rules of Court are fully applicable, in their entirety, to the local rules of this Court.

(Eff. 1/1/09)

**Rule 5.1.03 Format of Papers Revoked 7/1/17**

**Rule 5.1.04 Motions**

All written motions shall be supported by memorandum of points and authorities containing a specific statement of facts and a concise statement of law.

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- (a) Except as otherwise provided by law or otherwise directed, all pretrial motions, including motions to suppress shall be served and filed at least ten (10) court days, all papers opposing the motion at least five (5) court days, and all reply papers at least two (2) court days before the time appointed for hearing. Proof of service of the moving papers shall be filed no later than five (5) court days before the time appointed for hearing. Failure of either party to file and serve the points and authorities may be deemed by the Court to be a concession to the motion and/or that the motion is without merit. Where the review of a transcript is necessary, the pertinent transcript testimony must be summarized with a specific page and line reference cited.
- (b) Penal Code § 995 motions shall be set on a different date than other motions.

(Rev. 1/1/98) (Rev. 1/1/99) (Renumbered 1/1/09)

## **Rule 5.1.05 Pleas at Time of Trial Revoked 7/1/15**

## **Rule 5.1.06 Jury Trials**

- (a) Trial Readiness Conference:
1. All felony criminal matters set for jury trial shall be called at 9:00 a.m. on the Wednesday before the date set for trial in the assigned department.
  2. All misdemeanor criminal matters set for jury trial shall be called at 9:00 a.m. on the Wednesday before the date set for trial in the assigned department.
- (b) No later than 1:30 p.m. on the Thursday before the trial date, the parties shall provide all in limine motions, witness lists, exhibit lists, and jury instructions to the assigned trial judge or to the master calendar judge if the matter appears on the master calendar. Each party must submit two copies of the proposed jury instructions. The instructions must comply with California Rule of Court 2.1055.
- (c) Motions in Limine: All in limine motions must be in writing. Each motion shall be limited to a single subject and the motions shall be numbered consecutively. Responses shall address only the subject of the motion and shall be numbered the same as the motions.

(Eff. 7/97) (Rev. 1/1/99) (Renumbered. 7/1/07)  
(Renumbered 1/1/09) (Rev. 1/1/13) (Rev. 7/1/13)  
(Rev. 7/1/14)

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## **Rule 5.1.07 Bail Bond Forfeiture**

Once forfeited, a \$50 fee will be imposed as a condition of setting aside the forfeiture.

(Rev.7/98) (Renumbered 1/1/09)

## **Rule 5.1.08 Real Property Bonds**

(Penal Code § 1298)

Before a property bond may be accepted by the Court, a hearing must be held. In order to set the matter for hearing, a noticed motion with proof of service to the District Attorney must be filed in the Clerk's Office at least 10 days before the date set for hearing. The following documents must be submitted with the motion:

- (a) Application for Real Property Equity Bond and Declaration of Property Owner
- (b) Signed Promissory Note
- (c) Certified Copy of the Recorded Deed of Trust
- (d) Current Lot Book Guarantee (preliminary title report) concerning the property prepared by a recognized California title company
- (e) Appraisal of the property by a certified appraiser
- (f) Statements from any and all mortgage companies having liens against the property, showing the amount of present obligations owed on the property.

A judge may require additional evidence in order to ascertain the true equity in the property held by the applicants. All costs incurred to process the property bond must be borne by the applicant.

(Rev. 1/1/91) (Renumbered 1/1/09)

## **Rule 5.1.09 Personal Surety Bonds**

(Penal Code § 1278 et seq.)

Personal Surety Bonds (Penal Code § 1278) are not recommended and will not normally be allowed by Court.

(Eff. 1/1/91) (Renumbered 1/1/09)



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## Rule 5.1.10 Miscellaneous Fees

- (a) The standard fee determined by the Court for petitions to change a plea or setting aside a verdict or sealing a record is \$60 for misdemeanor offenses and \$150 for felony offenses; however, the Court may order a different amount consistent with Penal Code §§ 1203.4, 1203.4a, and 1203.45. The court may order all or any portion of fees in any case in which the petitioner appears to have the ability to pay, without undue hardship.
- (b) The standard fee for diversion restitution is \$200 for misdemeanor offenses and \$350 for felony offenses; however, the Court in setting a different amount shall consider certain circumstances or may waive the fee where there are compelling or extraordinary reasons under Penal Code § 1001.90.

(Eff. 1/1/91) (Renumbered 1/1/09) (Rev. 1/1/11)  
(Rev. 1/1/19)

## Rule 5.1.11 Search Warrants

All requests for search warrants must be presented to the District Attorney's Office for review prior to being presented to a judge and must be approved by a deputy district attorney who has reviewed and approved the request.

(Eff. 1/1/11)

## Rule 5.1.12 Expert Witness Fees

- (a) An application for fees to engage an expert witness must include:
  - 1. A declaration from counsel showing that an expert is reasonably necessary (conclusory statements without supporting facts are insufficient);
  - 2. A resume of the expert whose services are being sought, unless the expert is on the appointment list or otherwise previously known to the court;
  - 3. A breakdown of the proposed costs, including fee per hour, number of hours necessary, etc.
  - 4. A financial declaration, using local form SUPCR 1127 Defendant Financial Eligibility Statement for Appointment of Counsel and Reimbursement, of the defendant showing the defendant's inability to pay for the expert must be completed. The fact that the Court has appointed counsel is not a finding that the defendant is indigent for all purposes. A financial declaration filed within the

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previous six (6) months of the current request will be considered timely for purposes of this rule;

5. The declaration must contain information from which the County Criminal Defense Conflict Administrator may conclude that the proposed fees are reasonable. A conclusory statement such as “the proposed fee per hour is reasonable and the average” is not sufficient. If the proposed expert is on the court appointment list, this section will not apply and hourly rates consistent with any preapproved rates established by the Court will be utilized;
  6. If an application is for an expert not located within a 200 mile radius of the county, the application must state the efforts made to retain a local expert and why an out-of-area expert is necessary.
- (b) Each application for an expert or additional defense fees must be numbered. Each application must attach copies of all prior applications in that case, whether granted or denied, or include in the declaration a statement containing this information. If it is the first application for fees, the application must so state.
- (c) An application submitted without these required items may be summarily denied.

(Eff. 1/1/11) (Rev. 7/1/13) (Rev. 7/1/16)

### **Rule 5.1.13 Habeas Corpus Writs**

All petitions for writs of habeas corpus or coram nobis shall be assigned to the Presiding Judge of the Appellate Division. The provisions of Penal Code § 1473 and California Rules of Court 4.550 through 4.552 fully define the procedures to be followed by this Court in the determination of petitions for writs of habeas corpus or coram nobis.

(Eff. 1/1/13)

### **Rule 5.1.14 Credit for Performance of Community Service**

Penal Code Section 1209.5 requires that trial courts set the hourly rate of community service credit to be double the minimum wage set for the applicable calendar year, based on the schedule as set forth in California Labor Code Section 1182.12. California minimum wages are set to increase each year through 2023. Accordingly, the amount of fine credit for each hour of service completed is now set at \$30 dollars per hour.

(Eff. 7/1/19)

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**DIVISION SIX - JUVENILE COURT RULES**

**Rule 6.1 GENERAL PROVISIONS**

**Rule 6.1.01 Supplement to Statutes and 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 Rule of Court 5.501). Unless otherwise expressly stated, all local rules of civil procedure apply to juvenile matters. These rules cover juvenile court law, but not juvenile traffic hearings or traffic hearing appeals.

(Eff. 1/1/93) (Rev. 7/1/95) (Rev. 7/1/07)

**Rule 6.1.02 Judicial Administration**

- (a) Presiding Judge of the Juvenile Court. There shall be a Presiding Judge of the Juvenile Court.
- (b) The Juvenile Court Clerk's Office is located at 1 Second Street, Watsonville, California.
- (c) Viewing of Files. Juvenile court case files may be viewed in the Juvenile Court Clerk's Office during regular court hours. Advance arrangement to review files must be made by calling 831-786-7200.

(Eff. 1/1/93) (Rev. 7/1/00) (Rev. 1/1/08)  
(Rev. 1/1/11)

**Rule 6.1.03 Filing of Papers**

- (a) All letters, documents and pleadings shall have an identifying case number and name. Motions should indicate court date. Documents related to juvenile matters shall be filed in the Watsonville Courthouse. All juvenile court documents and pleadings except documents filed under Welfare & Institutions Code §§ 903.4 and 730.7 must include the following warning on the face of the document:

Confidential Document! By Court order, these documents are confidential. If you copy, distribute or disclose these records, you may be subject to contempt of Court.

- (b) Documents filed and/or recorded under Welfare & Institutions Code § 903.4 shall not name the minor in the document.

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- (c) Original pleadings must be submitted for each individual file. Siblings or co-participants are not considered one file unless ordered consolidated by the Court; therefore, original documents must be submitted for each case.
- (d) Juvenile restitution orders enforceable as civil judgments under Welfare & Institutions Code § 730.6 shall be filed in the Watsonville Courthouse.

(Eff. 1/1/93) (Rev. 7/1/00) (Rev. 1/1/11)

**Rule 6.1.04 Motions**

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

(Eff. 1/1/93)

**Rule 6.1.05 Motions for Continuances**

- (a) Requests for continuances must comply with California Rule of Court 5.550.
- (b) The Court shall, in all cases, strictly enforce Penal Code § 1050. A written notice as required by Penal Code § 1050 shall be filed and served on all parties to the proceeding at least two (2) court days before the hearing to be continued, together with affidavits or declarations detailing specific facts showing that a continuance is necessary. Accompanying affidavit or declaration shall state the following:
  - 1. Position of opposing counsel or party to the motion to continue;
  - 2. Proposed new date of hearing or trial, and availability of all material witnesses for the proposed new date; and
  - 3. Number of times the matter has been continued, by which party(ies), and reasons for prior continuance(s).
- (c) As a guide to practitioners, the following will generally not be considered sufficient cause to grant a continuance:
  - 1. Counsel or the parties agree to a continuance;
  - 2. The case has not previously been continued;
  - 3. The case will likely settle if a continuance is granted;
  - 4. Unavailability of a witness, unless due diligence in securing the witness's attendance is shown; or

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5. Discovery has not been completed, unless the moving party has made reasonable efforts to obtain discovery.

(d) The following will generally be considered sufficient cause to grant a continuance:

1. Sudden medical emergency or death of a party, counsel, or material witness;
2. Facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the Court, would likely cause undue hardship or possibly miscarriage of justice if the trial is required to proceed as scheduled; and/or
3. Unanticipated absence of a material witness for either party

(Eff. 1/1/93) (Rev. 07/1/07) (Rev. 01/1/15)

**Rule 6.1.06 Applications for Ex Parte Orders**

- (a) Ex parte matters are governed by California Rule of Court 3.1200.
- (b) Dependency ex parte matters shall be presented to the Watsonville Courthouse for processing.
- (c) Juvenile Justice ex parte matters shall be presented to the Juvenile Court Judge. Attorneys and/or parties requesting an order must make an appointment with the Court at least 24 hours in advance.

(Eff. 1/1/93) (Rev. 7/1/00) (Rev 7/1/07)  
(Rev. 1/1/11)

**Rule 6.1.07 Disclosure of Juvenile Related Documents**

Disclosure of juvenile related documents is governed by Welfare & Institutions Code § 827.

(Eff. 7/1/95) (Rev. 1/1/09)

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## **Rule 6.2 DEPENDENCY MATTERS**

### **Rule 6.2.00 Collaborative Court**

Unless there is a contested issue of fact or law, dependency proceedings must be conducted in a non-adversarial manner, California Rule of Court 5.534.

(Eff. 1/1/09)

### **Rule 6.2.01 Confidentiality**

Dependency matters are confidential proceedings, and therefore the public must not be admitted to a juvenile court hearing. The Court may permit those whom the Court deems to have a direct and legitimate interest in the case or in the work of the Court. Welfare & Institutions Code § 346, and California Rules of Court 5.530 and 5.534.

(Eff. 1/1/09)

### **Rule 6.2.02 Settlement Conferences**

- (a) Settlement conferences shall be held prior to every contested hearing, unless there has been a previous mediation or unless expressly deemed unnecessary by the judicial officer setting the contested hearing.
- (b) The trial attorneys shall be present at the settlement conference and shall be authorized to make decisions on behalf of their clients.
- (c) Prior to the settlement conference the parties or their attorneys shall meet in order to determine the issues to be tried and any areas of agreement.

(Eff. 1/1/93) (Rev. 7/98) (Renumbered 1/1/09)

### **Rule 6.2.03 Access to Minors**

- (a) No party or attorney in a dependency proceeding shall interview the minor about the events relating to the allegations in the petition(s) on file without permission of the minor's attorney or Court order.
- (b) All dependency investigators in Child Protective Services, all attorneys representing parties in a dependency case in which child abuse has been alleged and other participants in the case, including a child advocate, shall attempt to minimize the number of interviews they take of the minor relating to the events surrounding the alleged abuse. To this end

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anyone wishing to learn facts about the alleged incident shall first review the comprehensive interview taken by the investigating officer.

