

INVITATION TO COMMENT

The Superior Court of California, County of Solano, invites comments on proposed revisions to the court's local rules **effective January 1, 2016**.

CONTENTS

- Text of Proposed Changes to Local Rules (8 pages):
 - Rule 3.9 (Civil)
 - Rule 5.4 (Family)
 - Standing order 2015-001-FL (Family)
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- Response Form to Proposed Revisions (1 page)

ALL COMMENTS MUST BE RECEIVED BY

5:00 p.m. on Monday, November 16, 2015

**Superior Court of California
County of Solano**

Rule 3 – Civil Cases

3.9 TENTATIVE RULINGS

a. AVAILABILITY OF TENTATIVE RULINGS

Per California Rules of Court, rule 3.1308, the court has adopted a tentative rulings procedure for civil law and motion. A tentative ruling on a civil matter will be available after 2:00 p.m. on the court day immediately preceding the scheduled hearing on that matter by signing onto the court’s web site at www.solano.courts.ca.gov and selecting “Tentative Rulings,” or by telephoning (707) 207-7331. Tentative rulings will not be posted for unlawful detainer matters. *(Subd (a) amended effective July 1, 2015; adopted as Rule 3.14 effective January 1, 1998; previously amended effective October 1, 2002; amended and relettered effective January 1, 2010; previously amended effective July 1, 2011, January 1, 2012, and July 1, 2013.)*

b. NOTIFICATION OF INTENT TO APPEAR AT HEARING

The tentative ruling shall become the ruling of the court unless a party desiring to be heard notifies the court and all other parties of the party’s intention to appear.

The party desiring to be heard shall advise the court of his or her intention to appear by either:

- (1) Submitting a Request for Oral Argument through the court’s website; or,
- (2) Telephoning the department hearing the matter ~~so advises the judicial assistant of the department hearing the matter~~ at the telephone number indicated in the tentative ruling no later than 4:30 p.m. on the court day preceding the hearing.

In either case, the party giving notice of his or her intention to appear shall advise the court that the party has notified all other parties of the party’s intention to appear and argue. ~~, and further advises that such party has notified all other parties of its intention to appear and argue.~~

(Subd (b) amended effective January 1, 2016~~July 1, 2010~~; adopted as Rule 3.15 effective January 1, 1998; relettered as subd (b) effective January 1, 2010; previously amended effective July 1, 2010.)

c. ARGUMENT ON TENTATIVE RULING

Where an appearance has been requested or invited by the court, limited argument will be entertained, not to exceed 20 minutes per case. Appearances may be made telephonically, in accordance with California Rules of Court, rule 3.670 and Solano County Local Rules, rule 4.12(h), unless the court orders a personal appearance. *(Subd (c) amended effective July 1, 2011; adopted as Rule 3.16 effective January 1, 1998; previously amended effective January 1, 2009; relettered effective January 1, 2010.)*

**Superior Court of California
County of Solano**

Rule 3 – Civil Cases

d. NOTICE OF TENTATIVE RULINGS SYSTEM TO BE INCLUDED IN NOTICE OF MOTION

All motions shall include notice of this local rule in substantially the following form: “Notice: The Superior Court in and for Solano County has adopted a tentative rulings system that is described in the court’s local Rule 3.9. Failure to comply with Rule 3.9 may seriously affect parties’ rights in this case.”

(Subd. (d) adopted effective January 1, 2012.)

(Rule 3.9 amended effective ~~July 1, 2013~~ January 1, 2016; adopted as Rule 3.14 effective January 1, 1998; previously amended effective October 1, 2002; amended and renumbered as Rule 3.9 effective January 1, 2010; amended effective July 1, 2010, July 1, 2011, ~~and~~ January 1, 2012, July 1, 2013, and July 1, 2015.)

3.10 TELEPHONIC APPEARANCES

Litigants wishing to appear by telephone per California Rules of Court, rule 3.670, shall do so through CourtCall LLC, a private telephonic appearance provider with whom the court has contracted, unless the court has designated a different provider. The telephone number of CourtCall is (888) 88-COURT or (310) 342-0888. Counsel wishing to avail themselves of this service shall note and follow the rules and schedule of the individual department concerning the use of CourtCall, and shall be solely responsible for all fees and costs charged by CourtCall for this service.

