

INVITATION TO COMMENT

The Superior Court of California, County of Solano, invites comments on proposed revisions to the court's local rules and forms, effective July 1, 2010.

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- Text of Proposed Changes to Local Rules (106 pages)
- Response Form to Proposed Revisions (1 page)

DEADLINE FOR COMMENT: 5:00 p.m. on Monday, May 10, 2010

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3.1 APPLICATION OF RULES

These rules apply to all civil cases, limited and unlimited, filed in the Superior Court of California, County of Solano, and may apply to other matters as provided elsewhere in the rules. For the purposes of these rules the term “civil cases” does not include criminal cases, traffic infraction cases, matters filed under the California Family Code, small claims cases, unlawful detainer cases, probate cases, mental health cases, adoption cases, juvenile cases and extraordinary writs.

(Rule 3.1 amended effective January 1, 2010; adopted effective January 1, 1998; previously amended effective October 1, 2002, and January 1, 2009.)

3.2 DIRECT CALENDARING OF CIVIL CASES

When a civil case is filed, or received and filed as a transfer from another county, the Clerk of the Court shall assign the case to one of the judges in the Civil Division of the court and shall notify the plaintiff. The assignment to a judge shall be deemed to be for all purposes. The method of selection of the judge to be assigned to a case shall be subject to the approval of the Supervising Judge of the Civil Division and shall be designed to equally distribute the workload among the judges of the Civil Division and best serve the court. This rule does not apply to limited jurisdiction collection actions that qualify under California Rules of Court 3.740, except that a judge may be assigned in those cases upon any of the following events: (1) failure to file proof of service or obtain order for publication of summons within 180 days of the filing of the complaint; (2) failure to obtain default judgment within 360 days of the filing of the complaint, if no responsive pleading has been filed; or (3) upon the filing of a responsive pleading by a defendant.

(Rule 3.2 amended effective January 1, 2009; adopted effective January 1, 1998.)

3.3 NOTIFICATION OF PLAINTIFF OF ASSIGNMENT TO ONE JUDGE FOR ALL PURPOSES

Upon the filing of the complaint, the Clerk of the Court~~clerk~~ shall notify plaintiff, plaintiff’s attorney, or an agent of the plaintiff of the assignment to one judge for all purposes; and, if in person, the person receiving notice shall sign an acknowledgement of the notification on a form to be prepared by the Clerk of the Court indicating thereon that the notification is received on behalf of plaintiff. The clerk shall file the acknowledgement of the notification in the court file with an attached proof of personal service. If the notification of the plaintiff, his attorney or agent is not in person and

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acknowledged in writing, then the clerk shall mail a notice to plaintiff at his or her address of record by first class mail and file a proof of mailing in the court file.

Plaintiff shall promptly notify all parties in the case at the time the assignment is made and notify all parties who later enter the case and file with the court a proof of service of such notification of the assignment to a judge for all purposes within five (5) days after the notice is served.

(Rule 3.3 amended effective July 1, 2010; adopted effective January 1, 1998.)

3.4 DESIGNATION OF COURT

~~All The~~ pleadings in civil cases shall ~~continue to~~ designate whether the case is an unlimited or limited civil action. If the case is a limited civil action, the pleadings shall designate the proper judicial district.

(Rule 3.4 amended effective July 1, 2010; ~~amended effective October 1, 2002;~~ adopted effective January 1, 1998; amended effective October 1, 2002.)

3.5 [RESERVED]

**3.5 PEREMPTORY CHALLENGE OF JUDGE ASSIGNED FOR ALL PURPOSES
[REPEALED]**

~~A peremptory challenge to a judge assigned for all purposes to a civil case pursuant to the direct calendaring system in the Superior Court of California, County of Solano shall be filed within 15 days of the party's first appearance in the action.~~

(Rule 3.5 repealed effective July 1, 2010; ~~renumbered effective January 1, 2010;~~ ~~previously adopted as Rule 3.7 effective January 1, 1998;~~ renumbered as Rule 3.5 effective January 1, 2010.)

3.5 DESIGNATION OF JUDGE [REPEALED]

(Former Rule 3.5 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.6 DEPOSIT OF JURY FEES

Pursuant to Code of Civil Procedure section 631, advance jury fees in the amount of one hundred and fifty dollars (\$150.00) shall be deposited with the Clerk of the Court at least twenty-five (25) calendar days prior to the date initially set for trial. The court may deem

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that the demanding party has waived jury if there is not compliance with the deposit of jury fees provided for in this paragraph.

(Rule 3.6 amended and renumbered effective January 1, 2010; adopted as Rule 3.10 effective January 1, 1998; previously amended effective October 1, 2002.)

3.6 ADDITIONAL INFORMATION ON THE FACE OF A PLEADING [REPEALED]

(Former Rule 3.6 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.7 FORFEITURE OF JURY FEES

a. **WAIVER OF JURY TRIAL**

If, after jury fees have been deposited, a party waives jury, such waiver must be of record at least seven (7) calendar days prior to the assigned date of trial, otherwise said jury fee deposit shall be forfeited.

(Subd (a) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 3.11 effective January 1, 1998.)

b. **CONTINUANCE OF JURY TRIAL DATE**

Whenever a continuance of jury trial is obtained within seven (7) calendar days prior to the assigned date of trial, the jury fee deposit shall be forfeited.

(Subd (b) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 3.11 effective January 1, 1998.)

c. **SETTLEMENT OF CASE SET FOR TRIAL**

If a case assigned for trial is settled, but written dismissal or notice of settlement is not filed at least seven (7) calendar days prior to the assigned date of trial, the jury fee deposit shall be forfeited.

(Subd (c) relettered effective January 1, 2010; adopted as unlettered portion of Rule 3.11 effective January 1, 1998.)

d. **CCP SECTION 631.3**

For purposes of Rule 3.11 and per Code of Civil Procedure section 631.3, it is deemed necessary for the court to have at least seven (7) calendar days notice of waiver of jury, continuance or settlement of the case in order to notify the jurors that the trial will not proceed at the time set.

(Subd (d) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 3.11 effective January 1, 1998.)

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(Rule 3.7 amended and renumbered effective January 1, 2010; adopted as Rule 3.11 effective January 1, 1998.)

3.7 [RENUMBERED]

(Former Rule 3.7 renumbered as Rule 3.5 effective January 1, 2010.)

3.8 NOTIFICATION TO COURT OF DROPS, CONTINUANCES AND STIPULATIONS

When a matter is to be dropped, continued or stipulated to, counsel for the moving party shall promptly notify the department of the court to which the matter is assigned. No matters will be continued after announcement of a tentative ruling thereon, except by order of the court for good cause.

No matter shall be continued unless the department of the court to which the matter is assigned approves of the continuance date. Any continuance requested within forty-eight (48) hours of the hearing date shall be directed to the department in which the hearing is scheduled for approval.

In the absence of a showing of good cause by counsel, no matter shall be continued on the law and motion calendar pursuant to stipulation of counsel, or otherwise, more than twice.

(Rule 3.8 amended and renumbered effective January 1, 2010; adopted as Rule 3.13 effective January 1, 1998; former Rule 3.8, which concerned the court case number, repealed effective January 1, 2010.)

3.8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO CASE NUMBER [REPEALED]

(Rule 3.8 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.9 TENTATIVE RULINGS

a. AVAILABILITY OF TENTATIVE RULINGS

A tentative ruling on a civil matter will be available on the court day immediately preceding the scheduled hearing on that matter by telephoning a tape-recorded message at (707) 207-7331 or by signing onto the court's web site at www.solano.courts.ca.gov and clicking "Tentative Rulings and Probate Exam Notes" after 2:00 p.m. Thus, for example, for a matter on a Monday calendar, one

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may call the recorded message or check the court’s web site after 2:00 p.m. on the preceding Friday afternoon. Tentative rulings will not be posted for unlawful detainer matters.

(Subd (a) amended and relettered effective January 1, 2010; adopted as Rule 3.14 effective January 1, 1998; previously amended effective October 1, 2002.)

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 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, and further advises that such party has notified ~~all other parties~~ ~~the other side~~ of its intention to appear and argue.

(Subd (b) amended effective July 1, 2010; relettered effective January 1, 2010; adopted as Rule 3.15 effective January 1, 1998; relettered as subd (b) effective January 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 4.14(h), unless the court orders a personal appearance.

(Subd (c) relettered effective January 1, 2010; adopted as Rule 3.16 effective January 1, 1998; previously amended effective January 1, 2009.)

(Rule 3.9 amended effective July 1, 2010 and renumbered effective January 1, 2010; 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.)

**3.9 PROOF OF APPEARANCE AND STATE BAR NUMBER ON PLEADINGS
[REPEALED]**

(Rule 3.9 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.10 [RESERVED]

3.10 ORDERS AFTER HEARING [REPEALED]

~~Unless otherwise directed by the court, the prevailing party shall prepare the order after hearing. The attorney or self represented party preparing the order shall submit it to opposing counsel or self represented party for approval as to form. If opposing counsel~~

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~~or self represented party fails to approve or state objections in writing to the preparing party within ten (10) days, the proposed order is to be submitted to the court for signature. The court may then sign the order without approval as to form, and may impose sanctions upon counsel or the self represented party for failing to respond to the request for approval as to form, if the court finds sanctions to be appropriate. Such orders shall specify immediately below the number of the case, the name of the judge assigned for all purposes, the title of the order and the date the matter had been calendared for the hearing from which the order results.~~

(Rule 3.10 ~~repealed effective July 1, 2010; amended and renumbered effective January 1, 2010; adopted as Rule 3.17 effective January 1, 1998; amended and renumbered as Rule 3.10 effective January 1, 2010.~~)

3.10 [RENUMBERED]

(Former Rule 3.10 renumbered as Rule 3.6 effective January 1, 2010.)

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.)

3.11 [RENUMBERED]

(Former Rule 3.11 renumbered as Rule 3.7 effective January 1, 2010.)

3.12 OFF CALENDAR

A law and motion matter that has gone off calendar may be restored thereto only upon notice, excepting in an extraordinary situation, to be determined by the court in its discretion.

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(Rule renumbered effective January 1, 2010; adopted as Rule 3.20 effective January 1, 1998; former Rule 3.12, which concerned the California Rules of Court, repealed effective January 1, 2010.)

3.12 CALIFORNIA RULES OF COURT GOVERN [REPEALED]

(Rule 3.12 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.13 EX PARTE MATTERS

Ex parte matters will be heard daily, but only upon appointment scheduled through the judge's assistant. Said application shall comply with California Rules of Court 3.1200-3.1207, ~~and all parties must be notified no later than 10:00 a.m. the court day before the ex parte appearance.~~ All other hearings shall be scheduled through master calendar, telephone (707) 207-7332.