(Eff. 1/1/93) (Renumbered 1/1/09)

## **Rule 6.2.04 Calendar Priority**

Cases in which children are present, or CASA (Court Appointed Special Advocates) court advocates who are appointed to appear on a dependency matter are present, shall be given priority on the Court's calendar, whenever possible.

(Eff. 1/1/09)

## **Rule 6.2.05 Presence of Child in Court**

- (a) All children are entitled to attend court hearings. Every child four (4) years or older shall be told of his right to attend court hearings by the investigating/supervising probation officer/social worker.
- (b) No child shall be brought to court solely for the child to confer with his or her attorney or for a visit with a parent, relative or friend.
- (c) If the child is present, the judicial officer hearing the case may view and speak with the child.

(Eff. 1/1/93) (Renumbered 1/1/09)

## **Rule 6.2.06 Appointment of Attorneys: Screening and Training**

(Welfare & Institutions Code § 317.6; Cal. Rule of Court 5.660)

Attorneys who are appointed to represent parties in dependency matters must have completed at least 12 hours of training or education in the area of juvenile dependency. The Judge of the Dependency Court shall screen attorneys before they are appointed and make a determination of competency based upon the minimum standard for training and experience as outlined herein.

(Eff. 7/1/96) (Rev. 7/1/07) (Renumbered 1/1/09)  
(Rev. 7/1/17)

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## **Rule 6.2.07 All Attorneys: Qualifications and Continuing Education**

(Welfare & Institutions Code § 317.5, California Rule of Court 5.660)

- (a) Every attorney who represents a party in dependency matters must be competent and have training or education in the area of juvenile dependency law. Retained counsel who has not practiced in dependency law must complete the required initial education within sixty days of their first appearance in a case and complete a *Declaration of Eligibility for Representation in Dependency Court* form provided by the Santa Cruz Superior Court and submit it to the dependency court judge.
- (b) Every attorney who represents a party in dependency matters, including appointed counsel, must, every year thereafter, complete at least 8 hours of continuing education related to dependency proceedings.
- (c) Attorneys must submit proof of compliance by completing a *Declaration of Eligibility for Representation in a Dependency Court* form provided by the Santa Cruz Superior Court and submit it to the dependency court judge upon initial appearance, and then, every three years.

(Eff. 7/1/96) (Rev. 7/1/00) (Renumbered 1/1/09)  
(Rev. 1/1/11) (Rev. 7/1/17)

## **Rule 6.2.08 Client Complaints**

When counsel is appointed in a dependency matter, complaints or questions by a party against may be submitted to the dependency judge orally on the record or in writing. Written complaints regarding the performance of an attorney will be reviewed by the Juvenile Court, and, if appropriate, may be set for hearing.

(Eff. 7/1/96) (Renumbered 1/1/09)

## **Rule 6.2.09 Procedures in Contested Matters**

- (a) All contested hearings including jurisdictional/dispositional hearing, six month, twelve month or eighteen month reviews shall be set in dependency court. Any long hearings/trials may be sent to the civil long cause master calendar on Friday at 1:30 p.m. to be assigned out for trial.
- (b) At the time the contested hearing is set the parties shall agree on the record to dates for exchange of discovery and witness lists prior to the trial date.
- (c) No continuance shall be granted that is contrary to the interest of the minor. In considering the minor's interests, the Court shall give substantial weight to a minor's need



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for stability and prompt resolution of custody status, and the damage to a minor of prolonged temporary placements. Continuances shall be granted only upon a showing of good cause and only for that period of time shown to be necessary. Welfare & Institutions Code § 352, California Rule of Court 5.550.

(Eff. 7/1/96) (Rev. 7/1/00) (Renumbered 1/1/09)  
(Rev. 7/1/13)

## **Rule 6.2.10 Dependency Mediation**

(Welfare & Institutions Code § 350)

Dependency matters may be set for confidential mediation to develop a plan in the best interest of the child.

- (a) Upon the request of any party or upon the Court's own motion a case may be referred for mediation.
- (b) The party requesting mediation shall complete the mediation referral and report form and submit it to the juvenile court clerk at the time the referral is made.
- (c) The mediation shall be confidential and shall be conducted by trained and neutral mediators through Family Court Services. Parties and counsel for all parties shall attend the mediation except that participation by the minor shall be at the mediators' discretion.
- (d) If the case does not resolve at mediation, the case will be set on the next dependency court calendar to schedule the contested hearing.

(Eff. 7/01/98) (Renumbered 1/1/09) (Rev. 1/1/11)

## **Rule 6.2.11 Mexican Consulate's Access to Juvenile Court Records**

- (a) The persons and agencies designated in Welfare & Institutions Code §§ 362.5, 827, and 827.10 will be given access to juvenile court records as provided by statute. In addition, the Mexican Consulate, and Consulate staff members working on behalf of the Mexican Consulate, may have access to juvenile court records when seeking the records of a child who is in protective custody and/or is before the court for a dependency action, and one of the following conditions apply:
  - 1. The child is a Mexican national,
  - 2. The child has a parent who is a Mexican national, or
  - 3. The child has relatives (as defined in Welfare & Institutions Code § 319) who are Mexican nationals.

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- (b) The Mexican Consulate may receive access and/or photocopies of juvenile court records, without prior court order, if the conditions in section (a) are met. Persons receiving records under this rule must not disclose such records to another person or agency unless authorized to do so by the Juvenile Court. Any unauthorized disclosure may be punishable as provided by applicable laws.
- (c) For purposes of this rule, “juvenile court records” include a petition filed in a juvenile court proceeding, reports of the social worker, and all other documents filed in that case or made available to the social worker in making his or her report, or to the judge, or other hearing officer, and thereafter retained by the social worker, judge, or other hearing officer.

(Eff. 1/1/17)

## **Rule 6.3 COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)**

(Welfare & Institutions Code § 356.5 and California Rule of Court 5.655)

### **Rule 6.3.01 The Advocate Program**

The Superior Court may appoint child advocates to represent the interests of dependent children. In order to qualify for appointment, the child advocate must be trained by and function under the auspices of a Court Appointed Special Advocate program, formed and operating under the guidelines established by the National Court Appointed Special Advocate Association. (Welfare & Institutions Code § 356.5)

(Eff. 1/1/93) (Rev. 1/1/09)

### **Rule 6.3.02 Child Advocates**

(Welfare & Institutions Code § 102)

- (a) An advocate is an officer of the Court and shall be sworn in by a Superior Court Judge/Commissioner before beginning his/her duties.
- (b) Advocates' functions. Advocates serve at the pleasure of the Court having jurisdiction over the proceeding in which the advocate has been appointed. In general, an advocate's functions are as follows:
  1. Provide independent factual information to the Court regarding the case(s) he/she has been appointed to;

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2. To communicate the child's needs and desires to the Court in written reports and oral recommendations. The CASA Program will proof read, sign and submit all required Court reports and documents via the online Court portal system and provide a courtesy copy in the Court portal system to County Counsel, Parents Counsel, Minors Counsel, and Family and Children's Services Social Worker(s) within two days of the Court hearing for which the report was prepared. For youth designated as a non-minor dependent, reports will be provided to Counsel for the non-minor dependent and County Counsel;
3. To the fullest extent possible, to communicate and coordinate efforts with the case manager (probation officer/social worker) the advocate, case manager, child's attorney, attorneys for parents, relatives, foster parents and any therapist for the child, and teachers or educators.
4. Monitor the case to assure that Court's orders have been fulfilled.

(Eff. 1/1/93) (Rev. 1/1/09) (Rev. 7/1/18)

## **Rule 6.4 JUVENILE JUSTICE MATTERS**

### **Rule 6.4.01 All Attorneys: Qualifications and Continuing Education**

(Welfare & Institutions Code § 634.3, California Rule of Court 5.664)

- (a) Every attorney representing a party in juvenile justice matters, whether appointed, hired as private counsel, or assigned must be competent and have training, education or experience in juvenile justice law. This requirement may be satisfied by either:
  1. Completing a minimum of 12 hours of training or education in the areas of law listed in California Rule of Court 5.664(b)(2); OR
  2. Dedicating 50% of counsel's practice each year during the most recent three calendar years to juvenile justice with demonstrated competency.
- (b) Every attorney representing a party in juvenile justice matters must, every year thereafter, complete at least 8 hours of continuing education related to juvenile justice proceedings pursuant to California Rule of Court 5.664(c).
- (c) Attorneys must prove compliance by submitting Judicial Council Form JV-700, Declaration of Eligibility for Appointment to Represent Youth in Delinquency Court it to the juvenile justice court judge upon initial appearance, and then, every three years according to the MCLE reporting cycle.

(Eff. 7/1/17)

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**DIVISION SEVEN - ARBITRATION/MEDIATION**

**Rule 7.1 ARBITRATION/MEDIATION RULES**

**Rule 7.1.01 Policy Statement**

It is the policy of this Court to assign all appropriate cases to arbitration or mediation. As a general policy statement, the Court prefers mediation but recognizes that each case must be evaluated separately. No cases will be ordered to mediation without the stipulation of all parties

(Rev. 1/1/97) (Rev. 7/1/05) (Rev. 1/1/09)

**Rule 7.1.02 Judicial Mediation**

- (a) The Court has an established Judicial Mediation Program. Parties may request judicial mediation by indicating their preference on the Case Management Conference Statement, Judicial Council form CM-110.
- (b) Each civil department will devote one week per month or eight half-day sessions per month to judicial mediation.
- (c) If the case is appropriate for judicial mediation and all parties agree to mediate, the Court will set the judicial mediation for a single session. Parties may agree to judicial mediation at the case management conference or by submitting local form SUPCV 1012, Stipulation and Order to Attend Judicial Mediation or Private Arbitration, at least 10 days before the case management conference. The case management judicial officer will conduct the mediation.
- (d) In agreeing to judicial mediation, the parties waive any conflict with the mediator in the event the case is returned to the case management judicial officer (who has served as mediator) for any purpose, including trial.
- (e) Continuance of judicial mediation is disfavored. Absent good cause, any request for continuance filed less than ten days before the scheduled mediation date will be denied. Local form SUPCV 1013, Application and Stipulation for Order to Continue Trial, and a separate declaration will be required for consideration of a request for continuance.
- (f) At the conclusion of an unsuccessful mediation, if the matter has not been set for trial, it will be set for the earliest practical date.

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- (g) At the conclusion of a successful mediation, a return case management conference will be set. No appearance will be necessary if a Request for Dismissal, Judicial Council form CIV-110, has been filed by the return date. Otherwise, each party must file a Case Management Conference Statement, Judicial Council form CM-110, explaining what has transpired since the successful mediation.

(Eff. 7/1/05) (Rev. 7/1/15)

**Rule 7.1.03 Judicial Mediation Briefs: Civil Cases**

- (a) The Court may conduct judicial mediations. The scope and content of the mediation is in the discretion of the judicial officer facilitating the mediation. Judicial mediation will be facilitative in nature.
- (b) Counsel shall prepare and lodge a confidential mediation brief at least five (5) court days prior to the mediation date. The brief shall not exceed ten pages, excluding necessary exhibits. Failure to comply with this requirement may result in monetary sanctions, termination of the mediation, or both.

(Eff. 1/1/18)

**Rule 7.1.04 Pro-Tem Panel Arbitration (also known as Judicial Arbitration) and Panel Mediation**

Cases may be sent to panel arbitration or panel mediation from the Case Management Conference Calendar, pursuant to Code of Civil Procedure §§ 1141.10, et seq., California Rules 3.810 et. seq., Code of Civil Procedure §§ 1775 et seq., California Rules of Court 3.850 et. seq. These local rules may be amended as necessary to describe the panel arbitration and panel mediation process in more detail.

(Eff. 7/1/05) (Rev.7/1/07) (Rev. 1/1/09)  
(Renumbered 1/1/18)

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**DIVISION EIGHT - SUPERIOR COURT APPELLATE DIVISION**

**Rule 8.1 APPELLATE DIVISION PROCEDURES**

**Rule 8.1.01 General Rules**

The provisions of Code of Civil Procedure § 77 and California Rules of Court 8.800 through 8.891 apply fully to these local rules.

(Eff. 1/1/13) (Rev. 1/1/15)

**Rule 8.1.02 Notice of Appeal**

All civil, criminal, and traffic appeals: The notice of appeal and subsequent appeal papers shall be filed with the Appeals Clerk in Room 110 at the Santa Cruz Court facility.

Juvenile Dependency Appeals: The notice of appeal shall be filed with the Dependency Clerk at the Watsonville Court facility.

(Eff. 7/1/97) (Rev. 1/1/11) (Renumbered 1/1/13)

**Rule 8.1.03 Ex Parte Applications**

Ex parte applications for extensions of time filed either before certification to the appellate department or after, and all other ex parte applications relating to other routine matters shall be submitted to the Appeals Clerk in Room 110, who shall present the application to the Presiding Judge of the Appellate Division for review and decision.

(Rev. 1/1/99) (Renumbered 1/1/13)

**Rule 8.1.04 Writ Proceedings**

All writs within the original jurisdiction of the appellate division shall be processed in accordance with California Rules of Court 8.930 through 8.936.

