

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, 2017**.

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ALL COMMENTS MUST BE RECEIVED BY

5:00 p.m. on Monday, November 14, 2016

**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.

(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) ~~The emergency order hearing will be set on a date two court days after the documents are submitted to the Family Law Division's clerk's office. 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, the emergency order hearing will be set for the next court day.~~

**Superior Court of California
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**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., the emergency order hearing will be set two court days out.~~

- (4) Before the ~~emergency order 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 in compliance with California Rules of Court, rule 5.165. 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).

(Subd (c) amended effective January 1, ~~2017~~2016; adopted effective January 1, 2013; previously amended July 1, 2014 and January 1, 2016.)

(Rule 5.4 amended effective January 1, ~~2017~~2016; adopted effective January 1, 2013, previously amended July 1, 2014 and January 1, 2016.)

5.5 LAW AND MOTION HEARINGS (HEARINGS OTHER THAN CASE MANAGEMENT CONFERENCES, STATUS CONFERENCES, SETTLEMENT CONFERENCES, AND TRIALS)

a. SETTING AN INITIAL HEARING

When an initial hearing is set pursuant to a *Request for Order* or other paper seeking relief, the matter shall be set on the assigned judicial officer's law and motion calendar. The clerk shall provide the time and date for all initial hearings. All matters set on an initial hearing calendar are limited to 20 minutes of hearing time. *(Subd (a) adopted effective January 1, 2013.)*

b. VACATING A SCHEDULED HEARING

(1) By the Moving Party

If the moving party's *Request for Order* or other papers seeking relief have not been served on the responding party, the moving party may take the matter off calendar by giving notice to the court, which may be done by telephone to the appropriate department. Notice does not need to be given to the responding party.

If the pleadings have been served on the responding party but no responsive pleadings have been filed, the moving party may take the matter off calendar

**Superior Court of California
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Rule 17 – Miscellaneous

17.2 COURT REPORTER TRANSCRIPTS

a. **MINIMUM TRANSCRIPT FORMAT STANDARDS**

A licensed Court Reporter or Pro Tem Reporter employed by the Superior Court of California, County of Solano, shall comply with the following transcript format standards when producing a transcript from a court proceeding:

1. There shall be no fewer than 28 typed text lines per page;
2. A full line of text shall be no less than 64 characters;
3. Font shall be Courier, 12 pt;
4. Each question and answer shall begin on a separate line;
5. Text shall begin at the closest point to the left margin (left margin is defined as the first character of a line text);
6. Q and A symbols shall appear within the first 3 spaces from the left-hand margin;
7. Beginning text shall appear 2 spaces after Q and A;
8. Carry-over Q and A lines shall begin at the left-hand margin;
9. Colloquy and paragraphed material shall begin no more than 7 spaces from the left-hand margin with carry-over colloquy to the left-hand margin;
10. Speaker identification and Q shall be on the same line; and,
11. There shall be no blank lines on the first page of the appearance drop-in/beginning paragraphs.

Failure to comply with the standards, as noted above, constitutes grounds for corrective action, up to and including termination and filing a report with the Court Reporters Board of California.

(Subd. (a) adopted effective January 1, 2013.)

~~b. **REQUEST FOR JUVENILE COURT TRANSCRIPTS BY NON-PARTY**~~

~~Any non-party requesting a reporter's transcript of a juvenile proceeding must file a *Petition for Disclosure* (Judicial Council form no. 570).~~

~~*(Subd. (b) adopted effective January 1, 2013.)*~~

b. REQUESTS FOR TRANSCRIPTS

(1) Forms to be Submitted

Subject to the exceptions set forth below, all court reporter transcripts shall be requested by submitting a request for transcript form designated by the court. The form is available on the court's website or in paper form at any clerk's office.

The form is not required in the following circumstances:

**Superior Court of California
County of Solano**

Rule 17 – Miscellaneous

- (a) In cases where automatic preparation of a transcript is mandated by law.
- (b) In civil cases where the transcript is being requested in connection with an appeal. All appellate transcript designations shall be done as directed by the applicable Judicial Council form(s) and California Rules of Court.

(2) Cost of Transcripts

- (a) Except as otherwise provided by law or by California Rules of Court:
 - 1. The party requesting a transcript is responsible for the costs associated with the preparation and printing of all transcripts requested by that party.
 - 2. If the proceeding has not previously been transcribed, a party's transcript request shall automatically include preparation of one original transcript plus one copy. The original transcript shall be retained by the court.
- (b) A party who believes he or she is unable to afford some or all of his or her transcription costs may contact the Court Reporters Board of California concerning his or her eligibility for assistance from the Transcript Reimbursement Fund.