(Rule 3.10 adopted effective July 1, 2014.)

3.11 FAILURE TO NOTIFY COURT WHEN ATTORNEY CANNOT BE PRESENT SHALL BE DEEMED SUFFICIENT CAUSE TO ORDER OFF CALENDAR

If an attorney cannot be present on time at the call of the matter on calendar, he or she must, prior to the call, inform the courtroom clerk of that department of the reason for and extent of such delay. Failure to appear or furnish such information shall be deemed sufficient cause for ordering the matter off calendar or for proceeding to hear the matter in the absence of counsel, as the court, in its discretion, may determine.

(Rule 3.11 renumbered effective January 1, 2010; adopted as Rule 3.19 effective January 1, 1998.)

3.12 OFF CALENDAR

**Superior Court of California
County of Solano**

**Rule 5 – Family Law
PART ONE: Family Law Proceedings Generally**

5.4 APPLICATIONS FOR EMERGENCY ORDERS (EX PARTE ORDERS)

a. **APPLICABILITY**

All parties shall comply with the provisions in Chapter 7 of Division 1 of Title 5 of the California Rules of Court and with these local rules.

(Subd (a) amended effective July 1, 2014; adopted effective January 1, 2013.)

b. **GENERAL STATEMENT REGARDING EMERGENCY ORDERS**

Applications for emergency orders are appropriate only if needed to prevent an immediate danger or irreparable harm to a party or to the children involved in the matter, prevent immediate loss or damage to property subject to disposition in the case, shorten time for hearing or service, or continue a hearing or trial.

(Subd (b) adopted effective July 1, 2014; previous subd (b) relettered as subd (c) effective January 1, 2014.)

c. **PROCEDURES FOR REQUESTING EMERGENCY ORDERS**

All parties shall comply with the following procedures:

- (1) Requests for emergency orders will be considered every court day at specific times set by each department. Those times will be available on the court's website at www.solano.courts.ca.gov, or by telephoning the individual department. ~~Per California Rules of Court, rule 5.169, the judicial officer may decide the emergency order request based on the documents submitted, or may have a hearing prior to making a decision on the request.~~
- (2) The original *Request for Order* plus two copies and any other documents required by statute or California Rules of Court plus two copies of each document shall be submitted through the Family Law Division's clerk's office. Unless the moving party has a valid fee waiver order on file or submits a fee waiver concurrently with the *Request for Order*, the moving party is required to pay all the applicable fees set by law at the time the *Request for Order* is submitted to the Family Law Division's clerk's office.
- (3) If the *Request for Order* seeking emergency orders is submitted directly to the Family Law Division clerk's office with sufficient time for the requesting party to provide notice to the other party before 10:00 a.m. that day, during its normal business hours, the emergency order hearing will be set for the next court day.

**Superior Court of California
County of Solano**

**Rule 5 – Family Law
PART ONE: Family Law Proceedings Generally**

If the *Request for Order* seeking emergency orders is submitted to the Family Law Division clerk’s office after 10:00 a.m., ~~outside its normal business hours (e.g. through the drop box)~~, the emergency order hearing will be set two court days out.

(4) Before the ex parte hearing, the moving party shall file a declaration under penalty of perjury indicating whether or not notice of the ex parte hearing was given. The moving party may satisfy this requirement by filing a completed *Declaration Re Notice Upon Application For Emergency Orders (Family Law)* (local form 5006-FL), a completed Judicial Council form approved for this purpose, or a declaration in compliance with California Rules of Court, rule 5.151(e)(2).

Papers submitted to the courthouse on:		Emergency hearing will be on:
Monday	During business hours →	Tuesday*
	Outside business hours →	Wednesday*
Tuesday	During business hours →	Wednesday*
	Outside business hours →	Thursday*
Wednesday	During business hours →	Thursday*
	Outside business hours →	Friday*
Thursday	During business hours →	Friday*
	Outside business hours →	Monday*
Friday	During business hours →	Monday*
	Outside business hours →	Tuesday*
* If this day is a court holiday, the hearing will be on the next court day (i.e. Wednesday instead of Tuesday, Thursday instead of Wednesday, etc.)		