(Rev. 1/1/99) (Rev. 1/1/11) (Renamed, Renumbered  
& Rev. 1/1/13)

**Rule 8.1.05 Infraction Cases**

Infraction cases only: The provisions of Code of Civil Procedure § 77(h) and California Rules of Court 8.900 through 8.929 further define the procedures followed by the appellate division for infraction cases.

(Eff. 1/1/11) (Renumbered & Rev. 1/1/13)

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**Rule 8.1.06 Appellate Record**

- (a) Pursuant to California Rule of Court 8.833(a), the original trial court file may be used instead of a clerk's transcript in limited civil cases.
- (b) Pursuant to California Rules of Court 8.914(a), the original trial court file may be used instead of a clerk's transcript in infraction cases.
- (c) Pursuant to California Rules of Court §8.863(a), the original trial court file may be used instead of a clerk's transcript in misdemeanor cases.
- (d) When requested by appellants pursuant to California Rules of Court §8.835, §8.868, and §8.917, transcripts of electronically recorded proceedings will be provided to parties in electronic form only (pdf), not in paper form.

(Eff. 1/1/13) (Rev. 7/1/16)

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**DIVISION NINE – MISCELLANEOUS**

**Rule 9.1 MISCELLANEOUS COURT RULES**

**Rule 9.1.01 Audio Recordings as Evidence**

Whenever an audio recording is offered for admission into evidence, an accurate written transcription must accompany it, unless otherwise ordered by the trial/hearing judicial officer.

(Eff. 1/1/88) (Rev. 1/1/13) (Rev. 1/1/18)

**Rule 9.1.02 Official Reporting Services**

(a) Notice of Availability of Official Reporting Services:

Consistent with California Rule of Court 2.956(b)(1), the Court must enumerate the departments in which the services of official court reporters are normally available. At this time, Court reporters are normally available in departments assigned the following subject matters:

- Felony cases,
- Juvenile Dependency and Juvenile Justice,
- Freedom from Control,
- Contested LPS Conservatorships,
- Domestic Violence Prevention Act, Civil Harassment and Elder Abuse Restraining Orders and,
- Department of Child Support Services (DCSS) matters.

(b) Notice of Non-Availability of Official Reporting Services:

1. Official court reporters are not normally available in departments assigned to the following subject matters:
  - Misdemeanor cases,
  - Infractions and,
  - Limited civil proceedings.

Each of these departments is equipped with electronic recording devices for recording.

2. Official court reporters are not provided in departments assigned to the following subject matters:



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- Civil law and motion,
- Unlimited civil trials,
- Family law
- Adoptions and,
- Probate matters.

## (c) Procurement of Private Court Reporter:

For matters where the court does not provide a court reporter due to unavailability, any party who desires a verbatim record of a court proceeding must arrange for or hire a private certified court reporter pro tempore to report any scheduled hearing or trial. See California Rule of Court 2.956, subsections (c) and (d) for rules governing procuring reporters.

## (d) Exception for Parties Granted a Fee Waiver:

Parties granted a fee waiver may request an official court reporter to record a verbatim record of the proceedings.

The request must be made at least 10 calendar days before the date set for trial, hearing or court appearance by submitting the local form SUPAD 004 Request for Court Reporter by Party with Fee Waiver to the Clerk's Office.

(Rev. 1/1/11) (Rev. 7/1/14) (Rev. 7/1/15)  
(Rev 1/1/18) (Rev. 1/1/19) (Rev. 7/1/19)

**[Rule 9.1.03 Requests for Official Court Reporters for Civil Trials Revoked 1/1/18 incorporated into Rule 9.1.02 and Notices to Parties](#)**

## **[Rule 9.2 RECORDING IN COURT](#)**

### **[Rule 9.2.01 Recording in Court](#)**

Requests for media coverage of any type must comply with California Rule of Court 1.150 and requests must be submitted to the trial judge in advance using the appropriate Judicial Council form Media Request to Photograph, Record or Broadcast MC-500.

See California Rule of Court 1.150 for rules about photographing, recording, and broadcasting in court

(Eff. 7/1/05) (Rev. 1/1/11)

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**DIVISION TEN - ELECTRONIC RECORDING OF PROCEEDINGS**

**Rule 10.1 ELECTRONIC RECORDING OF COURT PROCEEDINGS**

**Rule 10.1.01 Authority For and Use of Electronic Recording**

Electronic recording of court proceedings in limited civil cases and misdemeanor or infraction cases is authorized under Government Code § 69957. When electronic recording is utilized, the rules of this Division shall apply.

(Rev. 1/1/99) (Rev. 1/1/13)

**Rule 10.1.02 Equipment**

Equipment shall meet or exceed the standards set by the Judicial Council as specified in California Rules of Court 2.952 and 2.954.

(Eff. 1/1/90) (Rev. 7/1/07) (Rev. 1/1/09)

**Rule 10.1.03 Monitors**

Each department which utilizes electronic recording as the official record of the proceedings shall designate a monitor, as defined in California Rule of Court 2.952(b)(2), to operate the recording equipment, to make appropriate notations to identify the proceedings, to play back portions of the record when requested, to mark and prepare the recordings for storage and to perform other duties as the Court may designate.

(Eff. 1/1/90) (Rev. 1/1/09)

**Rule 10.1.04 Monitor's Certificate**

At the close of each day's proceedings, the designated monitor shall execute a certificate as specified in California Rule of Court 2.952.

(Eff. 1/1/90) (Rev 1/1/98) (Rev. 7/1/07)  
(Rev. 1/1/09)

**Rule 10.1.05 Maintenance of Recordings**

The original designated monitor's certificate, tape and monitor's notes shall be maintained and stored under direction of the Clerk of the Court.

(Rev. 1/1/91) (Rev. 1/1/98) (Rev. 1/1/09)

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## **Rule 10.1.06 Transcripts**

Transcripts of electronically recorded proceedings will only be accepted by the court if prepared by the transcriber selected and authorized by the Court. If a party has purchased an electronic recording of a proceeding, and then later determines a need for a transcript that can be submitted to the Court, the party shall request that the Court order the transcript. The cost of transcript preparation shall be borne by the requestor. The transcriber shall execute an affidavit certifying that the transcript is an accurate recording of the proceeding.

(Rev. 1/1/99) (Rev 7/1/14)

## **Rule 10.1.07 Transcription of Record**

A transcript of the audio recording is prima facie evidence of the proceedings when certified as being an accurate recording.

(Eff. 1/1/90)

## **Rule 10.1.08 Official Court Reporters**

No presently employed court reporter shall have his or her hours of employment reduced as a result of the use of electronic recording nor shall be required to prepare a transcript of a proceeding electronically recorded.

(Eff. 1/1/90) (Rev. 1/1/95) (Renumbered 1/1/08)

## **Rule 10.1.09 Requests for Tapes**

Requests for recording shall be made to the Court, at the Judges' Chambers Office.

(Rev. 1/1/98) (Renumbered 1/1/08) (Rev. 1/01/09)

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**DIVISION ELEVEN – EXHIBITS**

**Rule 11.1 EXHIBITS**

**Rule 11.1.01 The Court’s Acceptance of Exhibits**

- (a) Evidence admitted in any case before any court shall be only those items required in the case and shall be retained by the Court for the minimum time required by law, unless good cause is shown to retain the evidence. The Executive Officer/Clerk of Santa Cruz County will not accept or retain exhibits that are bulky<sup>1</sup>, heavy<sup>2</sup>, or designated as hazardous or toxic waste material<sup>3</sup> or any biological material<sup>4</sup>.
- (b) Pursuant to Penal Code § 1417.3(b) and upon a finding of good cause, certain toxic materials may be brought into a courtroom and introduced into evidence provided they remain at all times in a sealed condition and properly labeled as to the exact contents thereof. Unless otherwise ordered by the Court, the person bringing the evidence into the courtroom shall retain it and shall be responsible for the storage of the evidence and for the production and substitution of a photographic record in lieu of the evidence.
- (c) In the event the Court does not order the substitution of a photograph and/or technical report for the actual controlled substance evidence, the evidence shall be stored by the person delivering it into the courtroom until it is eligible for destruction.
- (d) Additional exhibits which are not to be sent to the courts’ exhibits custodian, unless there is a court order for the Court to retain them, include the following:
  - 1. Any type of explosive powder.
  - 2. Any explosive chemical such as toluene, ethane, etc.
  - 3. Any explosive device such as a pipe bomb, hand grenade, etc.

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<sup>1</sup> “bulky” objects are those exceeding 1 cubic foot in volume.

<sup>2</sup> “heavy” objects are those exceeding 3 lbs. by weight.

<sup>3</sup> All controlled substances listed in Health & Safety Code §§ 11054, 11055, 11056, 11057, and 11058 are considered to be hazardous waste material.

<sup>4</sup> Any material that may be subject to forensic deoxyribonucleic acid (DNA) testing per Penal Code 1405(a) such as blood, urine, human or animal tissue or other items requiring refrigeration and/or humidity controlled storage is considered biological material.

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4. Any flammable device such as Molotov cocktail, gasoline, etc.
  5. Any canister containing tear gas, spray paint, mace, etc.
  6. Any corrosive liquid.
  7. Any rags soaked with any flammable liquid which is still damp or wet.
  8. Dry P.C.P. in other than airtight package, i.e., plastic.
  9. Any liquid P.C.P.
  10. Exhibits purporting to contain samples of blood, urine, human or animal fluids or tissues, or other items requiring refrigeration and/or humidity controlled storage.
  11. All controlled substances as defined in Health & Safety Code § 11007 (which refers to schedules of controlled substances listed in Health & Safety Code §§ 11054, 11055, 11056, 11057 and 11058) have been designated by the Court as hazardous waste materials.
- (e) Exhibits which fall into one of the above classifications are not to be sent to the courts' exhibits custodian. Photographs, technical reports or identical dummy objects shall be used in lieu of the original object. Foam boards or enlarged photographs that are used in a case shall be replaced by 8 ½" x 11" photographs or copy of photographs at the end of the case. The Court will not store foam boards at the conclusion of a case. Audio/video capabilities to display and enlarge exhibits are available for use by attorneys and parties in each of the courtrooms.

(Eff. 1/1/11) (Rev. 1/1/15) (Rev. 7/1/18) (Rev  
7/1/19)

**Rule 11.1.02 Civil Exhibit Retention**

All exhibits and other material offered in evidence or otherwise presented at a civil, probate, or family law trial or hearing, including transcripts of depositions and administrative records, will be returned at the conclusion of trial to the custody of the offering party. The custodial party must maintain all exhibits and other material in the same condition as received from the clerk until 60 days after a final judgment or dismissal of the entire case is entered.

(Eff. 7/1/19)

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**THE LAWYER'S PLEDGE**

In order to raise the standards of civility and professionalism among counsel and between the Bench and the Bar, I hereby pledge the following:

1. To at all times comply with the California Rules of Professional Conduct;
2. To honor all commitments;
3. To be candid in all dealings with the Court and counsel;
4. To uphold the integrity of our system of justice and not compromise personal integrity for the sake of a client, case or cause;
5. To seek to accomplish the client's legitimate goals by the most efficient and economical methods possible;
6. To act in a professional manner at all times, to be guided by a fundamental sense of fair play in all dealings with counsel and the Court, and to be Courteous and respectful to the Court;
7. To be on time;
8. To be prepared for all Court appearances – to be familiar with all applicable Court rules;
9. To adhere to the time deadlines set by statute, rule, or order;
10. To avoid visual displays of pique in response to rulings by the Court;
11. To discourage and decline to participate in litigation or tactics that are without merit or are designed primarily to harass or drain the financial resources of the opposing party;
12. To avoid any communications with the judge concerning a pending case unless the opposing party or lawyer is present, or unless permitted by Court rules or otherwise authorized by law;
13. To refrain from impugning the integrity of the judicial system, its proceedings, or its members;
14. To treat all Court personnel with the utmost civility and professionalism;
15. To remember that conflicts with opposing counsel are professional and not personal – vigorous advocacy is not inconsistent with professional Courtesy;

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16. To refrain from derogatory statements or discriminatory conduct on the basis of race, religion, gender, sexual orientation or other personal characteristic;
17. To treat adverse witnesses and litigants with fairness and due consideration;
18. To conduct discovery proceedings as if a judicial officer were present;
19. To meet and confer with opposing counsel in a genuine attempt to resolve procedural and discovery matters;
20. To not use discovery to harass the opposition or for any other improper purpose;
21. To not arbitrarily or unreasonably withhold consent to a just and reasonable request for cooperation or accommodation;
22. To not attribute to an opponent a position not clearly taken by that opponent;
23. To avoid unnecessary “confirming” letters and to be scrupulously accurate when making any written confirmation of conversations or events;
24. To not propose any stipulation in the presence of the trier of fact unless previously agreed to by the opponent;
25. To not interrupt an opponent’s legal argument;
26. To address opposing counsel, when in Court, only through the Court;
27. To not seek sanctions against or disqualifications of another lawyer to attain a tactical advantage or for any other improper purpose;
28. To not schedule the service of papers to deliberately inconvenience opposing counsel;
29. To refrain, except in extraordinary circumstances, from using the fax machine to demand immediate responses for opposing counsel.