(Rule 3.13 ~~amended effective July 1, 2010~~renumbered effective January 1, 2010; adopted as Rule 3.21 effective January 1, 1998; previously amended effective July 1, 2005; previously amended effective July 1, 2009; renumbered as Rule 3.13 effective January 1, 2010.)

3.13 [RENUMBERED]

(Former Rule 3.13 renumbered as Rule 3.8 effective January 1, 2010.)

3.14 ORDERS REGARDING ORDERS TO SHOW CAUSE, TEMPORARY RESTRAINING ORDERS, AND INJUNCTIONS

All written orders, including orders to show cause, temporary restraining orders and injunctions, signed by a judge shall be filed forthwith. An endorsed filed copy of such order shall be served upon each party to be notified thereof. Except as otherwise directed by the court for good cause shown, the proof of such service of orders to show cause and temporary restraining orders shall be filed before 3:00 p.m. of the third court day prior to the hearing.

(Rule 3.14 renumbered effective January 1, 2010; adopted as Rule 3.25 effective January 1, 1998.)

3.14 [RENUMBERED]

(Former Rule 3.14 renumbered as Rule 3.9 effective January 1, 2010.)

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3.15 MOTIONS TO CONSOLIDATE

Motions to consolidate cases shall be heard in the department to which the case with the lowest file number is assigned.

In the event that cases are consolidated and unless otherwise ordered by the judicial officer hearing the consolidation motion, the pleadings filed thereafter shall be filed in the case file with the lowest file number and the consolidated case shall be assigned for all purposes to the judge to which the case with the lowest file number is assigned.

(Rule 3.15 amended effective July 1, 2010; ~~renumbered effective January 1, 2010~~; adopted as Rule 3.26 effective January 1, 1998; renumbered as Rule 3.15 effective January 1, 2010.)

3.15 [RENUMBERED]

(Former Rule 3.15 renumbered as subpart of Rule 3.9 effective January 1, 2010.)

3.16 MOTIONS PAPERS

Motions papers must be received within three court days ~~seventy two (72) hours~~ of reserving a law and motion date. If papers are not received within three court days ~~seventy two (72) hours~~, the date reserved will be canceled.

(Rule 3.16 amended effective July 1, 2010; ~~renumbered effective January 1, 2010~~; adopted as Rule 3.27 effective October 1, 2002; renumbered as Rule 3.16 effective January 1, 2010.)

3.16 [RENUMBERED]

(Former Rule 3.16 renumbered as subpart of Rule 3.9 effective January 1, 2010.)

3.17 MANDATE ACTIONS ARISING UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

a. **WHERE FILED**

Mandamus actions challenging an agency decision under the California Environmental Quality Act (Public Resources Res. Code §21000 et seq.) (“CEQA”) shall be filed in the office of the Civil Clerk’s Office of the Court, ~~location in which the action is pending~~. Each action shall be accompanied by an

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initial filing form designating the action as Environmental Law – CEQA (Public Resources ~~Res.~~ Code § 21167.1), and shall be assigned to the designated CEQA department for all purposes.

(Subd (a) amended effective July 1, 2010; adopted effective July 1, 2005.)

b. ORDERING THE ADMINISTRATIVE RECORD [REPEALED]

~~In accordance with Publ.Res. Code § 21167.6, within ten (10) business days after the action is filed, petitioners shall personally serve on the appropriate public agency their request for preparation of the administrative record or notice of election to prepare the record themselves.~~

(Subd (b) repealed effective July 1, 2010; adopted effective July 1, 2005.)

b.e. MEDIATION

In accordance with Government Code section ~~Publ.Res. Code § 66031~~, within five (5) days after the deadline for respondent or defendant to file a response to the action, plaintiff or petitioner shall prepare and lodge with the designated CEQA department a notice form for the court's signature inviting mediation. The court~~Clerk~~ shall then mail the notice of invitation to the parties.

(Subd (b)(e) amended and relettered effective July 1, 2010; adopted as subd (c) effective July 1, 2005.)

c.d. PREPARING THE ADMINISTRATIVE RECORD

(1) Preparation by the Public Agency

- (a) Within twenty (20) calendar days after receipt of a request to prepare the administrative record, the public agency responsible for such preparation shall personally serve on petitioners a preliminary notification of the estimated cost of preparation, setting forth the agency's normal costs per page, other reasonable costs, if any, the agency anticipates, and the likely range of pages. This notice shall also state, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, shall designate the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and shall provide a listing of dates and times when those documents will be made available to petitioners or any party for inspection during normal business hours as the record is being prepared. This notice shall be supplemented by the agency from time to time as additional

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documents are located or determined appropriate to be included in the record.

(Subd (a) relettered effective January 1, 2010; adopted as Subd (d)(1) effective July 1, 2005.)

- (b) Upon receipt of this preliminary notification, petitioners may elect to prepare the record themselves provided they notify the agency within five (5) calendar days of such receipt. If petitioners so elect, then within forty (40) calendar days of service of the initial notice to prepare the administrative record, petitioners shall prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of this notification, the agency and/or other parties shall prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record. The agency shall promptly notify petitioners of any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record.

(Subd (b) relettered effective January 1, 2010; adopted as Subd (d)(2) effective July 1, 2005.)

- (c) If petitioners do not so elect, then within forty (40) calendar days after service of the request to prepare the administrative record, the agency shall prepare and serve on the parties a detailed index listing the documents proposed by the agency to constitute the record and provide a supplemental estimated cost of preparation. Within seven (7) calendar days of receipt of this notification, petitioners and/or any other parties shall prepare and serve the agency and all parties with a document notifying the agency of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.

(Subd (c) relettered effective January 1, 2010; adopted as Subd (d)(3) effective July 1, 2005.)

(Subd (1) amended effective January 1, 2010; adopted effective July 1, 2005.)

(2) Preparation by Petitioners

- (a) Within twenty (20) calendar days after receipt of petitioners' notice of election to prepare the record themselves, the public

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agency responsible for certification of the record shall personally serve on petitioners a preliminary notification designating, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and the dates and times when those documents will be made available to petitioners or any party for their inspection and copying. This notice shall also state any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record. This notice shall be supplemented by the agency as additional documents are located or determined appropriate to be included in the record.

(Subd (a) adopted effective July 1, 2005.)

- (b) Within forty (40) calendar days after service of petitioners' notice of election, petitioners shall prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of this notification, the agency and/or other parties shall prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.

(Subd (b) adopted effective July 1, 2005.)

(Subd (2) renumbered effective January 1, 2010; adopted as Subd (d)(4) effective July 1, 2005.)

(Subd (c)(4) relettered effective July 1, 2010; amended effective January 1, 2010; adopted as subd (d) effective July 1, 2005; amended effective January 1, 2010.)

d.e. FORMAT OF ADMINISTRATIVE RECORD

The format of the administrative record shall be governed by California Rules of Court, rules 3.1365 and either 3.1367 or 3.1368, as appropriate.

(Subd (d) amended and relettered effective July 1, 2010; adopted as subd (e) effective July 1, 2005.)

(1) Type of Paper

~~The Administrative Record ("Record") shall be prepared in compliance with California Rules of Court, rule 2.100 et seq. Alternatively, original copies of the environmental documents may be lodged as part of the~~

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~~Record, provided that original copies are also provided to all parties in the lawsuit.~~

~~(Subd (1) adopted effective July 1, 2005.)~~

~~(2) **Volume Designation**~~

~~The Record shall be provided in one or more volumes of not more than 300 pages per volume, separately bound. The cover of each volume of the Record shall be the same size as its pages and contain the same material as the cover of a brief, but shall be prominently entitled “ADMINISTRATIVE RECORD.” The first volume of the Record shall have at the beginning an index of each paper or record in the order presented in the Record, referring to each paper or record by title or description, and the volume and page at which it first appears.~~

~~(Subd (2) adopted effective July 1, 2005.)~~

~~(3) **Detailed Index**~~

~~The detailed index listing of the documents agreed to by the parties as the records to be included in the Record shall be prominently entitled “Detailed Index of Administrative Record” and filed with the Civil Filing Clerk at the court location in which the action is pending. A second, courtesy copy of the Detailed Index of Administrative Record shall be separately lodged in the designated CEQA Department.~~

~~(Subd (3) adopted effective July 1, 2005.)~~

~~(4) **Organization**~~

~~The Record should be organized with the following documents (as applicable) at the front of the Record, in the following order:~~

~~(a) The Notice of Determination;~~

~~(b) The resolution(s) adopted by the lead agency approving the project, including any resolution(s) or ordinance(s) adopted in compliance with Public Resources Code sections 21081 and 21081.6;~~

~~(c) The Draft or revised Draft Environmental Impact Report (“EIR”) and initial study;~~

~~(d) The comments received and the responses to those comments prepared for the Draft EIR or Negative Declaration, including~~

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~~any modifications to the environmental documents and project made after the comment period;~~

- ~~(e) The remainder of the Final EIR (e.g., the Technical Appendices and other technical materials);~~
- ~~(f) The staff reports prepared for the approving bodies of the lead agency;~~
- ~~(g) Transcripts and/or minutes of hearings; and~~
- ~~(h) The remainder of the Administrative Record, preferably in chronological order.~~

~~— This listing of documents is not intended to dictate the content of the Record, but instead is intended to describe a uniform order for documents typically contained in a Record. The lead agency is encouraged to use tabs to separately identify each of these portions of the Record. The parties are referred to Public Resources Code section 21167.65(e) as to what the Record should contain.~~

~~(Subd (4) adopted effective July 1, 2005.)~~

~~(Subd (e) adopted effective July 1, 2005.)~~

e.f. CERTIFYING AND LODGING THE ADMINISTRATIVE RECORD IN ELECTRONIC FORMAT

~~Upon completion of preparation of the Record, it must be certified by the agency before it is filed with the court. If the agency has prepared the Record, it shall make such certification and shall personally serve and lodge the Record in the designated CEQA department no later than sixty (60) days after the request. If the petitioners have elected to prepare the Record, petitioners must transmit it to the agency for certification. After such certification, petitioners shall prepare and file a *Notice of Lodgment of Administrative Record* with the Civil Filing Clerk at the court location in which the action is pending, and personally serve and lodge the *Record and Notice of Lodgment* in the designated CEQA Department no later than sixty (60) days after service of the notice of election to prepare. If the agency refuses to make a complete certification, it shall make a partial certification, specifying any alleged defects in the record. Any extension of the 60 day time period may be obtained by filing a stipulation of the parties and obtaining court approval of the extensions prior to the expiration of the 60 day~~

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~~period. Also, an extension may be obtained from the court upon a properly noticed hearing scheduled prior to the expiration of the 60 day period.~~

Any party lodging the administrative record in an electronic format as permitted by California Rules of Court, rule 3.1365 et seq. shall simultaneously file a declaration with the court affirming under penalty of perjury that the medium in which the record is contained and lodged with the court is free of computer viruses or other malware.