(Subd (c) amended effective January 1, 2016~~July 1, 2014~~; adopted effective January 1, 2013; previously amended July 1, 2014.)

(Rule 5.4 amended effective January 1, 2016~~July 1, 2014~~; adopted effective January 1, 2013, previously amended July 1, 2014.)

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BY S/ones
DEPUTY CLERK

1
2
3
4
5 **IN THE SUPERIOR COURT OF CALIFORNIA**
6 **IN AND FOR THE COUNTY OF SOLANO**
7

8 In Re: All Matters Involving the Solano County
9 Department of Child Support Services

Standing Order No. 2015-001-FL

10 **STANDING ORDER**
11 **INCORPORATING SOLANO COUNTY**
12 **DCSS ADDITIONAL ORDERS INTO**
13 **ALL SOLANO COUNTY DCSS**
14 **JUDGMENTS AND ORDERS**

15 **TO ALL PARTIES IN MATTERS INVOLVING THE SOLANO COUNTY**
16 **DEPARTMENT OF CHILD SUPPORT SERVICES:**

- 17 1. Whereas the Solano County Department of Child Support Services (“DCSS”) has a set
18 of standard orders routinely included in its petitions, orders, and judgments;
19 2. Whereas recent changes to the formatting and method of filing of petitions, orders, and
20 judgments do not provide space for the inclusion of said standard orders; and,
21 3. Good cause exists to continue including such standard orders in future petitions, orders,
22 and judgments;

23 **IT IS HEREBY ORDERED:**

- 24 1. Effective August 1, 2015, the Solano County Department of Child Support Services
25 standard orders shall be incorporated by reference as orders of this court in all judgments and
orders made in proceedings where the Solano County Department of Child Support Services is

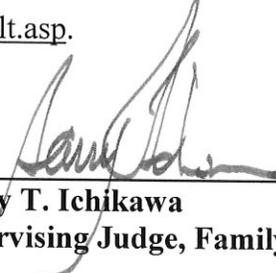
1 a party or a substitute payee and where the inclusion of such orders was requested in a petition
2 (including any amended petitions), supplemental complaint(s), or in a *Request for Order*.

3 Petitions, supplemental complaints, or *Request for Order* forms filed on or after August 1, 2015
4 shall include the website where the standing orders may be accessed by the public. All orders
5 and judgments filed on or after August 1, 2015 shall include the website where the standing
6 orders may be accessed by the public.

7 2. The Solano County Department of Child Support Services shall post a copy of this
8 Order and a copy of said Standard Orders on the Solano County Department of Child support
9 website: www.solanocounty.com/depts/dcss/default.asp.

10
11 **Date:**

July 31, 2015



Garry T. Ichikawa
Supervising Judge, Family Law Division

**Superior Court of California
County of Solano**

Rule 7 – Probate

PART ONE: Probate Proceedings Generally

7.8 PROBATE NOTES AND PREGRANTS IN PROBATE MATTERS

Probate notes on selected probate matters will be available approximately one week prior to the scheduled hearing date. The availability of probate notes may fluctuate depending on the court’s calendars and staffing availability. Probate notes are available by signing onto the court’s web site at www.solano.courts.ca.gov and selecting the link for “Probate Notes and Pre-grants” (next to “Tentative Rulings”).

Pregrant orders are the court’s tentative rulings on decedent estates, trusts, and miscellaneous probate petitions. Pregrant orders are not posted for conservatorship or guardianship matters. A pregrant order on a probate matter will be available after 2:00 p.m. on the court day immediately preceding the scheduled hearing by signing onto the court’s web site at www.solano.courts.ca.gov and clicking “Tentative Rulings” selecting the link for “Probate Notes and Pre-grants” (next to “Tentative Rulings”) or by telephoning the court at (707) 207-7331.