(3) Transcripts Requested by Non-Parties in Juvenile Matters

Any non-party requesting a reporter's transcript of a juvenile proceeding must file a *Petition for Disclosure* (Judicial Council form no. 570).

(Subd. (b) amended effective January 1, 2017; adopted effective January 1, 2013.)

(Rule 17.2 amended effective January 1, 2017; adopted effective January 1, 2013.)



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SOLANO**

CIVIL DIVISION

OLD SOLANO COURTHOUSE
580 Texas Street
Fairfield, CA 94533
(707) 207-7330

HALL OF JUSTICE
600 Union Avenue
Fairfield, CA 94533
(707) 207-7330

Plaintiff(s):

Case No.

Defendant(s):

**NOTICE OF CASE MANAGEMENT
CONFERENCE ONE
AND
NOTICE OF ASSIGNMENT OF
JUDGE FOR ALL PURPOSES**

**PURSUANT TO LOCAL RULES AND BY ORDER OF THIS COURT, THIS MATTER HAS BEEN
CALENDARED FOR CASE MANAGEMENT CONFERENCE ONE:**

Date:

Time:

THIS MATTER HAS BEEN ASSIGNED FOR ALL PURPOSES TO:

ALL HEARINGS WILL BE HELD AT:

The obligations of counsel, or any party not represented by an attorney, in regard to Case Management Conference One and any Case Management Conference Two set by the court are as follows:

1. Service of the complaint must be within sixty (60) calendar days of the date of filing.
2. Service and filing of any responsive pleadings must be within thirty (30) days after service of the complaint. The time for filing responsive pleadings may not be extended except as authorized by law. ~~Government Code section 68616.~~ Appearance at the Case Management Conference does not excuse a litigant from the requirement of filing and serving a responsive pleading within this deadline.
3. Plaintiff shall serve a copy of this *Notice of Case Management Conference One* and Notice of Assignment of Judge for All Purposes ("Notice of CMC One") on all defendants with the complaint.
4. Any party serving a cross-complaint shall serve a copy of this Notice of CMC One ~~Notice of Case Management Conference One~~ on each cross-defendant with the cross-complaint.
5. Any cross-complaint served after Case Management Conference One has been held shall have a *Notice of Case Management Conference Two* served with it.
6. At least thirty days before the date set for Case Management Conference One, all counsel and self-represented parties shall comply with the meet and confer obligations of California Rules of Court, rule 3.724.
7. A *Case Management Statement* (Judicial Council form CM-110) shall be filed with the court and served on all parties by each counsel by the 15th calendar day before the date set for Case Management Conference One.
8. At least one party demanding a jury on each side of a civil case must pay a nonrefundable fee of \$150.00 on or before the initial case management conference or as otherwise provided by statute.

9. At Case Management Conference One the court shall inform counsel and self-represented parties of the date, time and place for Case Management Conference Two and shall make any orders regarding what is expected that counsel and self-represented parties will accomplish in regard to the case before the filing of the Case Management Statement for Case Management Conference Two.
10. Each counsel shall complete, file, and serve on all parties a completed Case Management Statement by the 15th calendar day before the date set for Case Management Conference Two.
11. At any Case Management Conference, counsel shall be completely aware of all procedural, factual, and legal aspects of the case, and have full authority to discuss and resolve any issues that arise at the conference, including settlement of the case. This applies equally to both attorneys of record and specially-appearing counsel.
12. The court may impose sanctions pursuant to Solano County Local Rules, rule 4.6, in the event that a Case Management Statement is not timely filed and/or served, or is not fully completed, or the requirements of Rule 4.6 are not met.

COUNSEL AND SELF-REPRESENTED PARTIES ARE OBLIGATED TO REVIEW AND COMPLY WITH LOCAL AND STATEWIDE RULES REGARDING CIVIL LITIGATION. They are available at:

<http://www.courts.ca.gov/rules.htm>

<http://www.solano.courts.ca.gov/LocalRulesofCourt.html>

AFFIDAVIT OF SERVICE

I, the undersigned, declare under penalty of perjury that I am employed as a deputy clerk of the above-entitled court and not a party to the within-entitled action, and that I served this notice as follows:

I personally served the person named below on (date): _____ at
(time) _____.

Name: _____

Party Attorney of Record Representative

I, _____, acknowledge receipt of a copy of this *Notice of Case Management Conference One and Notice of Assignment of Judge for All Purposes*.