(Subd (e)(f) amended and relettered effective July 1, 2010; adopted as subd (f) effective July 1, 2005.)

~~f.g.~~ **DISPUTES REGARDING THE CONTENTS OF THE ADMINISTRATIVE RECORD**

Once the ~~r~~Record has been filed, any disputes about its accuracy or scope should be resolved by appropriate noticed motion. For example, if the agency has prepared the ~~r~~Record, petitioners may contend that it omits important documents or that it contains inappropriate documents; if the petitioners have prepared the record, the agency may have similar contentions. A motion to supplement the certified ~~r~~Record with additional documents and/or to exclude certain documents from the record may be noticed by any party and should normally be filed concurrently with the filing of petitioners' opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should normally be filed with the opposition and memoranda, respectively, regarding the writ. The motion should normally be calendared for hearing concurrently with the hearing on the writ.

(Subd (f)(g) relettered effective July 1, 2010; adopted as subd (g) effective July 1, 2005.)

~~h.~~ **NOTICE OF HEARING**

~~The petitioners shall notice a hearing date on the petition for writ of mandate, consistent with Public Resources Code section 21167.4. The hearing shall be noticed for not later than 160 days from the date of filing of the petition.~~

(Subd (h) adopted effective July 1, 2005.)

~~g.i.~~ **BRIEFING SCHEDULE AND LENGTH OF MEMORANDA**

Unless otherwise ordered by the court, the following briefing schedule shall be followed in all cases:

- (1) ~~Unless otherwise ordered by the court,~~ Petitioners shall file directly in the designated CEQA department and serve personally, by overnight mail or, if previously agreed, by fax or electronic service, an opening

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memorandum of points and authorities in support of the petition within thirty (30) days from the date the administrative record is served.

(Subd (1) amended effective July 1, 2010; adopted effective July 1, 2005.)

- (2) Respondent and Real Party in Interest shall file directly in the designated CEQA department and serve personally, by overnight mail, or if previously agreed, by fax or electronic service, opposition points and authorities, if any, within thirty (30) days following service of petitioners' memoranda of points and authorities.

(Subd (2) amended effective July 1, 2010; adopted effective July 1, 2005.)

- (3) Petitioners shall have twenty (20) days from service of the opposition's points and authorities to file directly in the designated CEQA department and serve personally, by overnight mail, or if previously agreed, by fax or electronic service, a reply memorandum of points and authorities.

(Subd (3) amended effective July 1, 2010; adopted effective July 1, 2005.)

- (4) The parties may agree upon a shorter time frame for briefing by written stipulation filed with the court.

(Subd (4) adopted effective July 1, 2005.)

- ~~(5) Any request for permission to file a memorandum in excess of the 15 page limit shall be made pursuant to Rule 3.1113, California Rules of Court.~~

~~*(Subd (5) adopted effective July 1, 2005.)*~~

- ~~(6) Settlement Meeting: The initial notice required by Public Resources Code section 21167.8 shall provide that, if the parties agree, the first meeting will be continued so as to take place no later than 35 days after the Record is served. If the parties do not agree to this continued first meeting date, then the first meeting shall take place in accordance with Public Resources Code section 21167.8 and a second meeting is ordered to take place within five (5) days after the Record is served. The parties shall agree as to the time and place of any meeting pursuant to Public Resources Code section 21167.8. Other meetings may be scheduled by the parties. The statement of issues required by 21167.8(f) shall identify those portions of the Record that are directly related to the contentions and issues remaining in controversy. The court will utilize these statements in focusing on the legal and factual contentions and issues to be resolved. However, such contentions and issues must be consistent with the pleadings to be properly resolved by the court.~~

~~*(Subd (6) adopted effective July 1, 2005.)*~~

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(Subd (g)(i) amended and relettered effective July 1, 2010; adopted as subd (i) effective July 1, 2005.)

h.j. TRIAL NOTEBOOK

Petitioner shall prepare a trial notebook which shall be filed with the designated CEQA Department fourteen (14) days before the date of the hearing. The trial notebook shall consist of the petition, the answer(s), the briefs, any motions set to be heard at trial, the statement of issues, and any other document(s) agreed upon by the parties or ordered by the court.

(Subd (h)(j) amended and relettered effective July 1, 2010; adopted as subd (j) effective July 1, 2005.)

h. NOTICE OF HEARING [REPEALED]

~~The petitioners shall notice a hearing date on the petition for writ of mandate, consistent with Public Resources Code section 21167.4. The hearing shall be noticed for not later than 160 days from the date of filing of the petition.~~

(Subd (h) repealed effective July 1, 2010; adopted effective July 1, 2005.)

(Rule 3.17 amended effective July 1, 2010; ~~renumbered and amended effective January 1, 2010~~; adopted as Rule 3.28 effective July 1, 2005; amended and renumbered as Rule 3.17 effective January 1, 2010.)

3.17 [RENUMBERED]

(Former Rule 3.17 renumbered as Rule 3.10 effective January 1, 2010.)

3.18 FILING OF NOTICES OF UNAVAILABILITY

The court shall not accept for filing a "Notice of Unavailability of Counsel" or other document or pleading whose sole purpose is to advise the court and/or other parties of an attorney's or party's unavailability. *Carl v. Superior Court of Orange County* (2007) 157 Cal.App.4th 73.

(Rule 3.18 renumbered effective January 1, 2010; adopted as Rule 3.29 effective January 1, 2009.)

3.18 MEMORANDUM OF POINTS AND AUTHORITIES PAGE LIMITS [REPEALED]

(Former Rule 3.18 repealed effective January 1, 2010; adopted effective January 1, 1998.)

**Superior Court of California
County of Solano**

Rule 3 – Civil Cases

3.19 [RENUMBERED]

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

3.20 [RENUMBERED]

(Rule 3.20 renumbered as Rule 3.12 effective January 1, 2010.)

3.21 [RENUMBERED]

(Rule 3.20 renumbered as Rule 3.13 effective January 1, 2010.)

3.22 APPROVAL AS TO FORM [REPEALED]

(Rule 3.22 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.23 ACCESS TO FILES AND EXHIBITS [REPEALED]

(Rule 3.23 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.24 BRIEFS AND MEMORANDA OF POINTS AND AUTHORITIES [REPEALED]

*(Rule 3.24 repealed effective January 1, 2010; adopted effective January 1, 1998;
previously amended effective January 1, 2007.)*

3.25 [RENUMBERED]

(Rule 3.25 renumbered as Rule 3.14 effective January 1, 2010.)

3.26 [RENUMBERED]

(Rule 3.26 renumbered as Rule 3.15 effective January 1, 2010.)

3.27 [RENUMBERED]

(Rule 3.27 renumbered as Rule 3.16 effective January 1, 2010.)

3.28 [RENUMBERED]

(Rule 3.28 renumbered as Rule 3.17 effective January 1, 2010.)

**Superior Court of California
County of Solano**

Rule 3 – Civil Cases

3.29 [RENUMBERED]

(Rule 3.29 renumbered as Rule 3.18 effective January 1, 2010.)

**Superior Court of California
County of Solano**

Rule 4 – Administration of Civil Litigation

(Subd (a) amended and relettered effective January 1, 2010; adopted as unlettered part of Rule 4.15 effective January 1, 1998.)

b. ATTORNEY FEES AND COSTS

In addition to any sanction, the court may order a party or his or her counsel to pay to a party moving for compliance with these rules the reasonable expenses in making the motion, including reasonable attorney fees.

(Subd (b) amended and relettered effective January 1, 2010; adopted as unlettered part of Rule 4.15 effective January 1, 1998.)

c. SANCTIONS RELATED TO REQUESTS TO EXTEND TIME FOR FILING

Monetary sanctions and, in the court's discretion, more severe sanctions, will be imposed upon counsel or his or her party who in bad faith or without good cause request an extension of time for the filing of any pleading or document as required by these rules.

(Subd (c) relettered effective January 1, 2010; adopted as unlettered part of Rule 4.15 effective January 1, 1998.)

d. SANCTIONS AGAINST ATTORNEYS

If the court determines that the failure to comply with the rules is the responsibility of a party's attorney or counsel, the penalty shall be imposed on the attorney or counsel personally and shall not adversely affect the party's cause of action or defense thereto.

(Subd (d) adopted effective January 1, 2010.)

(Rule 4.13 amended and renumbered effective January 1, 2010; adopted as Rule 4.15 effective January 1, 1998.)

4.13 [RENUMBERED]

(Former Rule 4.13 renumbered as Rule 4.11 effective January 1, 2010.)

4.14 ELECTRONIC FILING AND SERVICE OF PLEADINGS AND DOCUMENTS

The court does not permit electronic filing as defined in California Rules of Court, rule 2.250. However, nothing in this rule shall be construed as prohibiting or otherwise limiting service of documents electronically as provided elsewhere in the California Rules of Court.

(Rule 4.14 adopted effective July 1, 2010.)

**Superior Court of California
County of Solano**

Rule 5 – Family Law

5.27 FAMILY LAW FACILITATOR’S DUTIES

In addition to the services provided by the Family Law Facilitator pursuant to Family Code section 10004, the Family Law Facilitator may provide the services set forth in Family Code section 10005 if authorized to do so by the supervising judge of the Family Law Division.

(Rule 5.27 adopted effective January 1, 2008.)