# Superior Court of California County of Santa Cruz

## THE JUDGES' PLEDGE

As a member of the judiciary who desires to improve relations among counsel and between the Bench and the Bar, I pledge as follows:

1. To be Courteous, respectful and civil to the attorneys, parties, and witnesses who appear before the Court;
2. To exercise my authority to ensure that all the attorneys, parties, and witnesses conduct themselves in a civil manner;
3. To refrain from any conduct or statement which discriminates on the basis of race, religion, gender, sexual orientation or other personal characteristic of attorneys, parties, or witnesses;
4. To instruct all Court personnel to act civilly toward attorneys, parties, and witnesses;
5. To refrain from the use of abusive, demeaning or humiliating language and opinions in oral or written communication with attorneys, parties, and witnesses;
6. To be punctual in covering all hearings, meetings, and conferences;
7. To give full consideration to the papers and arguments presented by counsel;
8. To make a reasonable effort to decide promptly all matters presented for decision;
9. To be aware of the time restraints and pressures imposed upon attorneys by the exigencies of litigation practice, while nevertheless endeavoring to resolve disputes efficiently;
10. To make every effort to adhere to the statutes and Court rules which are intended to establish uniformity among all of the Courts;
11. To consider the legitimate calendaring conflicts of attorneys, parties, and witnesses in the administration of those matters before the Court;
12. To avoid conduct which would give an appearance of favoritism to any particular counsel or party;
13. To be mindful that the Court is the servant of the people and its purpose is the administration of justice.



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[Appendix A: List of Local Rules of Court](#)

**DIVISION ONE -- GENERAL RULES**

**Rule 1.1 ADMINISTRATION AND DISTRIBUTION OF BUSINESS**

**Rule 1.1.01 Application of Local Rules**

(Effective 1/1/95) (Revised 1/1/99)

**Rule 1.1.02 California Rules of Court**

(Effective 1/1/86)

**Rule 1.1.03 Presiding Judge of Superior Court**

(Effective 1/1/95) (Revised. 1/1/01) (Revised 7/1/19)

**Rule 1.1.04 Assistant Presiding Judge**

(Effective 1/1/95) (Revised 1/1/01) (Revised 7/1/19)

**Rule 1.1.05 Department Assignments**

(Revised 1/1/95) (Revised 1/1/99)

**Rule 1.1.06 Calendar**

(Effective 1/1/93) (Revised 1/1/99)

**Rule 1.1.07 Duties of the Presiding Judge**

(Effective 1/1/95) (Revised 1/1/97)

**Rule 1.1.08 Executive Officer and Clerk of the Superior Court**

(Effective 7/1/90) (Revised. 1/1/99) (Revised. 1/1/13)

**Rule 1.1.09 Definition of a Judge's vacation day required by California Rules of Court**

(Effective 1/1/04) (Revised 7/1/07)

**Rule 1.1.10 Elisors**

(Effective 1/1/20)

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**Rule 1.2 DOCUMENTS PRESENTED FOR FILING**

**Rule 1.2.01 Clerks' Offices - Hours of Operation**

(Revised 1/1/95) (Revised 7/1/13)

**Rule 1.2.02 Requests for Copies**

(Effective 1/1/88) (Renumbered 7/1/07) (Revised 7/1/16)

**Rule 1.3 ELECTRONIC FILING**

**Rule 1.3.01 Electronic Filing General**

(Effective 7/1/16) (Revised & Renumbered 7/1/17) (Revised 1/1/18) (Revised 7/1/18)  
(Revised 7/1/19) (Revised 7/1/20) (Revised 1/1/21)

**Rule 1.3.02 Electronic Filing Criminal**

(Effective 7/1/17) (Revised 1/1/18)

**Rule 1.4 REMOTE APPEARANCES**

**Rule 1.4.01 Appearances in Non-Criminal (Civil, Family, Restraining Orders, Probate, LPS, Appeals and Juvenile Dependency Departments)**

(Effective 1/1/21)

**Rule 1.4.02 Appearances in Criminal Departments**

(Effective 1/1/21)

**Rule 1.4.03 Appearances in Traffic and Minor Violation Departments**

(Effective 1/1/21)

**Rule 1.4.04 Appearances in Juvenile Justice**

(Effective 1/1/21)

**DIVISION TWO - CIVIL RULES**

**Rule 2.1 CASE MANAGEMENT**

**Rule 2.1.01 Initial Contact**

(Effective 1/1/92) (Revised & Renumbered 7/1/02) (Revised. 1/1/09) (Revised. 7/1/15)

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**Rule 2.1.02 Cross Complaints**

(Effective 1/1/92) (Renumbered 7/1/02) (Revised 7/1/20)

**Rule 2.1.03 Continuances of Case Management Conference**

(Effective 1/1/95) (Renumbered 7/1/02) (Revised 1/1/19) (Revised 7/1/20)

**Rule 2.1.04 Request to Advance Case Management Conference**

(Effective 1/1/95) (Renumbered 7/1/02)

**Rule 2.2 SETTING CASES FOR TRIAL**

**Rule 2.2.01 Requests for Trial Settings**

(Effective 1/1/92) (Revised 7/1/02) (Revised 1/1/13)

**Rule 2.2.02 Long Cause Trials**

(Revised 7/1/98) (Revised 1/1/99) (Revised 7/1/07) (Revised 1/1/09) (Revised 1/1/11)  
(Revised 1/1/13) (Revised 7/1/13) (Revised 1/1/14) (Revised 1/1/17) (Revised. 7/1/17)

**Rule 2.2.03 Short Cause Trials**

(Effective 1/1/80) (Revised 1/1/95) (Revised 1/1/09) (Renamed & Revised 1/1/11)

**Rule 2.2.04 Settlement Conferences**

(Revised 1/1/93) (Revised 1/1/95) (Revised 1/1/09)

**Rule 2.2.05 Settlement Conference Statement**

(Revised 1/1/99) (Revised 7/1/07) (Revised 1/1/09)

**Rule 2.2.06 Trial Briefs in Civil Cases**

(Effective 1/1/87) (Renumbered 1/1/95) (Revised 1/1/09) (Revised 1/1/11)

**Rule 2.2.07 Continuances of Trials**

(Revised 7/1/93) (Revised 1/1/99) (Renumbered, Renamed & Revised 1/1/11) (Revised  
1/1/15) (Revised 1/1/19)

**Rule 2.2.08 Complex Litigation – Preempted by California Rules of Court**

(Effective 1/1/95) (Revised 1/1/01) (Revised 7/1/02) (Revised 7/1/04) (Revised 7/1/07)  
(Revised 1/1/09) (Renumbered & Revised 1/1/11) (Revised 7/1/17)

**Rule 2.2.09 Complex Litigation – Preempted by California Rules of Court**

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(2.2.09 Renumbered to 2.2.08 1/1/11)

**Rule 2.3 COMPROMISE OF MINORS' CLAIMS**

**Rule 2.3.01 Petition**

(Revised 7/1/02)

**Rule 2.3.02 Attorney Fees**

(Revised 7/1/91) (Revised 1/1/09) (Revoked 1/1/20)

**Rule 2.3.03 Order**

(Revised 7/1/02) (Revised 1/1/09)

**Rule 2.4 LAW & MOTION CALENDAR**

**Rule 2.4.01 Setting Hearings**

(Revised 1/1/99) (Revised 1/1/08) (Revised. 7/1/17) (Revised 7/1/20)

**Rule 2.4.02 Requests for Continuances**

(Effective. 1/1/99) (Revised. 1/1/08) (Revised. 1/1/09) (Revised 1/1/19) (Revised 7/1/20)

**Rule 2.4.03 Argument and Oral Testimony at Law and Motion Calendar**

(Revised 1/1/93) (Revised. 1/1/95) (Revised 7/1/97) (Revised 7/1/07) (Rev. 7/1/17)

**Rule 2.4.04 Appearance at Hearing – Preempted by California Rules of Court**

(Revoked 1/1/09) (Effective 1/1/88)

**Rule 2.4.05 Orders and Stipulations for County Funds Preempted by California Rules of Court**

(Revoked 7/1/00)

**Rule 2.4.06 Orders for Funds Held in Interest Bearing Account**

(Effective 1/1/93)

**Rule 2.4.07 Calendaring Demurrers and/or Motions to Strike in Unlawful Detainer Cases**

(Effective 1/1/14) (Revised 7/1/15) (Revised 7/1/17)

**Rule 2.5 MOTIONS FOR SUMMARY JUDGMENT**

Preempted by California Rules of Court (Revoked. 1/1/09) (Revised 7/2000)

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**2.6 MOTIONS FOR APPROVAL OF CLASS ACTION SETTLEMENT**

**Rule 2.6.01 Motions for preliminary and final approval of class action settlements**

(Effective 7/1/20)

**Rule 2.7 TELEPHONE APPEARANCES**

**Rule 2.7.01 Telephone Appearances**

(Effective 1/1/89) (Revised 1/1/98) (Revised 1/1/09) (Revised 7/1/14)  
(Renumbered 7/1/20) (Revoked 1/1/21)

**Rule 2.7.02 Program Overview**

(Effective 1/1/98) (Revised 7/1/2000) (Revised 1/1/11) (Revised 7/1/14) (Renumbered  
7/1/20) (Revoked 1/1/21)

**Rule 2.7.03 Participation in CourtCall Appearances**

(Effective 1/1/98) (Revised 7/1/07) (Revised 1/1/11) (Revised 7/1/14) (Renumbered  
7/1/20) (Revoked 1/1/21)

**Rule 2.7.04 Appearance Procedure**

(Effective 1/1/98) (Revised. 1/1/11) (Revised 1/1/20) (Renumbered 7/1/20) (Revoked  
1/1/21)

**Rule 2.8 MISCELLANEOUS LAW AND MOTION RULES**

**Rule 2.8.01 (Reserved)**

**Rule 2.8.02 Attorney Fees - California Rule of Court 3.1800(b)**

(Effective 1/1/86) (Renumbered 7/1/07) (Revised. 1/1/09) (Renumbered 7/1/20)

**Rule 2.8.03 Stipulation to Commissioners – Civil Department**

(Effective 12/3/03) (Renumbered 7/1/07) (Renumbered 7/1/20)

**Rule 2.8.04 Exhibit Formatting**

(Effective 7/1/16) (Rev. 7/1/17) (Renumbered 7/1/20)

**Rule 2.9 EX PARTE MATTERS**

**Rule 2.9.01 Notice to Parties and to Court**

(Revised 1/1/00) (Revised 7/1/04) (Renumbered 7/1/07) (Revised 1/1/11) (Revised  
7/1/13) (Revised 7/1/14) (Revised 7/1/16) (Renumbered 7/1/17) (Renumbered 7/1/20)

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**Rule 2.9.02 Time; Matters Not Appropriate For Ex Parte Procedure**

(Effective. 1/1/91) (Revised 7/97) (Renumbered 7/1/07) (Revised 1/1/09) (Revised 7/1/14) (Renumbered 7/1/17) (Revised 1/1/19) (Renumbered 7/1/20)

**Rule 2.10 TENTATIVE RULINGS**

**Rule 2.10.01 Tentative Rulings Civil**

(Effective 7/1/17) (Renumbered 7/1/20)

**Rule 2.11 CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**Rule 2.11.01 Form and Format of the Administrative Record**

(Effective 1/1/20) (Renumbered 7/1/20)

**Rule 2.11.02 Lodging of the Administrative Record**

(Effective 1/1/20) (Renumbered 7/1/20)

**Rule 2.11.03 Disputes Regarding the Contents of the Administrative Record**

(Effective 1/1/20) (Renumbered 7/1/20)

**Rule 2.11.04 Trial Notebooks**

(Effective 1/1/20) (Renumbered 7/1/20)

**Rule 2.11.05 Administrative Record Documents**

(Effective 1/1/20) (Renumbered 7/1/20)

**DIVISION THREE – FAMILY LAW**

**Rule 3.1 GENERAL RULES**

**Rule 3.1.01 Local Civil Rules Applicable to Family Law**

(Revised 1/1/93) (Revised 1/1/95) (Revised 1/1/09) (Revised 1/1/13)

**Rule 3.1.02 Telephone Appearance**

(Effective 1/1/13) (Revised 7/1/14) (Revised 7/1/20) (Revoked 1/1/21)

**Rule 3.1.03 Meet and Confer Requirement**

(Effective 1/1/91) (Revised 1/1/01) (Renumbered 1/1/13)

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**Rule 3.1.04 Completion of Forms**

(Effective 1/1/91) (Renumbered 1/1/13)

**Rule 3.1.05 Initial Status Conference**

(Effective 1/1/99) (Revised 1/1/09) (Renumbered & Revised 1/1/13)

**Rule 3.1.06 Status Conference**

(Effective 1/1/99) (Revised 1/1/01) (Revised 1/6/06) (Rev. 1/1/07) (Revised 1/1/09)  
(Revised 1/1/11) (Renumbered & Revised 1/1/13) (Revised 7/1/20)

**Rule 3.1.07 Trial and Status Conference Continuances**

(Effective 1/1/99) (Revised 1/1/01) (Revised 1/6/06) (Revised 1/1/07) (Revised 1/1/09)  
(Renumbered & Revised 1/1/13) (Revised 1/1/19) (Revised 7/1/20)