Date: _____
Signature _____

I caused to be placed a true copy of this notice in an envelope which was then sealed and postage fully prepaid on the date shown below; that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; that the above stated document will be deposited in the Superior Court of California, County of Solano's outgoing mailbox for collection by county mail carriers on the date indicated. Said envelope was addressed to the attorneys for the parties, or the parties, as shown below:

See attached for additional service addresses

Date: _____ Clerk of the Court
Superior Court of California, County of Solano

By: _____
Deputy Clerk

NOTICE OF CMC ONE AND NOTICE OF ASSIGNMENT OF JUDGE

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS: 600 Union Avenue MAILING ADDRESS: P.O. Caller 5000 CITY AND ZIP CODE: Fairfield, CA 94533	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF: (<i>name(s)</i>) <div style="text-align: right;">Minors.</div>	
OBJECTION TO APPOINTMENT OF GUARDIAN	CASE NUMBER: _____

I, _____, declare as follows:

1. I am related to or know the minor(s) as follows:

- Mother Father Stepparent Grandparent Aunt/Uncle
- Other relative (specify) _____
- Friend Other _____

2. I live at the following address (do NOT give your mailing address):

3. My telephone number is (*include area code*):

Home: _____
 Work: _____
 Cell phone: _____

4. I object to the appointment of the proposed guardian for the following reason(s):

- a. I am a fit and proper parent, and I do not think a guardianship is needed.
- b. I prefer that (*name*) _____, who is related to the child(ren) as their _____, be the guardian(s).

(NOTE: A parent cannot be appointed as a guardian of a child's person.)

- c. Other reasons

OBJECTION TO APPOINTMENT OF GUARDIAN

IN RE GUARDIANSHIP OF:	CASE NUMBER:
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IMPORTANT: The objecting party CANNOT serve the objection or complete this proof of service. For more information on how to serve documents and how to complete this proof of service, read *What is "Proof of Service" In a Guardianship* (Judicial Council form GC-510).

PROOF OF SERVICE BY MAIL

1. I am over age 18 and am not a party in this case. I live or work in the county where the mailing occurred.

2. My home or business address is:

3. I served the Objection to Petition for Guardianship on each person named below by putting a copy in a separate sealed envelope addressed to each person as shown below AND doing of the following:

- Depositing each envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
- Placing each envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in ordinary course of business with the United State Postal Service in a sealed envelope with postage fully prepaid.

Name of Each Person Served	Complete Address
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Additional people are listed on an attachment

4. The envelopes were mailed on (date): _____

The envelopes were mailed from (city and state): _____

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

_____ Date Signed	_____ Type or Print Name	_____ Signature
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OBJECTION TO APPOINTMENT OF GUARDIAN

Objections to a Guardianship

1. **WHO CAN FILE AN OBJECTION?** Generally, you must have some connection with the child in order to object to the proposed guardianship. If you received copies of the court papers from the petitioner and/or their attorney, you will probably be able to object.

2. **WHEN MUST AN OBJECTION BE FILED?** You are allowed to appear at the hearing and object. However, the court will usually require that you file and serve a written objection.

3. **WHAT DO I SAY IN THE OBJECTION?** The court—including court staff—cannot tell you what to write or give you advice. But these tips may help:

- Tell the court as simply as you can what you object to.
- Give the court your reasons about why you disagree with the petition. It helps to give details and facts supporting your reasons.
- Type or write neatly.

If you want to nominate someone else to be the child's guardian, remember that a parent cannot be appointed guardian of the person of their own children.

4. **HOW DO I SERVE THE OBJECTION?** You will need to have someone OTHER THAN YOURSELF AND OVER THE AGE OF 18 serve the other parties with your objection. Service may be done by mail. You will need to have the person serving the parties fill out a Proof of Service form. After you have served the other parties, it is your responsibility to make sure the Proof of Service is filed with the court.

For more information on how to serve documents and how to complete this proof of service, read *What is "Proof of Service" In a Guardianship* (Judicial Council form GC-510).

5. **DO I HAVE TO GO TO THE HEARING?** If you want to object and you have not filed a written objection, you need to go to the hearing. The judge may ask you why you disagree with the petition. It is up to the judge to let you testify or not.

If you have already filed a written objection, it's a good idea to go to the hearing so you can answer any questions the judge might have about your objection.

6. **I STILL NEED HELP!** If you still have questions about this procedure or about guardianships in general, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book or on the internet. Also, the Solano County Bar Association has a list of lawyers who may be able to assist you. The court house located at 600 Union Avenue in Fairfield has a law library located on the 3rd Floor that is available to the public. Finally, you can read more about guardianships at <http://www.courts.ca.gov/selfhelp-guardianship.htm>.

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 14, 2016