~~**5.28 DUTIES OF PARTIES UPON COURT FILE EXPANSION [REPEALED]**~~

~~*(Rule 5.28 repealed effective July 1, 2009; adopted effective January 1, 2008.)*~~

**Superior Court of California
County of Solano**

Rule 6 – Juvenile Proceedings

PART THREE: Juvenile Delinquency APPENDIX – Standing Orders of the Juvenile Court

APPENDIX A – Standing Orders of the Juvenile Court

<u>Standing Order</u>	<u>Title</u>
2002-01	Medical Authorization – Juvenile Hall
2002-02	Community School Programs
2002-03	Records – Family Law
2002-04	Records – Multi-Disciplinary Teams
2002-05	Release of Records, Absent Parents
2002-06	Release of Records – Guardianship Proceedings
2002-07	Release of Records – Financial Hearing Officer
2002-08	Release of Records – T.N.G. Order <u>[VACATED]</u> <u>[Vacated effective July 1, 2010; see Standing Order 2010-001]</u>
2002-09	Release of Records – Foster Youth Services Program
2002-10	Release of School Records – Probation
2002-11	Toxicology Testing
2004-01	Sealing File upon Successful Completion of Deferred Entry of Judgment
2004-02	Notice of Change of Address DCSS
2005-01	Release of Records – T.N.G. Order (as to 601 and 602 cases) <u>[VACATED]</u> <u>[Vacated effective July 1, 2010; see Standing Order 2010-001]</u>
<u>2010-001</u>	<u>Release of Juvenile Case File Information for W&I 601 and 602 Proceedings</u>

~~A 1 – Standing Order 2002 1 – Medical Authorization – Juvenile Hall~~

~~A 2 – Standing Order 2002 2 – Community School Programs~~

~~A 3 – Standing Order 2002 3 – Records – Family Law~~

~~A 4 – Standing Order 2002 4 – Records – Multi Disciplinary Teams~~

~~A 5 – Standing Order 2002 5 – Release of Records, Absent Parents)~~

Superior Court of California
County of Solano

Rule 6 – Juvenile Proceedings

PART THREE: Juvenile Delinquency APPENDIX – Standing Orders of the Juvenile Court

- ~~A 6 — Standing Order 2002-6 — Release of Records — Guardianship Proceedings~~
- ~~A 7 — Standing Order 2002-7 — Release of Records — Financial Hearing Officer~~
- ~~A 8 — Standing Order 2002-8 — Release of Records — T.N.G. Order~~
- ~~A 9 — Standing Order 2002-9 — Release of Records — Foster Youth Services Program~~
- ~~A 10 — Standing Order 2002-10 — Release of School Records — Probation~~
- ~~A 11 — Standing Order 2002-11 — Toxicology Testing Authorization~~
- ~~A 12 — Standing Order 2004-1 — Sealing File upon Successful Completion of Deferred Entry of Judgment~~
- ~~A 13 — Standing Order 2004-2 — Notice of Change of Address DCSS~~
- ~~A 14 — Standing Order 2005-1 — Release of Records — T.N.G. Order (as to 601 and 602 cases)~~

FILED
SOLANO COUNTY COURTS

02 AUG -2 PM 3:50

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

CHARLES D. RAMEY

JUVENILE COURT DIVISION

By Patsy Worcester
DEPUTY CLERK

6	IN THE MATTER OF:)	
7	AUTHORIZATION FOR IMMEDIATE)	
8	HEALTH APPRAISAL, IMMUNIZATION)	
9	AND TREATMENT OF ACUTE)	STANDING ORDER
10	CONDITIONS OF MINORS DETAINED AT)	2002-1
11	JUVENILE HALL; AND AUTHORIZING)	
12	CHIEF PROBATION OFFICER TO)	
	CONSENT TO ONGOING TREATMENT IN)	
	CERTAIN CIRCUMSTANCES)	

The Juvenile Court Standing Order Misc J 629, issued on May 23, 2002, is hereby vacated and reissued *nunc pro tunc* as Standing Order 2002-1 effective August 1, 2002.

I. HEALTH APPRAISAL AT CONFINEMENT

In order that juveniles confined in the Solano County Juvenile Hall undergo a health appraisal at the first possible opportunity after their initial admission to the facility, Solano County Juvenile Hall is authorized to provide a health appraisal and appropriate services in compliance with California Code of Regulations, Title 15, Section 1430 et seq. This comprehensive health appraisal is to be conducted consistent with the requirements set forth in Title 15, as well as the recommendations of the American Academy of Pediatric Health Standards for Juvenile Court Residential Facilities, and may consist of:

1. A complete medical history and physical examination, including laboratory and diagnostic testing.
2. A mental health status evaluation.

1 3. A dental assessment and remedial care to include cleaning, fillings and root
2 canal therapy.

3 4. Any clinical laboratory tests the physician determines are necessary for the
4 evaluation of the juvenile's health status, to include screening for tuberculosis and sexually
5 transmitted diseases in sexually active juveniles, with their consent.

6 5. Any immunizations necessary to bring the juvenile's immunization status up
7 to date following guidelines of the American Academy of Pediatrics.

8 6. An assessment of the appropriateness of continuing or discontinuing the
9 prescription of any medication (including psychotropic medication) the minor may presently
10 be taking.

11 7. Mental health crisis intervention and the management of acute psychiatric
12 episodes.

13 8. Any routine medical care or dental care required for the care of illness and
14 injury, including the use of standard x-ray, based upon the results of this comprehensive
15 health appraisal.

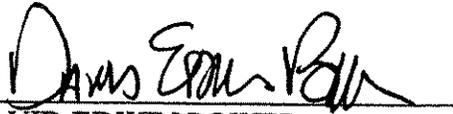
16 **II. CONTINUING TREATMENT AFTER DETENTION**

17 At the time of admission to the Juvenile Hall, all reasonable efforts shall be made to
18 obtain the consent of the parent or legal guardian for ongoing medical, dental and mental
19 health care while the juvenile is in the facility. A further attempt to obtain consent shall be
20 made at the time of the detention hearing for ongoing care while the minor is detained in
21 Juvenile Hall, New Foundations or other placement. In the event that consent cannot be
22 obtained (e.g., parents or legal guardians not available to give consent) through reasonable
23 efforts, the Chief Probation Officer or his/her designee, shall complete a statement of due
24 diligence, to be placed in the minor's health file and lodged with the Court. Upon
25 completion of the statement of due diligence and placement in the minor's health file, the
Chief Probation Officer or his/her designee shall be authorized to consent on behalf of the
minor to any routine, ongoing or emergency care which will protect and promote the
minor's physical and mental well being. This authorization shall include the authority to

1 complete any documents required by the treating practitioner which are consistent with the
2 scope of this order, including specific consents required by the treating practitioner prior to
3 administering treatment.

4 Dated:

8/2/02



5 DAVID EDWIN POWER

6 Judge of the Superior Court, Juvenile Division

02 AUG -2 PM 4: 04

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

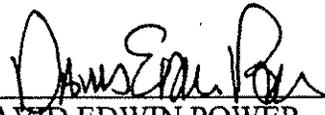
CHARLES D. RAMEY
By Penny Worcester
DEPUTY CLERK

<p>5 IN THE MATTER OF:</p> <p>6 DESIGNATION OF CHIEF PROBATION</p> <p>7 OFFICER/DESIGNEE AS</p> <p>8 REPRESENTATIVE OF COURT FOR</p> <p>9 PURPOSES OF REFERRING STUDENTS</p> <p>10 TO THE COMMUNITY SCHOOL</p> <p>PROGRAMS</p> <p>(Welfare and Institutions Code Section 654</p> <p>and Education Code Section 42238.18(c).)</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>STANDING ORDER</p> <p>2002- <u>2</u></p>
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The Juvenile Standing Order Misc J 430 issued on February 7, 2000, is hereby vacated and reissued *nunc pro tunc* as Standing Order 2002- 2 effective August 1, 2002.

GOOD CAUSE APPEARING, THEREFORE, IT IS HEREBY ORDERED THAT in the matter of students referred to Community Schools, the Chief Probation Officer or his/her designee be the representative of the Court for the purpose of referring students to the Community Schools pursuant to Welfare and Institutions Code section 654. The Court further authorizes the representative to review and certify the appropriateness of the placement pursuant to Education Code section 42238.18(c).

Dated: 8/2/02



 DAVID EDWIN POWER
 JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

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IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA
IN SESSION AS A JUVENILE COURT

FILED
SOLANO COUNTY COURTS
02 AUG -2 PM 4:06

CHARLES D. RAMEY
By Patsy Worcester
DEPUTY CLERK

IN THE MATTER OF:

Designation of Family Law Judicial Officers
As Juvenile Court Officers for Purposes of
Making Discovery Determinations of Child
Welfare and Dependency Records in Family
Law Proceedings (Welfare and Institutions
Code sections 827, 828 and Rule of Court
1423)

STANDING ORDER

2002- 3

The Juvenile Standing Order Misc J 136 issued on April 12, 1993, is hereby vacated and reissued *nunc pro tunc* as Standing Order 2002- 3 effective August 1, 2002.

In order to properly carry out its functions, including, but not limited to the proper supervision of the offices and adjuncts of this Court and the promotion and protection of the welfare and best interests of the minors who are subject to the jurisdiction and potentially subject to the jurisdiction of the Court, the Court hereby designates the Family Law Judges and Family Law Commissioners/Referees to sit as the Juvenile Court for purposes of making discovery determinations regarding the records maintained by the Solano County Health and Social Services – Child Welfare Services in cases pending before the Family Law Court.

Dated: 8/2/02

David Edwin Power
DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

Standing Order 2002- 3

Re: Designation of Family Law Court Judicial
Officers to Make Discovery Determinations
Regarding Child Welfare Records in Family Law
Proceedings

1
2 IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

FILED
SOLANO COUNTY COURTS
02 AUG -2 PM 4:01

3 IN SESSION AS A JUVENILE COURT

4 CHARLES D. RAMEY
By J. O. Breda
DEPUTY CLERK

5 IN THE MATTER OF:)

6 THE EXCHANGE OF INFORMATION)
7 PERTAINING TO JUVENILES AMONG)
8 MEMBERS OF MULTIDISCIPLINARY)
9 TEAMS,)
10)

STANDING ORDER

2002-4

11
12 The Juvenile Standing Order Misc J 630 issued on May 23, 2002, is hereby vacated and
13 reissued *nunc pro tunc* as Standing Order 2002-4 effective August 1, 2002.

14 Pursuant to the provisions of Welfare and Institutions Code section 18986.40, the Solano
15 County Probation Department and the Solano County Department of Health and Social Services,
16 Division of Mental Health, have adopted a Memorandum of Understanding (MOU) establishing
17 a multidisciplinary team (MDT) to provide services to minors coming within the jurisdiction of
18 the juvenile court.

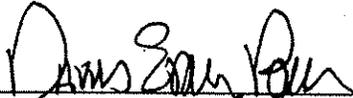
19 The MOU specifies the type of information that may be shared, and sets forth a process
20 which ensures the maximum protection of privacy and confidentiality rights by requiring each
21 team member to maintain the same confidentiality obligations, and be subject to the same
22 penalties as the persons disclosing confidential information.