**Rule 3.1.08 Settlement Conference**

(Effective 1/1/07) (Revised 1/1/09) (Revised 1/1/11) (Renumbered 1/1/13) (Revised  
1/1/21)

**Rule 3.1.09 Judicial Mediation**

(Effective 1/1/07) (Revised 1/1/11) (Renumbered 1/1/13) (Revised. 7/1/17) (Revised  
7/1/19) (Revised 1/1/21)

**Rule 3.1.10 Trial**

(Effective 1/1/99) (Revised 7/1/04) (Revised 1/6/06) (Renumbered 1/1/07) (Revised  
1/1/09) (Renumbered 1/1/13) (Revised 1/1/16) (Revised 1/1/21)

**Rule 3.1.11 Stipulation to Commissioner**

(Effective 7/1/05) (Renumbered 1/1/06) (Renumbered 1/1/07) (Revised 1/1/09)  
(Renumbered 1/1/13)

**Rule 3.1.12 Stipulation to Drop/Request to Reset Motions and OSC**

(Effective 1//08) (Revised 1/1/09) (Renumbered 1/1/13) (Revised 7/1/13)

**Rule 3.1.13 Ex Partes in Family Law**

(Effective 1/1/09) (Revised 1/1/11) (Renumbered & Revised 1/1/13) (Revised 7/1/13)  
(Revised 7/1/16) (Revised 1/1/17) (Rev. 7/1/17)

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**Rule 3.1.14 Service by Publication or Posting for Summons**

(Effective 1/1/09) (Revised 7/1/13) (Renumbered & Revised 1/1/13) (Revised 1/1/11)

**Rule 3.1.15 Assignment of Cases and Challenges to Assigned Judge**

(Effective 7/1/19)

**Rule 3.1.16 Request for Continuances**

(Effective 1/1/20) (Revised 7/1/20)

**Rule 3.2 FINANCIAL ISSUES**

**Rule 3.2.01 Financial Issues - General Rules**

(Revised 7/1/97) (Revised 1/1/06) (Revised 1/1/09)

**Rule 3.3 CUSTODY ISSUES**

**Rule 3.3.01 (Reserved)**

(Revised 1/1/01) (Revised 1/1/09) (Revoked & Reserved 1/1/11)

**Rule 3.3.02 Child Custody Recommending Counseling (CCRC)**

(Effective 1/1/00) (Revised 1/1/01) (Revised 1/1/09) (Revised 1/1/11) (Revised 1/1/13)  
(Revised 1/1/16)

**Rule 3.3.03 Custody Investigation and Evaluation**

(Effective 1/1/99) (Revised 1/1/01) (Revised & Renumbered 1/1/09) (Revised 1/1/11)

**Rule 3.3.04 Communication**

(Revised 7/1/95) (Revised 1/1/01) (Revised & Renumbered) (Revised 1/1/11) (Revised  
1/1/13)

**Rule 3.3.05 Referrals**

(Revised 7/1/95) (Renumbered 1/1/09)

**Rule 3.3.06 Private Mediation**

(Revised 1/1/01) (Renumbered 1/1/09) (Revised 1/1/11)

**Rule 3.3.07 Complaint Process**

(Revised 1/1/01) (Renumbered 1/1/09) (Revised 1/1/11)



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**Rule 3.4 CO-PARENT WORKSHOP**

**Rule 3.4.01 Co-Parent Workshop Program**

(Effective 7/1/91) (Revised 1/1/01) (Revised 1/1/09) (Revised 1/1/11) (Revised 1/1/16)  
(Revised 7/1/16) (Revised 1/1/18)

**Rule 3.4.02 Attendance**

(Effective 7/1/91) (Revised 1/1/01) (Revised 1/1/11) (Revised 1/1/16) (Revised 1/1/18)

**Rule 3.4.03 Information Sheet**

(Effective 7/1/91)

**Rule 3.5 OFFICE OF FAMILY LAW FACILITATOR**

(Incorporated into Self Help Center 1/1/09)

**Rule 3.5.01 Duties**

(Effective 7/1/97) (Revised 1/1/00)

**Rule 3.6 TIME TO PREPARE ORDERS/JUDGMENTS**

**(Replaced 1/1/13)**

**Rule 3.6.01 Order Preparation**

(Replaced/New 1/1/13)

**Rule 3.6.01 Personnel in Clerk's Office**

(Effective 1/1/06) (Revoked 1/1/13)

**Rule 3.6.02 Self-Represented Litigants**

(Effective 1/1/06) (Revised 1//09) (Revoked 1/1/13)

**Rule 3.7 COURT REPORTERS**

**Rule 3.7.01 Court Reporters**

(Effective 1/1/13) (Revised 7/1/15) (Revoked 1/1/18 incorporated in to 9.1.02)

**Rule 3.8 COUNSEL FOR MINORS**

**Rule 3.8.01 Appointment of Counsel**

(Effective 7/1/14)

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**Rule 3.8.02 Complaint Process**

(Effective 7/1/14)

**DIVISION FOUR - PROBATE RULES**

**Rule 4.1 PROBATE GENERAL RULES**

**Rule 4.1.01 Applicability of Rules**

(Revised 7/1/91)

**Rule 4.1.02 Appearances**

(Revised 7/1/99) (Revised 7/1/03) (Revised 7/1/19)

**Rule 4.1.03 Probate Attorney's Office**

(Revised 1/1/96) (7/1/03) (Revised 1/1/08) (Revised 1/1/09) (Revised 1/1/11) (Revised 1/1/19)

**Rule 4.1.04 Contested Matters**

(Effective 7/1/03) (Revised 1/1/09) (Revised 1/1/15) (Revised 1/1/21)

**Rule 4.1.05 Correction of an Order**

(Revised 7/1/91) (Revised 7/1/99) (Renumbered 7/1/07)

**Rule 4.1.06 Petitions**

(Revised 7/1/01) (Renumbered 7/1/07) (Revised 1/1/09) (Revised 1/1/20)

**Rule 4.1.07 Orders**

(Revised 7/1/01) (Renumbered 7/1/07) (Revised 1/1/09) (Revised 1/1/20) (Revised 7/1/20)

**Rule 4.1.08 Ex Parte Matters – Probate**

(Revised 7/1/01) (Revised 7/1/03) (Renumbered 7/1/07) (Revised 1/1/09) (Revised 7/1/14) (Revised 1/1/18) (Revised 1/1/19) (Revised 7/1/20)

**Rule 4.1.09 Blocked Accounts**

(Revised 7/1/01) (Renumbered 7/1/07) (Revised 1/1/09)

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**Rule 4.1.10 Appointment of Probate Referee**

(Revised 1/1/96) (Revised 1/1/06) (Renumbered 7/1/07) (Revised 1/1/11) (Revised 1/1/13) (Revised 7/1/17) (Revised 8/1/17) (Revised 7/1/18)

**Rule 4.1.11 Supporting Documents**

(Effective 7/1/99) (Revised 1/1/09) (Renumbered 7/1/17) (Revised 1/1/19)

**Rule 4.2 PROBATE OF ESTATES**

**Rule 4.2.01 Letters of Special Administration**

(Revised 7/1/91)

**Rule 4.2.02 Petitions for Appointment**

(Revised 7/1/01)

**Rule 4.2.03 Declination of Executor**

(Effective 7/1/91)

**Rule 4.2.04 Duties and Liabilities of Personal Representative**

(Revised 7/1/01) (Revised & Renamed 1/09)

**Rule 4.2.05 Consent of Representative(s)**

(Revised 1/1/91) (Revised 7/1/03) (Revised 1/1/09)

**Rule 4.2.06 Notices**

(Revised 7/1/01) (Revised 7/1/03) (Revised 1/1/09) (Revised 1/1/20)

**Rule 4.2.07 Bond Waivers**

(Revised 7/1/01) (Renamed 1/09)

**Rule 4.2.08 Inventory and Appraisal**

(Effective 1/1/91) (Revised 7/1/01) (Revised 1/1/09)

**Rule 4.2.09 Continuances**

(Revised & Renamed 1/1/09)

**Rule 4.2.10 Sale of Real Property**

(Effective 1/1/91) (Revised 7/1/99) (Revised 7/1/03) (Revised 1/1/09)

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**Rule 4.2.11 Petitions for Instructions**

(Effective 1/1/91) (Revised 7/1/99)

**Rule 4.2.12 Petitions for Distribution**

(Revised 7/1/01) (Revised 7/1/03) (Revised 1/1/09) (Revised 1/1/13)

**Rule 4.2.13 Final Discharge**

(Effective 1/1/91)

**Rule 4.2.14 Removal of a Personal Representative**

(Effective 1/1/91) (Revised 7/1/01)

**Rule 4.2.15 Compensation of Personal Representatives and Attorneys in Probate Estates**

(Effective 1/1/91) (Revised 7/1/01) (Revised 7/1/03) (Revised & Renamed 1/1/09)

**Rule 4.2.16 Accounts and Reports of Executors and Administrators**

(Effective 1/1/09) (Revised 1/1/13)

**Rule 4.3 CONSERVATORSHIPS AND GUARDIANSHIPS**

**Rule 4.3.01 Court Investigation Agency**

(Revoked 7/1/16) (Revised 1/1/09) (Revised 7/1/01) (Effective 1/1/91)

**Rule 4.3.02 Temporary Conservatorships and Guardianships**

(Effective 1/1/91) (Revised 7/1/01) (Revised 1/1/09)

**Rule 4.3.03 Petitions for Appointment of Conservators/Guardians**

(Effective 1/1/91) (Revised 7/1/01) (Revised 1/1/09)

**Rule 4.3.04 Assessments**

(Effective 1/1/91) (Revised 7/1/01) (Revised 7/1/14)

**Rule 4.3.05 Independent Powers**

(Effective 1/1/91) (Revised 1/1/09)

**Rule 4.3.06 Limited Conservatorships**

(Effective 1/1/91) (Revised 1/1/09) (Revised 1/1/13) (Revised 1/1/19)

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**Rule 4.3.07 Local Forms Required**

(Effective 1/1/91) (Revised 7/1/01) (Revised 1/1/09) (Revised 7/1/15) (Rev. 7/1/17) (Rev. 7/1/18)

**Rule 4.3.08 Declaration Under UCCJEA**

(Revised 7/1/16) (Effective 1/1/91) (Revised 1/1/09)

**Rule 4.3.09 Conservatee's Mental Capacity**

(Effective 1/1/91)

**Rule 4.3.10 Guardianship Funds for Support of Minor**

(Effective 1/1/91) (Revised 1/1/09)

**Rule 4.3.11 Inventory and Appraisal Required**

(Effective 1/1/91) (Revised 7/1/01) (Revised & Renamed 1/1/09)

**Rule 4.3.12 Review Hearing for Inventory and Appraisal and for Accountings.**

(Effective 1/1/91) (Revised 7/1/01) (Revised 1/1/09)

**Rule 4.3.13 Separate Accounting for Several Minors**

(Effective 1/1/91)

**Rule 4.3.14 Successor Conservator/Guardian**

(Effective 1/1/91)

**Rule 4.3.15 (Revoked 7-1-99)**

**Rule 4.3.16 (Revoked 7-1-99)**

**Rule 4.3.17 Accounts in Guardianship Proceedings**

(Effective 1/1/09)

**Rule 4.3.18 Waiving of Accounts**

(Effective 1/1/91) (Revised 7/1/01) (Revised 1/1/09) (Rev. 7/1/17)

**Rule 4.3.19 Reports Accompanying Accounts in Conservatorships**

(Effective 1/09)

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**Rule 4.3.20 Termination of Conservatorships and Guardianships**

(Effective 1/1/91) (Revised 7/1/01) (Revised 1/1/09) (Revised 1/1/11)

**Rule 4.3.21 Fees and Commissions**

(Revised 7/1/01) (Revised 7/3/03) (Revised 1/1/09) (Revised 7/1/19)

**Rule 4.3.22 Additional Contents for Petitions Filed by Private Professional Conservators**

(Effective 1/1/09) (Revised 7/1/16)

**Rule 4.3.23 Consent of Representative(s)**

(Effective 1/1/13)

**Rule 4.4 TRUSTS**

**Rule 4.4.01 Accounts Filed by Trustees Must Conform to the Requirements of Rule 4.2.16.**

(Effective 7/1/01) (Revised, Renamed & Renumbered 1/1/09)

**Rule 4.4.02 Contents of First Account**

(Effective 7/1/01) (Revised, Renamed & Renumbered 1/1/09)

**Rule 4.4.03 Description of Principal and Income**

(Effective 7/1/01) (Revised, Renamed & Renumbered 1/1/09)

**Rule 4.4.04 Frequency for Filing Accounts**

(Effective 1/1/09)

**Rule 4.4.05 Service on Beneficiaries When Power Sought is Not Conferred**

(Effective 1/1/09)

**Rule 4.4.06 Bond for Trustee**

(Effective 1/1/09)

**Rule 4.4.07 Petition for Confirmation of Trust Assets Pursuant to Estate of Heggstad**

(Effective 1/1/09) (Revised 1/1/13) (Revised 1/1/20)

**Rule 4.4.08 Trustee Compensation**

(Effective 1/09) (Revised 1/1/20)

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**Rule 4.4.09 Attorney Fees**