(Rule 7.8 amended effective January 1, ~~2016~~2012; adopted effective July 1, 2009; previously amended effective January 1, 2010 and January 1, 2012.)

7.9 APPEARANCES AT HEARINGS

a. HEARINGS WHERE APPEARANCE NOT REQUIRED

Those matters which by law may be determined upon verification and without testimony shall be submitted for appropriate action by the court without appearance by counsel or witnesses, provided that counsel or the petitioning party accomplish both of the following:

- (1) All declarations, affidavits, consents, waivers, proposed orders and other necessary papers shall be filed with the Clerk of the Court no later than four full court days prior to the hearing.
- (2) The verified petition or an accompanying affidavit signed by the petitioner or by the personal representative or by counsel of record for either of said persons shall set forth the information necessary to establish the amount of bond, if one is required.

All probate matters shall be non-appearance except as stated in Solano County Local Rules, rule 7.9, subdivision (b), or where an appearance is required by the court.

(Subd (a) amended effective July 1, 2009; adopted effective July 1, 1989; previously amended effective January 1, 2009.)

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART ONE: Guardianships

(Rule 15.5 amended effective January 1, 2013; previously adopted as Rule 7.54 effective July 1, 1989; previously renumbered as Rule 7.56 effective July 1, 2008; previously readopted as Rule 15.5 effective July 1, 2009; amended effective January 1, 2010.)

15.6 TEMPORARY GUARDIANSHIPS

a. **SETTING HEARING ON TEMPORARY GUARDIANSHIPS**

Unless otherwise ordered by the court, hearings on temporary guardianships shall normally be set within 21 days ~~six to eight court~~ days from the date the petition for a temporary guardianship is filed.

(Subd (a) adopted effective January 1, ~~2016~~2013; previous subd (a) adopted effective July 1, 2009; previous subd (a) repealed effective January 1, 2013; amended effective January 1, 2013.)

b. **EX PARTE APPLICATIONS FOR ORDERS WAIVING OR SHORTENING NOTICE, OR MODIFYING THE METHOD OF NOTICE**

In addition to the Judicial Council and local forms required for temporary guardianships, a petitioner seeking an ex parte order waiving or shortening notice or modifying the method of notice of the hearing on the temporary guardianship shall ~~be required to~~ file an *Ex Parte Application to Waive or Shorten Notice of Hearing on Temporary Guardianship or Conservatorship* (Solano County Local Form no. 3710).

~~The emergency order procedure set forth in Local Rule 5.4 shall apply to all applications to waive or shorten notice, or to modify the method of notice, filed in guardianships.~~

(Subd (b) amended effective January 1, 2016; adopted effective January 1, 2013; previous subd (b) repealed effective January 1, 2013.)

(Rule 15.6 amended effective January 1, 2016~~January 1, 2013~~; adopted as Rule 7.57 effective July 1, 2008; adopted effective July 1, 2009; amended effective January 1, 2013.)

15.7 EX PARTE APPLICATIONS FOR TEMPORARY GUARDIANSHIP OR OTHER TEMPORARY ORDERS [Repealed]

(Rule 15.7 repealed effective January 1, 2013; adopted as Rule 7.55 effective July 1988; renumbered as Rule 7.58 effective July 1, 2008; adopted as Rule 15.7 effective July 1, 2009.)

Response Form

I am commenting on the proposed revisions to the local rules or forms as follows:

- Agree with proposed changes
- Agree with proposed changes with modifications (*please explain below*)
- Do not agree with proposed changes (*please explain below*)

Comments: _____

Name: _____

Address: _____

City, State, ZIP code: _____

To SUBMIT COMMENTS:

Comments may be written on this form, prepared in a letter format, or e-mailed. If you are not commenting directly on this form, please include the information requested above. Questions may be directed to the Executive Office at (707) 207-7475.

E-mail: CourtOutreach@solano.courts.ca.gov

Mail: Superior Court of California, County of Solano
Executive Office
600 Union Avenue
Fairfield, CA 94533

FAX: (707) 426-1631

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5:00 p.m. on Monday, November 16, 2015