23 Pursuant to the establishment of the MDT, and to further the treatment plans and the
24 delivery of services through the coordination of care to minors falling under the jurisdiction of
25 the Juvenile Court and their families, the Court makes the following orders:

1. The MDT shall make all reasonable efforts to obtain the consent of the parent or legal guardian authorizing the release of medical, mental health, social service and educational records, covering multiple service providers, in order to permit the release of records and information to the MDT.
2. In the event that parental consent cannot be obtained despite reasonable efforts, each member of the MDT is hereby authorized to share medical, mental health, social service and education information regarding the minor in order to provide services to the minor, pursuant to the terms of the MOU.
3. Notwithstanding the above, in the event that consent cannot be obtained due to the refusal of the parent or legal guardian to provide such consent, no confidential information may be shared among members of the MDT.
4. No information shared among members of the MDT may be disclosed to anyone other than members of the MDT and collateral service providers as defined by Welfare and Institutions Code section 18986.40.

IT IS SO ORDERED

Dated: 8/2/02

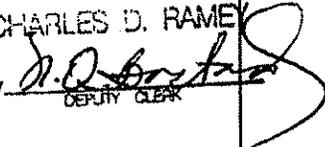


DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA 2 PM 4: 04

IN SESSION AS A JUVENILE COURT

CHARLES D. RAMEY

By 
DEPUTY CLERK

5	IN THE MATTER OF:)	
6	RELEASE OF CHILD WELFARE)	STANDING ORDER
7	RECORDS TO THE COURT)	
8	INVESTIGATOR IN GUARDIANSHIP)	2002-6
9	PROCEEDINGS)	

10 The Juvenile Standing Order Misc J 501 issued on October 10, 2000, is hereby vacated
11 and reissued *nunc pro tunc* as Standing Order 2002- 6 effective August 1, 2002.

12 In order for the Solano County Superior Court to fully evaluate and consider the
13 establishment or continuance of guardianships over minors who come before the Superior Court,
14 it is necessary for the Court to receive a complete investigative report of the minors'
15 circumstances.

16 The preparation of a full and complete investigative report to the Solano County Superior
17 Court regarding these minors would serve the best interests of these minors and the interests of
18 justice. These interests outweigh the public interest of maintaining the confidentiality of records
19 of public assistance provided to such minors.

20 Therefore, pursuant to Welfare and Institutions Code sections 827 and 10850, each and
21 every Solano County Superior Court Investigator, upon showing proof of employment and
22 assignment to investigate the guardianship matter under the jurisdiction of the Solano County
23 Superior Court, shall be given access by the Solano County Health and Social Services
24 Department to the following information pertaining to the minor, the minor's guardian or
25 prospective guardian:

Standing Order 2002- 6
Re: Release of Child Welfare Records
To the Court Investigator

1. Any and all records maintained by the Solano County Health and Social Services, Child Welfare Division, including but not limited to referrals, emergency response investigative reports, court reports, evaluations, etc., pertaining to the minor, the guardian or prospective guardian.
2. Any reports, recommendations, assessments prepared by a multi-disciplinary team convened for the purpose of assessing and making recommendations regarding a family or family group which includes the minor who is the subject of the guardianship investigation.
3. Any and all school records pertaining to the minor who is the subject of the guardianship investigation.
4. Any and all health records pertaining to the minor who is the subject of the guardianship investigation.
5. Any and all mental health records pertaining to the minor who is the subject of the guardianship investigation.
6. Any and all substance abuse records pertaining to the minor who is the subject of the guardianship investigation.

The Solano County Superior Court Investigator shall maintain the confidentiality of the Records reviewed, inspected or copied for the purpose of the preparation of the investigative report to the Court. Any information obtained from these records shall not be disseminated except in the guardianship proceedings. Any copies or records obtained by the Court Investigator shall be destroyed upon establishment or termination of the guardianship.

Dated: 8/2/02


DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

CHARLES D. RAMEY

By M. O. [Signature]
DEPUTY CLERK

IN THE MATTER OF:)
)
) **STANDING ORDER**
)
RELEASE OF CONFIDENTIAL)
INFORMATION TO FINANCIAL) **2002-7**
HEARING OFFICER)
)
)

The Juvenile Standing Order Misc J 144 issued on August 25, 1993, is hereby vacated and reissued *nunc pro tunc* as Standing Order 2002- 7 effective August 1, 2002.

The Court finds that in the interest of continuing to provide optimum legal representation for parents and minors in Welfare and Institutions Code Section 300 proceedings in a effort to further the goal of family preservation and reunification, it is necessary to share certain information protected pursuant to Welfare and Institutions Code section 10850.

THE COURT THEREFORE ISSUES THE FOLLOWING STANDING ORDER:

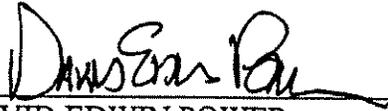
For purposes of determining financial responsibility for court appointed attorney fees, Child Welfare workers may share the name, address, social security number, name and address of employer and any other financial information regarding a parent in a Welfare and Institutions Code section 300 proceeding with the Superior Court Financial Hearing Officer.

IT IS FURTHER ORDERED that the Financial Hearing Officer may convey this information to the Office of County Counsel for the sole purpose of collecting any fees ordered in the Welfare and Institutions Code Section 300 proceedings. The Office of County Counsel shall not use the information for any other purpose and shall keep such information separate

//

1 from Welfare and Institutions Code section 300 case files.

2 Dated: 8/2/02

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4 DAVID EDWIN POWER
5 JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION
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02 AUG -2 PM 4: 08

CHARLES D. RAMEY

By J. O. Baker
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SOLANO
IN SESSION AS A JUVENILE COURT

IN THE MATTER OF:

RELEASE OF JUVENILE RECORDS
PURSUANT TO IN RE: T.N.G.

STANDING ORDER

2002-8

Juvenile Court Standing Order J - 1 issued on November 13, 1981, is vacated and reissued *nunc pro tunc* as Standing Order 2002- 8 effective August 1, 2002.

Pursuant to the provisions of Welfare and Institutions Code, Section 827 and the duty imposed upon the Court by the decision of the California Supreme Court in the case of T.N.G. v. Superior Court, 4 Cal. 3d 767, the Juvenile Court of Solano County hereby makes the following order:

IT IS HEREBY ORDERED:

A. The District Attorney, Chief Probation Officer, Law Enforcement Officials of the Solano County Law Enforcement Agencies and their employees may release, solely in connection with the discharge of their official responsibilities, any information in their possession regarding minors to the following persons and agencies upon the terms and conditions set forth below:

1. The minor about whom the information pertains, said minor's parents, guardians, foster parents or attorneys for the

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aforementioned persons may be given all such information in the possession of the agencies listed in paragraph A.

2. All such information in the possession of the agencies listed in paragraph A may be released to persons who have an official interest and need to know in connection with the discharge of their official responsibilities and who are employed by:

- a) California Attorney General's office
- b) District Attorney's Offices in California
- c) California law enforcement agencies (including peace officers designated in Penal Code Sections §30, 831.0, 830.2, 830.3, 830.4 and 830.9)
- d) Probation Departments in California
- e) Public Welfare Agencies in California
- f) California Bureau of Identification and Investigation
- g) California Youth Authority
- h) California Department of Corrections
- i) Any Coroner
- j) Federal investigative and enforcement agencies.

3. Hospitals, schools, camps, job corps, ranches, placements or any other person, group or institution which require such information for the placement, treatment, or rehabilitation of said minor, pursuant to court order or voluntary placement by probation or public welfare agencies.

4. All California school systems grades Kindergarten through twelve (12) who have a legitimate interest may be given information pertaining to a minor's status with the district Attorney's office or the Probation Department, and any terms or

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conditions imposed upon the minor, as a result of said status which pertain to the minor's schooling.

5. Persons entitled to receive information pursuant to California Vehicle Code Section 20008 through 20012.

6. Victims, parents or guardians of minor victims, attorneys for victims, and insurers of victims may receive the following information:

- a) Orders of restitution made by the Court or agreed upon as a condition of informal probation;
- b) The name and address of a minor offender and the address of his/her parent or guardian for the purpose of pursuing enforcement of civil liability when requested;
- c) Whether or not an arrest has been made;
- d) The offenses for which an arrest has been made;
- e) The disposition of the minor by the law enforcement agency;
- f) Whether or not a petition will be filed with the Juvenile Court and the charge(s) to be alleged in any such petition;
- g) The results of any detention hearing held;
- h) The date and location of the hearing;
- i) The identification of the Judge or Referee who heard or will hear the matter;
- j) The jurisdictional finding and the final disposition of the Court.

VACATED

B. All information received by an authorized recipient listed in Paragraph A, Sections 1 through 6, of this Order shall be kept confidential by that recipient, and shall not

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be further released unless utilized to take court action against a minor, parent or guardian.

C. Requests by the public for access to information in the Court files, or by any law enforcement agency to disseminate any information in its files to any person or agency not listed in Paragraph A, Sections 1 through 6, will be considered by the Juvenile Court on an individual basis, pursuant to petition under Welfare and Institutions Code Section 827.

D. Concurrently with the release of any information by any law enforcement agency in Solano County to any authorized recipient not listed above, such law enforcement agency is required to furnish the recipient with a copy of Paragraph A and B of this order.