(Effective 1/1/09) (Revised 7/1/19)

**Rule 4.4.10 Consent of Trustee**

(Effective 1/1/13)

**Rule 4.5 ADOPTIONS (Revoked 1/09)**

**Rule 4.5.01 Adoptions**

(Effective 1/1/91) (Renumbered 7/1/01) (Revoked 1/1/09)

**Rule 4.5 SPECIAL NEEDS TRUSTS**

**Rule 4.5.01 General Procedures for Special Needs Trusts**

(Effective 7/1/19)

**Rule 4.5.02 Accountings and Reports of Special Needs Trusts**

(Effective 7/1/19)

**Rule 4.5.03 Compensation of Conservator from Trust**

(Effective 7/1/19)

**DIVISION FIVE - CRIMINAL PRACTICE**

**Rule 5.1 CRIMINAL RULES**

**Rule 5.1.01 Criminal Departments**

(Effective 1/1/95) (Revised 1/1/99) (Revised 1/1/09) (Revised 1/1/11) (Revised 1/1/13)

**Rule 5.1.02 Applicability of Title 4 of California Rules of Court**

(New Renumbered 1/09)

**Rule 5.1.03 Format of Papers**

(Effective 1/1/96) (Renumbered 1/1/09) (Revoked 7/1/17)

**Rule 5.1.04 Motions**

(Revised 1/1/98) (Revised 1/1/99) (Revised & Renumbered 1/1/09)

**Rule 5.1.05 Pleas at Time of Trial Revoked 7/1/15**

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**Rule 5.1.06 Jury Trials**

(Revised 7/97) (Revised 1/1/99) (Renumbered 7/1/07) (Renumbered 1/1/09) (Revised 1/1/13) (Revised 7/1/14)

**Rule 5.1.07 Bail Bond Forfeiture**

(Revised, Renumbered & Renamed 1/1/09)

**Rule 5.1.08 Real Property Bonds (Penal Code §1298)**

(Revised 1/1/91) (Renumbered 1/1/09)

**Rule 5.1.09 Personal Surety Bonds (Penal Code §§ 1278 et seq.)**

(Effective 1/1/91) (Renumbered 1/1/09)

**Rule 5.1.10 Miscellaneous Fees**

(Effective 1/1/91) (Renumbered 1/1/09) (Revised 1/1/11) (Revised 1/1/19)

**Rule 5.1.11 Search Warrants**

(Effective 1/1/11)

**Rule 5.1.12 Expert Witness Fees**

(Effective 1/1/11) (Revised 7/1/13) (Revised 7/1/16)

**Rule 5.1.13 Habeas Corpus Writs**

(Effective 1/1/13)

**Rule 5.1.14 Credit for Performance of Community Service**

(Effective 7/1/19)

**DIVISION SIX - JUVENILE COURT RULES**

**Rule 6.1 GENERAL PROVISIONS**

**Rule 6.1.01 Supplement to Statutes and Rules**

(Effective 1/1/93) (Revised 7/1/95) (Renumbered 7/1/07)

**Rule 6.1.02 Judicial Administration**

(Effective 1/1/93) (7/1/00) (Revised 1/1/08) (Revised 1/1/11)



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**Rule 6.1.03 Filing of Papers**

(Effective 1/1/93) (Revised 7/1/00) (Revised 1/1/11)

**Rule 6.1.04 Motions**

(Effective 1/1/93)

**Rule 6.1.05 Motions for Continuances**

(Effective 1/1/93) (Revised 7/1/07) (Revised 1/1/15)

**Rule 6.1.06 Applications for Ex Parte Orders**

(Effective 1/1/93) (Revised 7/1/00) (Revised 7/1/07) (Revised 1/1/11) (Revised 7/1/19)

**Rule 6.1.07 Disclosure of Juvenile-Related Documents**

(Effective 7/1/95) (Revised 1/1/09)

**Rule 6.2 DEPENDENCY MATTERS**

**Rule 6.2.00 Collaborative Court**

(Effective 1/1/09)

**Rule 6.2.01 Confidentiality**

(Effective 1/1/93) (Revised 7/98) (Revised 1/1/09)

**Rule 6.2.02 Settlement Conferences**

(Effective 1/1/93) (Renumbered 7/1/07) (Revised & Renumbered 1/1/09)

**Rule 6.2.03 Access to Minors**

(Effective 1/1/93) (Renumbered 1/1/09)

**Rule 6.2.04 Calendar Priority**

(Effective 1/1/93) (New 1/1/09)

**Rule 6.2.05 Presence of Child in Court**

(Renumbered 1/1/09)

**Rule 6.2.06 Appointment of Attorneys: Screening and Training**

(Welfare & Institutions Code § 317.6; California Rule of Court 5.660)

(Effective 7/1/96) (Revised 7/1/07) (Revised & Renumbered 1/1/09) (Revised. 7/1/17)

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**Rule 6.2.07 All Attorneys: Qualifications and Continuing Education**

(Effective 7/1/96) (Revised 7/1/00) (Revised & Renumbered 1/1/09) (Revised 1/1/11)  
(Revised. 7/1/17)

**Rule 6.2.08 Client Complaints**

(Effective 7/1/96) (Revised & Renumbered 1/1/09)

**Rule 6.2.08 Advisement of Interests of the Child**

(Effective 7/1/96) (Revoked 1/1/09)

**Rule 6.2.09 Procedures in Contested Matters**

(Effective 7/1/96) (Revised 7/1/00) (Revised 1/1/09)

**Rule 6.2.10 Dependency Mediation**

(Effective 7/98) (Revised 1/1/09) (Revised 1/1/11)

**Rule 6.2.11 Mexican Consulate's Access to Juvenile Court Records**

(Effective 1/1/17)

**Rule 6.3 COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)**

(Welfare & Institutions Code § 356.5, California Rule of Court 5.655)

**Rule 6.3.01 The Advocate Program**

(Effective 1/1/93) (Revised 1/1/09)

**Rule 6.3.02 Child Advocates**

(Effective 1/1/93) (Revised 1/1/09) (Revised 7/1/18)

**Rule 6.3.03 Sworn Officer of the Court**

(Effective 1/1/93) (Revoked 1/1/09)

**Rule 6.3.04 Specific Duties**

(Effective 1/1/93) (Revoked 1/1/09)

**Rule 6.3.05 Release of Information to Advocate**

(Effective 1/1/93) (Revised 7/1/97) (Revoked 1/1/09)

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**Rule 6.3.06 Report of Child Abuse**

(Effective 1/1/93) (Revoked 1/1/09)

**Rule 6.3.07 Communication**

(Effective 1/1/93) (Revoked 1/1/09)

**Rule 6.3.08 Right to Timely Notice**

(Effective 1/1/93) (Revoked 1/1/09)

**Rule 6.3.09 Calendar Priority**

(Effective 1/1/93) (Revoked 1/1/09)

**Rule 6.3.10 Visitation Throughout Dependency**

(Effective 1/1/93) (Revoked 1/1/09)

**Rule 6.3.11 Family Law Advocacy**

(Effective 1/1/93) (Revoked 1/1/09)

**Rule 6.3.12 Right to Appear**

(Effective 1/1/93) (Revoked 1/1/09)

**Rule 6.4 JUVENILE JUSTICE MATTERS**

**Rule 6.4.01 All Attorneys: Qualifications and Continuing Education**

**(Welfare & Institutions Code § 634.3, California Rule of Court 5.664)**

(Effective. 7/1/17) (Revised 7/1/19)

**DIVISION SEVEN - ARBITRATION/MEDIATION**

**Rule 7.1 ARBITRATION/MEDIATION RULES**

**Rule 7.1.01 Policy Statement**

(Revised 1/1/97) (Revised 7/1/05) (Revised 1/1/09)

**Rule 7.1.02 Judicial Mediation**

(Effective 7/1/05) (Revised 7/1/15)

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**Rule 7.1.03 Judicial Mediation Briefs: Civil Cases**

(Effective 1/1/18) (Revised 7/1/19)

**Rule 7.1.04 Pro-Tem Panel Arbitration (Also known as Judicial Arbitration) and Panel Mediation**

(Effective 7/1/05) (Rev 7/1/07) (Revised 1/1/09) (Renumbered 1/1/18)

**DIVISION EIGHT - SUPERIOR COURT APPELLATE DIVISION**

**Rule 8.1 APPELLATE DIVISION PROCEDURES**

**Rule 8.1.01 General Rules**

(Renumbered/New 1/1/13) (Revised 1/1/15)

**Rule 8.1.02 Notice of Appeal**

(Effective 7/1/97) (Revised 1/1/11) (Renumbered 1/1/13)

**Rule 8.1.03 Ex Parte Applications**

(Revised 1/1/99) (Renumbered 1/1/13)

**Rule 8.1.04 Writ Proceedings**

(Revised 1/1/99) (Revised 1/1/11) (Renamed, Renumbered & Revised 1/1/13)

**Rule 8.1.05 Infraction Cases**

(Effective 1/1/11) (Renumbered & Revised 1/1/13)

**Rule 8.1.06 Appellate Record**

(Effective 1/1/13) (Revised 7/1/16)

**DIVISION NINE - MISCELLANEOUS**

**Rule 9.1.01 Tape Recordings as Evidence**

(Effective 1/1/88) (Revised 1/1/13) (Revised 1/1/18)

**Rule 9.1.02 Notice of Availability of Official Reporting Services**

(Effective 1/1/94) (Revised 7/1/02) (Repealed 7/1/07) (Revised 1/1/11) (Revised 7/1/14)  
(Revised 1/1/18) (Revised 1/1/19) (Revised 7/1/19)

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**Rule 9.1.03 Requests for Official Court Reporters for Civil Trials and Notices to Parties**

(Effective 1/1/11) (Revised 1/1/13) (Revoked 1/1/18 incorporated into 9.1.02)

**Rule 9.2.01 Recording in Court**

(Effective 7/1/05) (Revised 1/1/11)

**DIVISION TEN - ELECTRONIC RECORDING OF PROCEEDINGS**

**Rule 10.1 ELECTRONIC RECORDING OF COURT PROCEEDINGS**

**Rule 10.1.01 Authority For and Use of Electronic Recording**

(Revised 1/1/99) (Revised 7/1/07) (Revised 1/1/13)

**Rule 10.1.02 Equipment**

(Effective 1/1/90) (Revised 1/1/09)

**Rule 10.1.03 Monitors**

(Effective 1/1/90) (Revised 1/1/09)

**Rule 10.1.04 Monitor's Certificate**

(Effective 1/1/90) (Revised 1/1/98) (Revised 7/1/07) (Revised 1/1/09)

**Rule 10.1.05 Maintenance of Recordings**

(Revised 1/1/91) (Revised 1/1/98) (Revised & Renamed 1/1/09)

**Rule 10.1.06 Transcripts**

(Revised 1/1/99) (Revised 7/1/14)

**Rule 10.1.07 Transcription of Record**

(Effective 1/1/90)

**Rule 10.1.08 Official Court Reporters**

(Effective 1/1/90) (Revised 1/1/95) (Renumbered 1/1/08)

**Rule 10.1.09 Requests for Tapes**

(Revised 1/1/98) (Renumbered 1/1/08) (Revised 1/1/09)

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**DIVISION ELEVEN – EXHIBITS**

**Rule 11.1 EXHIBITS PRESENTED TO THE COURT**

**Rule 11.1.01 The Court’s Acceptance of Exhibits**

(Effective 1/1/11) (Revised 1/1/15) (Revised 7/1/18) (Revised 7/1/19)

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[Appendix B List of Local Forms](#)

Alphabetical List by Form Name

<u>FORM NAME</u>	<u>FORM NUMBER</u>	<u>MANDATORY/ OPTIONAL</u>	<u>REVISION DATE</u>	<u>DEPARTMENT</u>
ADDENDUM TO DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM	SUPCR 1105	Optional	1/20	Criminal
ADOPTION AGREEMENT (ADULT OR MARRIED MINOR)	SUPADOPT 101	Optional	2/20	Adoption
ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM (VEHICLE CODE 14601 ET SEQ.; VEHICLE CODE 12500(a))	SUPCR 1109	Optional	1/20	Criminal
ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM DEFERRED ENTRY OF JUDGMENT (PENAL CODE 1000 ET SEQ.)	SUPCR 1108	Optional	1/20	Criminal
ALTERNATIVE DISPUTE RESOLUTION INFORMATION PACKAGE: STIPULATION AND ORDER TO ATTEND JUDICIAL MEDIATION OR PRIVATE ARBITRATION	SUPCV 1012	Mandatory	1/20	Civil
AMENDMENT TO COMPLAINT, NAME CORRECTION	SUPCV 436	Optional	1/20	Civil
APPLICATION AND ORDER AUTHORIZING COST OF REPORTER'S TRANSCRIPT	SUPCR 1021	Optional	1/20	Criminal