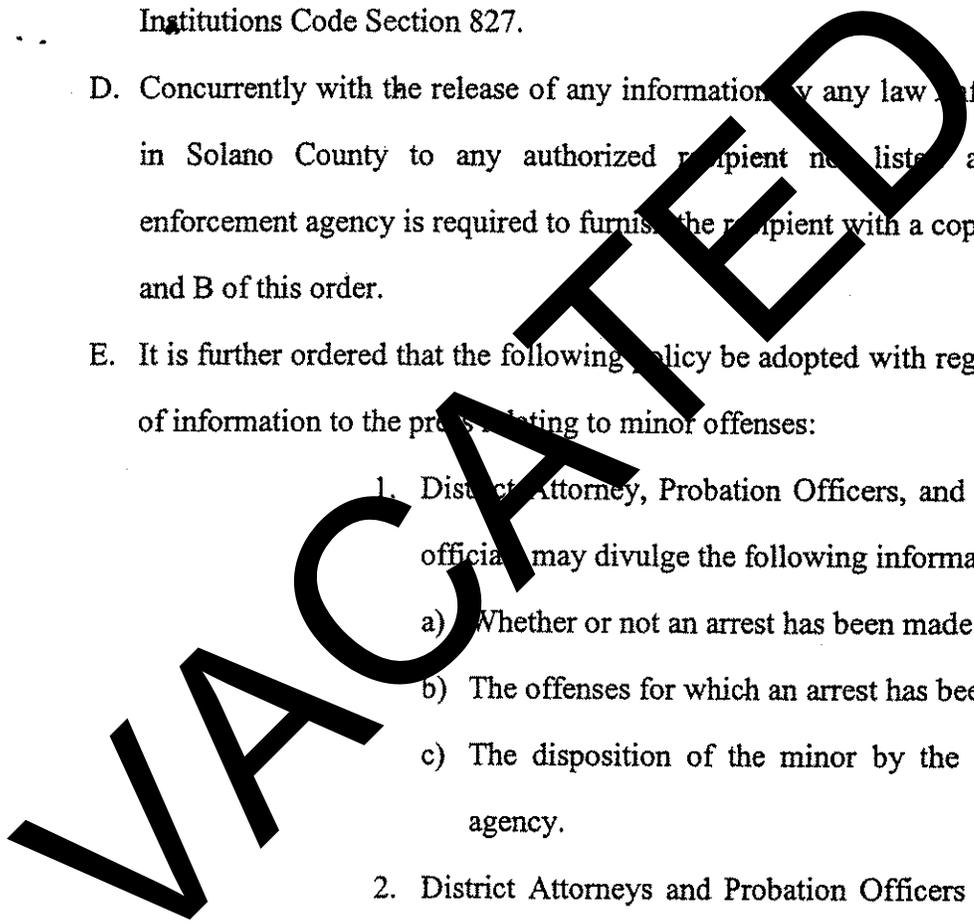
E. It is further ordered that the following policy be adopted with regard to the release of information to the press relating to minor offenses:

1. District Attorney, Probation Officers, and law enforcement officials may divulge the following information:

- a) Whether or not an arrest has been made;
- b) The offenses for which an arrest has been made;
- c) The disposition of the minor by the law enforcement agency.

2. District Attorneys and Probation Officers may divulge the following:

- a) Whether or not a petition will be filed with the Juvenile Court and the charge to be alleged in any such petition;
- b) The results of any detention hearing held;
- c) The date and location of the hearing;
- d) The identification of the Judge or Referee who heard or will hear the matter;



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e) The jurisdictional finding and the final disposition of the Court.

IT IS FURTHER ORDERED that this Order does not prohibit release of information by District Attorneys, Probation Officers or law enforcement agencies about crimes, or the contents of arrest reports, except insofar as they disclose the identity of the juvenile, and this Order does not apply prior to taking into custody or detention of a juvenile, and it is not intended to apply to Coroner's reports.

Dated: 8/2/02



DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

VACATED

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA: 03
02 AUG 2 PM

IN SESSION AS A JUVENILE COURT

CHARLES D. RAMEY

By Patsy Worcester
DEPUTY CLERK

IN THE MATTER OF:

STANDING ORDER

RELEASE OF JUVENILE RECORDS TO BE
USED IN THE SOLANO COUNTYWIDE
FOSTER YOUTH SERVICES PROGRAM

2002-9

Juvenile Court Standing Order Misc J 535 issued March 6, 2001, is vacated and reissued nunc pro tunc as Standing Order 2002- 9 effective August 1, 2002.

WHEREAS, the Solano County Office of Education Foster Youth Services Program (the Program) is intended to make foster youth services more readily available to foster children and youth that are under the jurisdiction of the County of Solano; and,

WHEREAS, in order to develop a database of foster children and youth under the jurisdiction of the County of Solano, determine the services required and provide such services, the Program has a need to access certain records and information regarding the foster children and youth under the jurisdiction of the County of Solano; and

WHEREAS, it is recognized that such records and information may be confidential and may be released by court order; and

WHEREAS, it is the intent of the court to allow access to and use of such records to the extent necessary for the purposes of the Program and the delivery of services to the foster children and youth of this community;

IT IS ORDERED AS FOLLOWS:

1. Records and information regarding foster children and youth under the

1 jurisdiction of the County of Solano and maintained by any agency for the purpose of the
2 delivery of services to the foster children under the jurisdiction of the County of Solano shall be
3 released to the representatives of the Program.

4 2. The records or information required for the Program may be transmitted
5 electronically if the Solano County Office of Education establishes a method of transmission that
6 assures the confidentiality of the information.

7 3. Any person or agency receiving the records and information referred to in this
8 order or allowed access to the records and information maintained by the Program shall maintain
9 the confidentiality of these records and information and shall use such records and information
10 only to the extent necessary for the purposes of the Program or for the delivery of services to the
11 foster child or youth.

12 4. The Solano County Office of Education shall be responsible to assure that all
13 persons and agencies involved in the Program are provided with a copy of this Order.

14 Dated: 8/2/02

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17 DAVID EDWIN POWER
18 Judge of the Superior Court, Juvenile Division
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IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

FILED
SOLANO COUNTY COURTS

IN SESSION AS A JUVENILE COURT 02 AUG -2 PM 4:09

CHARLES D. RAMEY

By: Patsy Worcester
DEPUTY CLERK

IN THE MATTER OF:)
)
)

STANDING ORDER

RELEASE OF SCHOOL RECORDS TO)
SOLANO COUNTY PROBATION)
(Education Code section 49077))
)
)

2002- 10

The Juvenile Standing Order Misc J 38 issued on September 19, 1984, is hereby vacated and reissued *nunc pro tunc* as Standing Order 2002- _____ effective August 1, 2002.

Having found that it is necessary to have access to any and all student information for Juvenile Court purposes in making detention, dispositional and placement decisions regarding wards of the court and dependent children of the court, the court hereby orders as follows:

That all school personnel are hereby ordered to provide any student information to any member of the Solano County Probation Department upon request in order that said members of said department may perform the investigative and supervisory functions mandated by the above-entitled court.

This order shall remain in full force and effect until modified or rescinded by the above-entitled court.

Dated: 8/2/02

David Edwin Power
DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

1 IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA
2 IN SESSION AS A JUVENILE COURT

FILED
SOLANO COUNTY COURTS
02 AUG -2 PM 4: 07

CHARLES D. RAMEY
By Patsy Worcester
DEPUTY CLERK

4 IN THE MATTER OF:

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TOXICOLOGY TESTING FOR DRUG EXPOSED
CHILDREN SUBJECT TO JUVENILE LAWS.
(Welfare and Institutions Code Section 369(d))

STANDING ORDER
2002- 11

9 The Juvenile Court Standing Order Misc J 505 issued on October 19, 2000, is hereby
10 vacated and reissued *nunc pro tunc* as Standing Order 2002- 11 effective August 1, 2002.

11 THE JUVENILE COURT OF THE COUNTY OF SOLANO finds that when children are
12 taken into protective custody by law enforcement officials or Solano County Health and Social
13 Services Child Welfare Division social workers due to alleged child endangerment through the
14 children's presence at an illegal manufacturing and/or distribution cite for methamphetamine or
15 other illegal substance, it is important to determine the extent of each child's toxic exposure to
16 the chemicals used in the production of the methamphetamine or illegal drug or to the
17 methamphetamine or illegal drug itself to ensure that each child's medical needs are met.

18 THEREFORE, IT IS ORDERED that:

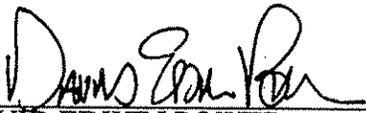
- 19
- 20 1. When a child is placed into protective custody by Solano County law enforcement
21 officials or Child Welfare Services Division, due to alleged child endangerment through
22 exposure or suspected exposure to the manufacture, production or use of methamphetamine or
23 other illegal substance, or the chemicals involved in the manufacture or production of
24 methamphetamine or other illegal substance; that child shall be immediately tested by trained
25 medical personnel to assess the minor for the ingestion or assimilation of chemicals and drugs.
26 Follow-up medical treatment and care shall be obtained as directed by the medical personnel.
 - 27 2. The testing shall consist of the analysis of urine, blood, or hair; with the least

1 invasive testing method to be used to secure medically accurate and timely results.

2 3. Parental consent to such testing shall be sought and such efforts shall be
3 documented in the case records. However, if no parent or guardian is available, capable or
4 willing to authorize such medical procedures, a Solano County Child Welfare Division social
5 worker may authorize such testing due to the emergency nature of the need for medical
6 assessment and treatment, pursuant to Welfare and Institutions Code section 369(d).

7 4. All of the results and documentation of the medical testing conducted pursuant to
8 this order shall be deemed confidential; however, such information may be released to law
9 enforcement officials, the Solano County Health and Social Services Child Welfare Division, the
10 child's counsel and the child's parents and their counsel.

11 Dated: 8/2/02

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14 DAVID EDWIN POWER
15 JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION
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1 DENNIS BUNTING # 055499
County Counsel
2 WENDY GETTY, # 161311
Assistant County Counsel
3 Office of the County Counsel
4 580 Texas Street
Fairfield, California 94533
5 Telephone: (707) 421-6140
Facsimile: (707) 421-6862

01-09-12 PM 1:26
C. Cloughridge

6 Attorneys for
7 SOLANO COUNTY DEPARTMENT OF
CHILD SUPPORT SERVICES

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SOLANO

10
11 In Re the All Matters Involving) CASE No. 2004-02
12 the Solano County Department of) STANDING ORDER
13 Child Support Services) REGARDING NOTICE OF
14) CHANGE OF ADDRESS OF
15) SOLANO COUNTY DEPARTMENT
16) OF CHILD SUPPORT SERVICES
17)

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

20 WHEREAS, the Solano County Department of Child Support Services has relocated its
21 Fairfield Office;

22 WHEREAS, California Rules of Court, rule 385, requires an attorney to give notice of a
23 change of address;

24 WHEREAS, providing notice to each and every litigant in every pending or ongoing case
25 will be unduly burdensome and expensive to the Solano County Department of Child Support
26 Services;

27 WHEREAS, numerous resources exist that provide actual notice of the substituted
28 address, including a website, dedicated telephone line and answering machine and ongoing
correspondence;

1 WHEREAS, alternative means exist to provide effective notice of a change of address to
2 litigants;

3 Good cause appearing therefor, it is ordered as follows:

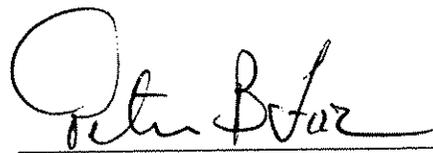
4 1. Effective immediately, all papers and documents in actions or proceedings in
5 which the Solano County Department of Child Support Services is a party pending in the Solano
6 County Superior Court shall be served at the address set forth below:

7 **Solano County Department of Child Support Services**
8 **435 Executive Court North**
9 **Fairfield, CA 94534**

10 2. In lieu of individual notices to each litigant in each ongoing or pending matter,
11 notice of this Order shall be given to the public by posting a copy of same in the Courthouse in a
12 place reserved for public notices for a period of not less than 90 days and by publication of a
13 copy of this order in a newspaper of general circulation, published in the County of Solano, that
14 is most likely to give notice to litigants in the above described proceedings. Except as set forth
15 herein, no other notice of change of address must be given by the Solano County Department of
16 Child Support Services.

17 IT IS SO ORDERED.

18
19 10/6/04
20 Dated

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Judge of the Superior Court

1
2 SUPERIOR COURT OF CALIFORNIA
3 IN AND FOR THE COUNTY OF SOLANO
4 IN SESSION AS A JUVENILE COURT
5

12:51
James E. Galt

6
7 IN THE MATTER OF:
8 RELEASE OF JUVENILE RECORDS
9
10

STANDING ORDER NO. 2005-01
RE: RELEASE OF JUVENILE CASE FILE
INFORMATION FOR W&I 601 AND 602
PROCEEDINGS

11 The Juvenile Court Standing Order No. 2002-01 as it relates to proceedings under Welfare
12 and Institutions Code sections 601 and 602 is hereby vacated.

13 Pursuant to the provisions of Welfare and Institutions Code section 827 and the duty
14 imposed upon the Court by the decision of the California Supreme Court in the case of T.N.G. v
15 Superior Court (1971) 4 Cal.3d 76, the Juvenile Court of the County of Solano makes the
16 following standing orders:

17 **I. GENERAL PROVISIONS**

- 18 A. This order applies to the inspection and copying of juvenile case files for minors
19 currently involved or previously involved in proceedings under Welfare and
20 Institutions Code sections 601 and 602.
- 21 B. For purposes of this order, a Juvenile Case File means a petition filed in any
22 juvenile court proceeding, reports of the probation officer, and all other
23 documents filed in the case or made available to the probation officer in making
24 his or her report, or to the judge, referee or other hearing officer, and thereafter
25 retained by the probation officer, judge, referee or other hearing officer. A
26 Juvenile Case File includes the file retained by the Court ("herein "Juvenile Court
27 File") and the file retained by the Probation Department (herein "Probation
28 Department File").

- 1 C. The Juvenile Case File does not include: (1) case notes created by probation
2 officers; (2) files regarding the minor created or maintained by Juvenile Hall or
3 other placements, which files are subject to the requirements of Welfare and
4 Institutions Code section 827.
- 5 D. For purposes of this Order, "psychological or psychiatric reports, evaluations and
6 other mental health records" and "medical records" are those records which are
7 created by a medical or mental health care provider.
- 8 E. Nothing in this Standing Order shall prohibit any city or the County from
9 establishing a computerized data base system that permits the probation
10 department, law enforcement agencies and school districts to access probation
11 department, law enforcement, school district and juvenile court information and
12 records pursuant to the provisions of Welfare and Institutions Code section 827.1.
- 13 F. Nothing in this Standing Order shall prohibit the dissemination of information as
14 otherwise required by law.
- 15 G. Notwithstanding any other provision of this Standing Order, an adult with a prior
16 Juvenile Case File may execute a release authorizing the inspection and/or
17 copying of certain documents and/or the release of verbal information from the
18 Probation Department File portion of the Juvenile Case File. Victim information
19 shall be specifically excluded from inspection, and victim information, psychiatric
20 evaluations, medical records and crime reports shall be specifically excluded from
21 copying. The release shall be on a form adopted by the Probation Department and
22 must be either notarized or signed in the presence of a Probation Department
23 official designated by the Chief Probation Officer.
- 24 H. Except as otherwise provided in this Standing Order, requests by the public for
25 access to Juvenile Case File information, or by any law enforcement agency to
26 disseminate any information in its files to any person or agency not authorized by
27 this Standing Order will be considered by the Juvenile Court on an individual
28 basis, pursuant to a petition filed under Welfare & Institutions Code section 827.

1 I. All information disseminated pursuant to this Standing Order shall be kept
2 confidential by the recipient, and shall not be further released unless such release
3 is permitted by the Juvenile Court.

4 **II. VIEWING JUVENILE CASE FILES**

5 A. The following persons may view a minor's Juvenile Case File without a court
6 order. However, except as specifically provided in this Standing Order, the right
7 to view shall not apply to the following documents unless a court order is
8 obtained: (1) victim information not contained in a probation report; (2)
9 psychological or psychiatric reports, evaluations, and other mental health records;
10 (3) medical records:

- 11 1. Solano County Superior Court personnel with an official need.
- 12 2. The minor who is the subject of the proceeding (a minor may view
13 psychological or psychiatric reports, evaluations, mental health records
14 and medical records pertaining to him/her, without the need for a court
15 order).
- 16 3. The minor's parents or legal guardians.
- 17 4. The district attorney, city attorney or city prosecutor authorized to
18 prosecute criminal or juvenile cases under state law.
- 19 5. The attorneys for the parties who are actively participating in criminal or
20 juvenile proceedings where the minor is the subject of the proceeding.
21 Judges, referees, hearing officers and probation officers who are actively
22 participating in criminal or juvenile proceedings where the minor is the
23 subject of the proceeding.
- 24 7. Law enforcement officers who are actively participating in criminal or
25 juvenile proceedings involving the minor.
- 26 8. Authorized legal staff or special investigators who are peace officers
27 employed by or acting as agents of the State Department of Social
28 Services, as necessary to the performance of their duties to inspect,

1 license and investigate community care facilities and ensure compliance
2 with rules and regulations to which such facilities are subject.

3 9. A person, agency or multidisciplinary team providing direct treatment to,
4 or supervision of, the minor.

5 10. A judge, commissioner, or other hearing officer assigned to a family law
6 case with issues concerning custody or visitation, or both, involving the
7 minor.

8 11. A family court mediator, a court-appointed evaluator, or a person
9 conducting a court-connected child custody evaluation, investigation or
10 assessment involving the minor.

11 12. Counsel appointed for the minor in a family law case pursuant to Section
12 3150 of the Family Code.

13 B. The Probation Department and the Superior Court may, in their sole discretion,
14 require proof that a person wishing to view a file falls into one of the above-
15 listed categories.

16 C. No information relating to the contents of a Juvenile Case File shall be
17 disseminated by the person viewing the file without a court order, except to
18 employees of the department employing the person viewing the file with an
19 official need.

20 III. OBTAINING DOCUMENTS FROM JUVENILE CASE FILES

21 A. Persons in the following categories may obtain copies of documents contained
22 in the Juvenile Court File portion of the Juvenile Case File without the need for a
23 Court order. However, except as specifically provided in this Standing Order, the
24 right to obtain copies shall not apply to the following documents unless a court
25 order is obtained: (1) victim information not contained in a probation report; (2)
26 psychological or psychiatric reports, evaluations and other mental health records;
27 (3) medical records:

28 ///

- 1 1. Solano County Superior Court Personnel with an official need.
- 2 2. The minor who is the subject of the proceeding (a minor may obtain copies
- 3 of psychological or psychiatric reports, evaluations, mental health records
- 4 and medical records pertaining to him/her, without the need for a court
- 5 order).
- 6 3. The minor's parents or legal guardians.
- 7 4. The district attorney, city attorney or city prosecutor authorized to
- 8 prosecute criminal or juvenile cases under state law.
- 9 5. The attorneys for the parties who are actively participating in criminal or
- 10 juvenile proceedings where the minor is the subject of the proceeding.
- 11 6. Judges, referees, hearing officers and probation officers who are actively
- 12 participating in criminal or juvenile proceedings where the minor is the
- 13 subject of the proceeding.
- 14 7. A judge, commissioner or other hearing officer assigned to a family law
- 15 case with issues concerning custody or visitation, or both, involving the
- 16 minor.
- 17 8. Counsel appointed for the minor in a family law case pursuant to Section
- 18 250 of the Family Code.
- 19 B. The Probation Department and the Superior Court may, in their sole discretion,
- 20 require proof that a person wishing to obtain copies of documents falls into one of
- 21 the above-listed categories, and may impose a reasonable fee for copying.
- 22 C. A court order is required in all cases for the copying of information pertaining to
- 23 crime victims, psychological evaluations and reports, mental health records,
- 24 medical records, crime reports and information contained in the minor's Probation
- 25 Department File, unless otherwise provided in this Order.
- 26 D. All other persons listed in Section II may only obtain copies of documents in a
- 27 Juvenile Case File by filing a petition and obtaining an order from the Court
- 28 pursuant to section 827 of the Welfare and Institutions Code.

1 E. The Probation Department may, in its discretion, release documents regarding
2 minors currently under their supervision as necessary to hospitals, schools, camps,
3 job corps, ranches, or any other person, group or institution which requires such
4 information for the placement, treatment or rehabilitation of the minor pursuant to
5 court order or voluntary placement by probation.

6 F. The Probation Department, may, in its discretion, release to the superintendent or
7 designee of the school district where the minor is enrolled the attending school
8 information regarding (1) the minor's status with the District Attorney or
9 Probation and (2) terms or conditions imposed on the minor as a result of said
10 status which pertain to the minor's schooling.

11 G. Victims, parents or guardians of minor victims, attorneys for victims and insurers
12 of victims may receive the following documents from the Juvenile Case File without
13 a court order:

14 i. Orders of restitution made by the Court or agreed upon as a condition
15 of probation.

16 ii. The name and address of a minor offender and the name and address
17 of his or her parents or guardians for the purpose of pursuing enforcement
18 of a restitution order and/or civil liability arising from the offense(s)
19 which are the subject of the proceeding.

20 iii. All information received by any recipient shall be kept confidential by
21 that recipient, and shall not be further released unless utilized to take
22 court action against a minor, parent or guardian.

23 H. A petition filed pursuant to Welfare and Institutions Code section 827 shall be on
24 Judicial Council Form No. JV-570, and must be served on the District Attorney,
25 the minor, counsel for the minor, the minor's parent or guardian, the Probation
26 Department and County Counsel. Any opposition to the petition shall be filed not
27 later than five court days after the date of service of the petition. This time will be
28 extended by five calendar days if service is by mail.