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APPLICATION AND ORDER AUTHORIZING COST OF REPORTER'S TRANSCRIPT FOR APPEAL	SUPCR 1022	Optional	1/20	Criminal
APPLICATION AND ORDER FOR PUBLICATION OF SUMMONS OR CITATION	SUPCV 1041	Optional	1/20	Civil
APPLICATION AND ORDER REGARDING LOST WRIT	SUPCV 1104	Optional	1/20	Civil
APPLICATION AND ORDER TO SERVE SUMMONS BY POSTING FOR UNLAWFUL DETAINER	SUPCV 1097	Optional	1/20	Civil
APPLICATION AND STIPULATION FOR ORDER TO CONTINUE MEDIA TION HEARING AND/OR CASE MANAGEMENT CONFERENCE	SUPCV 1014	Mandatory	1/20	Civil
APPLICATION AND STIPULATION FOR ORDER TO CONTINUE STATUS CONFERENCE	SUPFL 1013	Mandatory	3/20	Family Law
APPLICATION AND STIPULATION FOR ORDER TO CONTINUE TRIAL	SUPCV 1013	Mandatory	1/20	Civil
APPLICATION FOR AUTHORIZATION TO ENTER JUDGMENT PRIOR TO ATTENDANCE AT CO-PARENTING CLASS AND ORDER	SUPFL 466	Optional	1/20	Family Law
APPLICATION FOR REAL PROPERTY EQUITY BOND AND DECLARATION OF PROPERTY OWNER	SUPCR 302	Optional	1/21	Criminal



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APPLICATION FOR REDESIGNATION OF MISDEMEANOR	SUPCR 1113	Optional	1/20	Criminal
ATTACHMENT – 2 <sup>ND</sup> CONSERVATOR INFORMATION	SUPPR 1085	Mandatory	1/20	Probate
ATTACHMENT – ADDITIONAL RELATIVES INFORMATION	SUPPR 1085	Mandatory	1/20	Probate
ATTACHMENT, DECLARATION IN SUPPORT OF GUARDIANSHIP	SUPPR 1077	Optional	1/20	Probate
CERTIFICATE OF ADOPTION	SUPADOPT 050	Optional	1/20	Adoption
CLERK'S CERTIFICATE OF ENTRY OF SATISFACTION OF JUDGMENT	SUPCV 0148	Optional	7/20	Civil
CLERK'S JUDGMENT ON SISTER STATE JUDGMENT	SUPCV 511	Optional	1/20	Civil
CONSENT OF SPOUSE TO ADOPTION (ADULT OR MARRIED MINOR)	SUPADOPT 102	Optional	2/20	Adoption
DECLARATION AND ORDER RE: MEDIATED AGREEMENT DEFAULT	SUPSC 024	Optional	1/20	Small Claims
DECLARATION IN SUPPORT OF REQUEST TO INPECT AND/OR COPY JUVENILE COURT RECORDS WITHOUT A COURT ORDER	SUPJV 801	Optional	1/20	Juvenile
DECLARATION OF DILIGENT SEARCH AND REQUEST TO DISPENSE WITH NOTICE	SUPPR 1095	Optional	1/20	Probate
DECLARATION OF DUE DILIGENCE	SUPCV 147	Optional	1/20	Civil

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DECLARATION OF ELIGIBILITY FOR REPRESENTATION IN DEPENDENCY COURT	SUPJV 800	Mandatory	1/20	Juvenile
DECLARATION OF JUDGMENT DEBTOR AND REQUEST TO ENTER SATISFACTION OF JUDGMENT	SUPSC 013	Mandatory	1/20	Small Claims
DECLARATION RE: NOTICE UPON EX PARTE APPLICATION FOR ORDERS	SUPCV 420	Mandatory	1/20	Civil
DECLARATION REGARDING SERVICE OF REQUEST TO RESCHEDULE A HEARING	SUPFL 1104	Optional	1/21	Family Law
DEED OF FULL RECONVEYANCE	SUPCR 306	Optional	1/21	Criminal
DEED OF TRUST	SUPCR 304	Optional	1/21	Criminal
DEFENDANT FINANCIAL ELIGIBILITY STATEMENT FOR APPOINTMENT OF COUNSEL AND REIMBURSEMENT	SUPCR 1127	Mandatory	1/20	Criminal
DUI ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM (VEHICLE CODE 23152)	SUPCR 1104	Optional	1/20	Criminal
DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (FIRST OFFENSE ONLY-VEHICLE CODE 23152)	SUPCR 1103	Optional	1/20	Criminal
DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (VEHICLE CODE 23153)	SUPCR 1106	Optional	1/20	Criminal

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EX PARTE APPLICATION AND ORDER TO SEAL AN UNLAWFUL DETAINER	SUPCV 1098	Optional	1/20	Civil
FAMILY LAW PARENTAGE JUDGMENT CHECKLIST	SUPFL 400	Optional	7/20	Family Law
LANGUAGE ACCESS SERVICES COMPLAINT FORM	SUPAD 200	Optional	1/20	Administration
LANGUAGE ACCESS SERVICES COMPLAINT FORM SPANISH	SUPAD 200-S	Optional	1/20	Administration
JUDGE'S TRANSCRIPT REQUEST AND ORDER	SUPCR 1023	Optional	1/20	Criminal
MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM	SUPCR 1107	Optional	1/20	Criminal
MODIFICATION REQUEST FORM: CRIMINAL/MINOR VIOLATION/ TRAFFIC	SUPTMV 056	Optional	1/20	Traffic
MOTION TO REDUCE FELONY TO A MISDEMEANOR	SUPCR 1128	Optional	1/20	Criminal
MOTION TO TERMINATE PROBATION	SUPCR 1122	Optional	12/20	Criminal
NOTICE OF PARKING APPEAL	SUPTMV 041	Mandatory	1/20	Traffic
NOTICE OF RESIDENCE, LPS CONSERVATORSHIP	SUPPR 714	Mandatory	1/20	Probate
OBJECTION TO PETITION FOR VISITATION GUARDIANSHIPS	SUPPR 1071	Optional	1/20	Probate
ORDER AFTER HEARING (CIVIL)	SUPCV 1099	Optional	1/20	Civil
ORDER APPROVING PROPERTY BOND AND FOR RELEASE OF DEFENDANT	SUPCR 305	Optional	1/21	Criminal

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ORDER DETERMINING CLAIM OF EXEMPTION ENFORCEMENT OF JUDGMENT	SUPCV 429	Optional	1/20	Civil
ORDER FOR RELEASE OF RENTS POSTED WITH COURT	SUPCV 435	Optional	1/20	Civil
ORDER OF ADOPTION (ADULT OR MARRIED MINOR)	SUPADOPT 103	Optional	2/20	Adoption
ORDER OF APPOINTMENT OF ATTORNEY PURSUANT TO W&I CODE 317	SUPJV 700		1/21	Juvenile
ORDER ON PETITION OR APPLICATION	SUPCR 1115	Optional	1/20	Criminal
ORDER REDUCING FELONY TO A MISDEMEANOR	SUPCR 1129	Optional	1/20	Criminal
ORDER SEALING ARREST RECORDS	SUPCR 1125	Optional	1/20	Criminal
ORDER TERMINATING PROBATION	SUPCR 1123	Optional	1/20	Criminal
ORDER TO REMOVE ATTACHMENTS, SEAL, REDACT	SUPFL 1094	Mandatory	1/20	DCSS
PETITION FOR APPROVAL OF ADOPTION AGREEMENT (ADULT OR MARRIED MINOR)	SUPADOPT 100	Optional	2/20	Adoption
PETITION FOR AUTHORIZATION TO INSPECT ADOPTION AND BIRTH RECORDS INFORMATION AND TO OBTAIN COPIES	SUPADOPT 051	Mandatory	1/20	Adoption
PETITION FOR REAPPOINTMENT OF CONSERVATOR AND NOTICE OF HEARING	SUPPR 410	Optional	1/20	Probate
PETITION FOR RESENTENCING	SUPCR 1112	Optional	1/20	Criminal

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PETITION FOR VISITING, OTHER CONTACT, MODIFICATION OF VISITATION ORDER, GUARDIANSHIP	SUPPR 1074	Optional	1/20	Probate
PETITION TENDERING RESIGNATION OF GUARDIAN	SUPPR 1075	Optional	1/20	Probate
PETITION TO REMOVE GUARDIAN OR CONSERVATOR	SUPPR 1076	Optional	1/20	Probate
PETITION TO SEAL ARREST RECORDS	SUPCR 1125	Optional	12/20	Criminal
PETITION TO VACATE CIVIL ASSESSMENT/ MODIFY FINE AMOUNT	SUPTMV 61	Optional	1/20	Traffic
PLEA FORM: TRAFFIC AND MINOR VIOLATION	SUPTMV 057	Optional	11/20	Traffic
PLEADING OBJECTION TO GUARDIANSHIP, CONSERVATORSHIP	SUPPR 1070	Optional	1/20	Probate
PLEADING OBJECTION TO PETITION TO REMOVE, GUARDIANSHIP and CONSERVATORSHIP	SUPPR 1072	Optional	1/20	Probate
PLEADING OBJECTION TO PETITION TO TERMINATE, Guardian and Conservatorship	SUPPR 1073	Optional	1/20	Probate
PROCEDURE TO OBTAIN APPROVAL OF A PROPERTY BOND	SUPCR 301	Optional	1/21	Criminal
PROMISSORY NOTE	SUPCR 303	Optional	1/21	Criminal
REFERAL TO COURT INVESTIGATOR - CONFIDENTIAL	SUPPR 1085	Mandatory	1/20	Probate

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REQUEST AND ORDER FOR DEFAULT HEARING	SUPFL 1103	Optional	3/20	Family Law
REQUEST AND ORDER TO AMEND NAME AFTER JUDGMENT	SUPSC 008	Optional	1/20	Small Claims
REQUEST AND ORDER TO CALENDAR – ATTORNEY USE ONLY	SUPCR 0205	Mandatory	1/20	Criminal
REQUEST FOR CERTIFIED MAIL SERVICE	SUPSC 002	Optional	1/20	Small Claims
REQUEST FOR COURT PROCEEDING TO BE TRANSCRIBED	SUPAD 347	Mandatory	1/20	Administration
REQUEST FOR COURT REPORTER BY PARTY WITH FEE WAIVER	SUPAD 004	Mandatory	1/20	Administration
REQUEST FOR ELECTRONIC AUDIO CD OF COURT PROCEEDING	SUPAD 001	Optional	1/20	Administration
REQUEST FOR HEARING ON PROTECTIVE ORDER MODIFICATION	SUPCR 1126	Optional	1/20	Criminal
REQUEST FOR TRIAL - FAMILY LAW	SUPFL 1042	Optional	1/20	Family Law
REQUEST/ORDER TO CALENDAR CASE (DEPENDENCY ATTORNEY ONLY)	SUPJV 0835	Optional	1/20	Juvenile
RESEARCH AND COPY REQUEST FORM	SUPAD 981	Optional	1/20	Admin
RESPONSE TO PETITION OR APPLICATION	SUPCR 1114	Optional	1/20	Criminal
SEEK WORK ORDER AND REPORT	SUPFL 1102	Optional	1/20	Family Law

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SMALL CLAIMS FILING INFORMATION	SUPSC 001	Optional	1/20	Small Claims
SMALL CLAIMS MEDIATION PROGRAM INFORMATION	SUPSC 005	Optional	1/20	Small Claims
STATUS CONFERENCE STATEMENT - FAMILY LAW	SUPFL 1034	Mandatory	1/20	Family Law
STIPULATION AND ORDER	SUPFL 1088	Optional	1/20	Family Law
STIPULATION AND ORDER (CIVIL)	SUPCV 1100	Optional	1/20	Civil
STIPULATION AND ORDER TO CHILD CUSTODY RECOMMENDING COUNSELING	SUPFL 0967	Optional	11/20	Family Law
STIPULATION TO VACATE JUDGMENT AND ORDER THEREON	SUPSC 025	Optional	1/20	Small Claims
TERMINATION OF PARENTAL RIGHTS-JUVENILE	SUPJV 1031	Optional	1/20	Juvenile
VISITATION ATTACHMENT A, GUARDIANSHIP	SUPPR 1079	Optional	1/20	Probate
VISITATION ORDER GUARDIANSHIP	SUPPR 1078	Optional	1/20	Probate
WAIVER OF ARRAIGNMENT	SUPTMV 060	Optional	1/20	Traffic
WAIVER OF NOTICE (PROBATE)	SUPPR 1080	Optional	1/20	Probate
WAIVER OF DEFENDANT'S PERSONAL APPEARANCE	SUPCR 321	Mandatory	11/20	Criminal
WAIVER OF OFFICIAL REPORTER IN FELONY PROCEEDINGS	SUPCR 1116	Optional	1/20	Criminal
WHY IS YOUR BAIL FINE SO MUCH?	SUPTMV 051	Optional	1/20	Traffic

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FORM NAME	FORM NUMBER	MANDATORY/ OPTIONAL	REVISION DATE	DEPARTMENT
REQUEST FOR ELECTRONIC AUDIO CD OF COURT PROCEEDING	SUPAD 001	Optional	1/20	Administration
REQUEST FOR COURT REPORTER BY PARTY WITH FEE WAIVER	SUPAD 004	Mandatory	1/20	Administration
LANGUAGE ACCESS SERVICES COMPLAINT FORM	SUPAD 200	Optional	1/20	Administration
LANGUAGE ACCESS SERVICES COMPLAINT FORM SPANISH	SUPAD 200-S	Optional	1/20	Administration
REQUEST FOR COURT PROCEEDING TO BE TRANSCRIBED	SUPAD 347	Mandatory	1/20	Administration
RESEARCH AND COPY REQUEST FORM	SUPAD 0981	Optional	1/20	Administration
CERTIFICATE OF ADOPTION	SUPADOPT 050	Optional	1/20	Adoption
PETITION FOR AUTHORIZATION TO INSPECT ADOPTION AND BIRTH RECORDS INFORMATION AND TO OBTAIN COPIES	SUPADOPT 051	Mandatory	1/20	Adoption
PETITION FOR APPROVAL OF ADOPTION AGREEMENT (ADULT OR MARRIED MINOR)	SUPADOPT 100	Optional	2/20	Adoption
ADOPTION AGREEMENT (ADULT OR MARRIED MINOR)	SUPADOPT 101	Optional	2/20	Adoption



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CONSENT OF SPOUSE TO ADOPTION (ADULT OR MARRIED MINOR)	SUPADOPT 102	Optional	2/20	Adoption
ORDER OF ADOPTION (ADULT OR MARRIED MINOR)	SUPADOPT 103	Optional	2/20	Adoption
REQUEST AND ORDER TO CALENDAR – ATTORNEY USE ONLY	SUPCR 0205	Mandatory	1/20	Criminal
PROCEDURE TO OBTAIN APPROVAL OF A PROPERTY BOND	SUPCR 301	Optional	1/21	Criminal
APPLICATION FOR REAL PROPERTY EQUITY BOND AND DECLARATION OF PROPERTY OWNER	SUPCR 302	Optional	1/21	Criminal
PROMISSORY NOTE	SUPCR 303	Optional	1/21	Criminal
DEED OF TRUST	SUPCR 304	Optional	1/21	Criminal
ORDER APPROVING PROPERTY BOND AND FOR RELEASE OF DEFENDANT	SUPCR 305	Optional	1/21	Criminal
DEED OF FULL RECONVEYANCE	SUPCR 306	Optional	1/21	Criminal
WAIVER OF DEFENDANT'S PERSONAL APPEARANCE	SUPCR 321	Mandatory	11/20	Criminal
APPLICATION AND ORDER AUTHORIZING COST OF REPORTER'S TRANSCRIPT	SUPCR 1021	Optional	1/20	Criminal

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APPLICATION AND ORDER AUTHORIZING COST OF REPORTER'S TRANSCRIPT FOR APPEAL	SUPCR 1022	Optional	1/20	Criminal
JUDGE'S TRANSCRIPT REQUEST AND ORDER	SUPCR 1023	Optional	1/20	Criminal
DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (FIRST OFFENSE ONLY- VEHICLE CODE 23152)	SUPCR 1103	Optional	1/20	Criminal
DUI ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM (VEHICLE CODE 23152)	SUPCR 1104	Optional	1/20	Criminal
ADDENDUM TO DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM	SUPCR 1105	Optional	1/20	Criminal
DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (VEHICLE CODE 23153)	SUPCR 1106	Optional	1/20	Criminal
MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM	SUPCR 1107	Optional	1/20	Criminal
ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM DEFERRED ENTRY OF JUDGMENT (PENAL CODE 1000 ET SEQ.)	SUPCR 1108	Optional	1/20	Criminal
ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM (VEHICLE CODE 14601 ET SEQ.; VEHICLE CODE 12500(a))	SUPCR 1109	Optional	1/20	Criminal
PETITION FOR RESENTENCING	SUPCR 1112	Optional	1/20	Criminal
APPLICATION FOR REDESIGNATION OF MISDEMEANOR	SUPCR 1113	Optional	1/20	Criminal

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RESPONSE TO PETITION OR APPLICATION	SUPCR 1114	Optional	1/20	Criminal
ORDER ON PETITION OR APPLICATION	SUPCR 1115	Optional	1/20	Criminal
WAIVER OF OFFICIAL REPORTER IN FELONY PROCEEDINGS	SUPCR 1116	Optional	1/20	Criminal
MOTION TO TERMINATE PROBATION	SUPCR 1122	Optional	12/20	Criminal
ORDER TERMINATING PROBATION	SUPCR 1123	Optional	1/20	Criminal
PETITION TO SEAL ARREST RECORDS	SUPCR 1124	Optional	12/20	Criminal
ORDER SEALING ARREST RECORDS	SUPCR 1125	Optional	1/20	Criminal
REQUEST FOR HEARING ON PROTECTIVE ORDER MODIFICATION	SUPCR 1126	Optional	1/20	Criminal
DEFENDANT FINANCIAL ELIGIBILITY STATEMENT FOR APPOINTMENT OF COUNSEL AND REIMBURSEMENT	SUPCR 1127	Mandatory	1/20	Criminal
MOTION TO REDUCE FELONY TO MISDEMEANOR	SUPCR 1128	Optional	1/20	Criminal
ORDER REDUCING FELONY TO A MISDEMEANOR	SUPCR 1129	Optional	1/20	Criminal
DECLARATION OF DUE DILIGENCE	SUPCV 0147	Optional	1/20	Civil
CLERK'S CERTIFICATE OF ENTRY OF SATISFACTION OF JUDGMENT	SUPCV 0148	Optional	7/20	Civil

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DECLARATION RE: NOTICE UPON EX PARTE APPLICATION FOR ORDERS	SUPCV 0420	Mandatory	1/20	Civil
ORDER DETERMINING CLAIM OF EXEMPTION ENFORCEMENT OF JUDGMENT	SUPCV 0429	Optional	1/20	Civil
ORDER FOR RELEASE OF RENTS POSTED WITH COURT	SUPCV 0435	Optional	1/20	Civil
AMENDMENT TO COMPLAINT, NAME CORRECTION	SUPCV 0436	Optional	1/20	Civil
CLERK'S JUDGMENT ON SISTER STATE JUDGMENT	SUPCV 0511	Optional	1/20	Civil
ALTERNATIVE DISPUTE RESOLUTION INFORMATION PACKAGE: STIPULATION AND ORDER TO ATTEND JUDICIAL MEDIATION OR PRIVATE ARBITRATION	SUPCV 1012	Mandatory	1/20	Civil
APPLICATION AND STIPULATION FOR ORDER TO CONTINUE TRIAL	SUPCV 1013	Mandatory	1/20	Civil
APPLICATION AND STIPULATION FOR ORDER TO CONTINUE MEDIATIO N HEARING AND/OR CASE MANAGEMENT CONFERENCE	SUPCV 1014	Mandatory	1/20	Civil
APPLICATION AND ORDER FOR PUBLICATION OF SUMMONS OR CITATION	SUPCV 1041	Optional	1/20	Civil
APPLICATION AND ORDER TO SERVE SUMMONS BY POSTING FOR UNLAWFUL DETAINER	SUPCV 1097	Optional	1/20	Civil
EX PARTE APPLICATION AND ORDER TO SEAL AN UNLAWFUL DETAINER	SUPCV 1098	Optional	1/20	Civil
ORDER AFTER HEARING (CIVIL)	SUPCV 1099	Optional	1/20	Civil

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STIPULATION AND ORDER (CIVIL)	SUPCV 1100	Optional	1/20	Civil
APPLICATION AND ORDER REGARDING LOST WRIT	SUPCV 1104	Optional	1/20	Civil
FAMILY LAW PARENTAGE JUDGMENT CHECKLIST	SUPFL 400	Optional	7/20	Family Law
APPLICATION FOR AUTHORIZATION TO ENTER JUDGMENT PRIOR TO ATTENDANCE AT CO-PARENTING CLASS AND ORDER	SUPFL 0466	Optional	1/20	Family Law
STIPULATION AND ORDER TO CHILD CUSTODY RECOMMENDING COUNSELING	SUPFL 0967	Optional	11/20	Family Law
APPLICATION AND STIPULATION FOR ORDER TO CONTINUE STATUS CONFERENCE	SUPFL 1013	Mandatory	3/20	Family Law
STATUS CONFERENCE STATEMENT - FAMILY LAW	SUPFL 1034	Mandatory	1/20	Family Law
REQUEST FOR TRIAL - FAMILY LAW	SUPFL 1042	Optional	1/20	Family Law
STIPULATION AND ORDER	SUPFL 1088	Optional	1/20	Family Law
ORDER TO REMOVE ATTACHMENTS, SEAL, DEDACT	SUPFL 1094	Mandatory	1/20	DCSS
SEEK WORK ORDER AND REPORT	SUPFL 1102	Optional	1/20	Family Law
REQUEST AND ORDER FOR DEFAULT HEARING	SUPFL 1103	Optional	3/20	Family Law
DECLARATION REGARDING SERVICE OF REQUEST TO RESCHEDULE A HEARING	SUPFL 1104	Optional	1/21	Family Law

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ORDER OF APPOINTMENT OF ATTORNEY PURSUANT TO W&I CODE 317	SUPJV 700		1/21	Juvenile
DECLARATION OF ELIGIBILITY FOR REPRESENTATION IN DEPENDENCY COURT	SUPJV 800	Mandatory	1/20	Juvenile
DECLARATION IN SUPPORT OF REQUEST TO INSPECT AND/OR COPY JUVENILE COURT RECORDS WITHOUT A COURT ORDER	SUPJV 801	Optional	1/20	Juvenile
REQUEST/ORDER TO CALENDAR CASE (DEPENDENCY ATTORNEY ONLY)	SUPJV 0835	Optional	1/20	Juvenile
TERMINATION OF PARENTAL RIGHTS-JUVENILE	SUPJV 1031	Optional	1/20	Juvenile
PETITION FOR REAPPOINTMENT OF CONSERVATOR AND NOTICE OF HEARING	SUPPR 0410	Optional	1/20	Probate
NOTICE OF RESIDENCE, LPS CONSERVATORSHIP	SUPPR 0714	Mandatory	1/20	Probate
PLEADING OBJECTION TO GUARDIANSHIP, CONSERVATORS HIP	SUPPR 1070	Optional	1/20	Probate
OBJECTION TO PETITION FOR VISITATION GUARDIANSHIPS	SUPPR 1071	Optional	1/20	Probate
PLEADING OBJECTION TO PETITION TO REMOVE, Guardian and Conservatorship	SUPPR 1072	Optional	1/20	Probate
PLEADING OBJECTION TO PETITION TO TERMINATE, Guardian and Conservatorship	SUPPR 1073	Optional	1/20	Probate

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PETITION FOR VISITING, OTHER CONTACT, MODIFICATION OF VISITATION ORDER, GUARDIANSHIP	SUPPR 1074	Optional	1/20	Probate
PETITION TENDERING RESIGNATION OF GUARDIAN	SUPPR 1075	Optional	1/20	Probate
PETITION TO REMOVE GUARDIAN OR CONSERVATOR	SUPPR 1076	Optional	1/20	Probate
ATTACHMENT, DECLARATION IN SUPPORT OF GUARDIANSHIP	SUPPR 1077	Optional	1/20	Probate
VISITATION ORDER GUARDIANSHIP	SUPPR 1078	Optional	1/20	Probate
VISITATION ATTACHMENT A, GUARDIANSHIP	SUPPR 1079	Optional	1/20	Probate
WAIVER OF NOTICE (PROBATE)	SUPPR 1080	Optional	1/20	Probate
REFERRAL TO COURT INVESTIGATOR	SUPPR 1085	Mandatory	1/20	Probate
ATTACHMENT – 2 <sup>ND</sup> CONSERVATOR INFORMATION	SUPPR 1085	Mandatory	1/20	Probate
ATTACHMENT – ADDITIONAL RELATIVES INFORMATION	SUPPR 1085	Mandatory	1/20	Probate
DECLARATION OF DILIGENT SEARCH AND REQUEST TO DISPENSE WITH NOTICE	SUPPR 1095	Optional	1/20	Probate
SMALL CLAIMS FILING INFORMATION	SUPSC 001	Optional	1/20	Small Claims
REQUEST FOR CERTIFIED MAIL SERVICE	SUPSC 002	Optional	1/20	Small Claims
SMALL CLAIMS MEDIATION PROGRAM INFORMATION	SUPSC 005	Optional	1/20	Small Claims
REQUEST AND ORDER TO AMEND NAME AFTER JUDGMENT	SUPSC 008	Optional	1/20	Small Claims

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DECLARATION OF JUDGMENT DEBTOR AND REQUEST TO ENETR SATISFACTION OF JUDGMENT	SUPSC 013	Mandatory	1/20	Small Claims
DECLARATION AND ORDER RE: MEDIATED AGREEMENT DEFAULT	SUPSC 024	Optional	1/20	Small Claims
STIPULATION TO VACATE JUDGMENT AND ORDER THEREON	SUPSC 025	Optional	1/20	Small Claims
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WHY IS YOUR BAIL FINE SO MUCH?	SUPTMV 051	Optional	1/20	Traffic
MODIFICATION REQUEST FORM: CRIMINAL/MINOR VIOLATION/ TRAFFIC	SUPTMV 056	Optional	11/20	Traffic
PLEA FORM: TRAFFIC AND MINOR VIOLATION	SUPTMV 057	Optional	11/20	Traffic
WAIVER OF ARRAIGNMENT	SUPTMV 060	Optional	1/20	Traffic
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