1 I. No portion of records or information relating to the contents of records in a
2 Juvenile Case File shall be made attachments to any other documents without the
3 prior approval of the Presiding Judge of the Juvenile Court, unless they are used in
4 connection with and in the course of (1) a criminal investigation; (2) a proceeding
5 brought to declare a person a dependent child or ward of the juvenile court; (c) by
6 the State Department of Social Services in a proceeding described in Welfare and
7 Institutions Code section 827(a)(1)(I); or (4) as otherwise permitted in this
8 Standing Order.

9 **IV. OBTAINING VERBAL INFORMATION CONTAINED IN JUVENILE CASE**
10 **FILES**

11 A. The Probation Department may, in its discretion, verbally release information
12 regarding a Juvenile Case File to the following persons who have an official
13 interest and need to know in connection with the discharge of their official
14 responsibilities, and who are employed by:

- 15 1. California Attorney General.
- 16 2. District Attorney's offices throughout California.
- 17 3. California law enforcement agencies.
- 18 4. Probation Departments in California.
- 19 5. Public Welfare Agencies in California.
- 20 6. California Bureau of Identification and Investigation.
- 21 7. California Youth Authority.
- 22 8. California Department of Corrections.
- 23 9. Any Coroner.
- 24 10. Federal investigative and enforcement agencies.

25 B. The Probation Department may, in its discretion, verbally provide information to
26 a minor's school as necessary to promote the rehabilitation of the minor and to
27 lessen the potential for drug use, violence and other forms of delinquency.

28 C. The Probation Department may, in its discretion, verbally release information
regarding minors currently under their supervision as necessary to hospitals,

1 schools, camps, job corps, ranches, or any other person, group or institution
2 which requires such information for the placement, treatment or rehabilitation of
3 the minor pursuant to court order or voluntary placement by probation

4 D. Victims, parents or guardians of minor victims, attorneys for victims and insurers
5 of victims may verbally receive the following information without a court order:

- 6 i. Whether or not an arrest has been made.
- 7 ii. The offenses for which an arrest has been made.
- 8 iii. The disposition of the minor by the law enforcement agency.
- 9 iv. Whether or not a petition will be filed with the Juvenile Court and the
10 charge(s) to be alleged in any such petition.
- 11 v. The results of any detention hearing held.
- 12 vi. The date, time and location of any hearing in the case.
- 13 vii. The identification of the judge or referee who heard or will hear the case.
- 14 viii. The jurisdictional findings and the final disposition of the Court.
- 15 ix. All information received by any recipient shall be kept confidential by that
16 recipient, and shall not be further released unless utilized to take court
17 action against a minor parent or guardian.

18 E. The Probation Department may, in its sole discretion, require proof that a person
19 wishing to obtain verbal information from a Juvenile Case File is authorized by this
20 Order to receive such information.

21 **V. RELEASE OF INFORMATION TO THE MEDIA.**

22 The following policy shall apply with regard to the release of information to the media
23 relating to minor offenses:

- 24 A. The District Attorney, Chief Probation Officer and law enforcement officials or
25 their designees may, in their discretion, divulge the following information:
 - 26 1. Whether or not an arrest has been made.
 - 27 2. The offenses for which an arrest has been made.
 - 28 3. The disposition of the minor by the law enforcement agency.

1 4. In cases where disclosure of information aids in an investigation, assists in the
2 arrest of a suspect or warns the public of danger, law enforcement officials
3 may release the name, date of birth and physical description of a minor.

4 B. The District Attorney and Chief Probation Officer or their designees may, in their
5 discretion, divulge the following:

- 6 1. Whether or not a petition will be filed with the Juvenile Court and the charge
7 to be alleged in any such petition.
8 2. The results of any detention hearing held.
9 3. The date and location of the hearing.
10 4. The identification of the Judge or Referee who heard or will hear the matter.
11 5. The jurisdictional finding and the final disposition of the Court.

12 Dated: August 1, 2005



GARRY T. ICHNIKAWA
Judge of the Superior Court, Juvenile Division

VACATED

1
2 SUPERIOR COURT OF CALIFORNIA
3 IN AND FOR THE COUNTY OF SOLANO
4 IN SESSION AS A JUVENILE COURT
5

6 IN THE MATTER OF:

7
8 RELEASE OF JUVENILE DELINQUENCY
9 RECORDS
10
11

STANDING ORDER NO. 2010-001_____

RE: RELEASE OF JUVENILE CASE FILE
INFORMATION FOR W&I 601 AND 602
PROCEEDINGS

12 The Juvenile Court Standing Order No. 2002-8 as it relates to proceedings under
13 Welfare and Institutions Code sections 601 and 602 is vacated. Juvenile Court Standing Order
14 No. 2005-01 is vacated and replaced with this Standing Order.

15 Pursuant to the provisions of Welfare and Institutions Code section 827 ("section 827")
16 and the duty imposed upon the Court by the decision of the California Supreme Court in the
17 case of T.N.G. v Superior Court (1971) 4 Cal.3d 767, the Juvenile Court of the County of
18 Solano makes the following Standing Order:

19 **I. GENERAL PROVISIONS**

20 **A. Applicability to Delinquency Proceedings Only.** This order applies to the
21 inspection and copying of juvenile case files for minors currently involved or
22 previously involved in proceedings under Welfare and Institutions Code sections
23 601 and 602.

24 **B. Juvenile Case File – Definition and Exclusions.** A Juvenile Case File means
25 a petition filed in any juvenile court proceeding, reports of the probation officer,
26 and all other documents filed in the case or made available to the probation
27 officer in making his or her report, or to the judge, referee or other hearing
28 officer, and thereafter retained by the probation officer, judge, referee or other
hearing officer. A Juvenile Case File includes the file retained by the Court and

1 the file retained by the Probation Department. With the exception of documents
2 specifically related to a proceeding involving a violation of a court order, the
3 following documents are not included in the definition of a Juvenile Case File:

- 4 1. Case notes of Probation Officers.
- 5 2. Victim information not already contained in a probation report.
- 6 3. Court Appointed Special Advocates (CASA) records.
- 7 4. Records from the Solano County Juvenile Detention Facility, Fouts Springs
8 Youth Facility or other placements.
- 9 5. Other documents that are privileged or confidential pursuant to any other
10 state law, federal law or regulation, including, but not limited to psychological
11 or psychiatric evaluations, mental health records and medical records.¹
- 12 6. Records that have been sealed pursuant to Welfare and Institutions Code
13 section 398 or 781.

14 **C.** Such documents may be only be accessed, if at all, at the discretion of the Court
15 following the filing of a petition pursuant to section 827, or as otherwise provided
16 by statute

17 **D. Psychological, Psychiatric and Medical Records – Definition.** The terms
18 “psychological or psychiatric reports, evaluations and other mental health
19 records” and “medical records” are those records which are created by a mental
20 health or medical care provider.

21 **E. Exception – Computerized Data Base System.** Nothing in this Standing Order
22 shall prohibit any city or the County from establishing a computerized data base
23 system that permits the probation department, law enforcement agencies and
24 school districts to access probation department, law enforcement, school district
25

26
27 ¹ See, Welfare and Institutions Code section 827(a)(3)(A). Privileged or confidential records not subject to the
28 informal release provisions of this Standing Order include, but are not limited to, records protected by Welfare and
Institutions Code section 10850 [public social services records], Penal Code section 11167 [mandated reporting of
abuse or neglect], Evidence Code section 1040 [official information given in confidence] and Government Code
section 6253.2, 6254(n) [persons paid to perform in-home supportive services, licensing applications]

1 and juvenile court information and records pursuant to the provisions of Welfare
2 and Institutions Code section 827.1.

3 **F. Minor Permitted to Review and Receive His/Her Own Medical and Mental**

4 **Health Information.** Notwithstanding any other provision of this Standing Order,
5 an individual seeking psychiatric evaluations, medical records and/or mental
6 health records from his or her own Juvenile Case File may receive such records
7 following execution of a release that is compliant with the federal Health
8 Information Privacy and Accountability Act ("HIPAA") and the California
9 Confidentiality of Information Act. The release shall be on a form adopted by
10 the Probation Department and must be either notarized or signed in the
11 presence of a Probation Department or other law enforcement official designated
12 by the Chief Probation Officer.

13 **G. Petition Required for Individuals Not Specifically Authorized by Statute to**

14 **Receive Records.** Except as otherwise provided in this Standing Order,
15 requests by any individual for access to Juvenile Case File information, or by any
16 law enforcement agency to disseminate any information in its files to any person
17 or agency not authorized by either section 827 or this Standing Order to receive
18 such information shall only be considered by the Juvenile Court on an individual
19 basis, pursuant to a petition filed under Welfare & Institutions Code section 827.
20 Except in the case of a deceased child, a petition filed pursuant to section 827
21 shall be on the appropriate Judicial Council Form, and must be served on the
22 District Attorney, the minor, counsel for the minor, the minor's parent or
23 guardian, the Probation Department and County Counsel. Any opposition to the
24 petition shall be filed not later than ten court days after the date of service of the
25 petition. This time will be extended by five calendar days if service is by mail. In
26 the case of a deceased child, the provisions of Welfare & Institutions Code
27 section 827(a)(2)(D)(E) and (F) shall control.
28

1 **H. No Conflict with Other Laws.** Nothing in this Standing Order shall prohibit the
2 dissemination of information as otherwise required by law.

3 **II. VIEWING JUVENILE CASE FILES**

4 A. Only those persons specifically identified in Welfare and Institutions Code
5 section 827(a)(1) may view a juvenile case file. Any person not specifically
6 listed must file a petition under section 827 for permission to view a Juvenile
7 Case file.

8 B. The Probation Department and the Superior Court may, in their sole discretion,
9 require proof that a person wishing to view a file falls into one of the categories
10 listed in Welfare & Institutions Code section 827(a).

11 C. All persons wishing to view a Juvenile Case File must complete and sign a form
12 which includes an acknowledgement that the records being viewed are
13 confidential and the information contained is not to be further disseminated
14 without an order of the Court. The form shall also contain a declaration signed
15 under penalty of perjury that the person requesting access to the juvenile case
16 file is authorized either by statute or court order to view the file. The executed
17 form shall be maintained in the Probation file or Superior Court file being
18 accessed.

19 D. No information relating to the contents of a Juvenile Case File may be
20 disseminated by the person viewing the file without a court order, except to
21 employees of the department employing the person viewing the file with an
22 official need.

23 **III. OBTAINING DOCUMENTS FROM JUVENILE CASE FILES**

24 A. Only those persons specifically listed in Welfare & Institutions Code section
25 827(a)(5) may obtain copies of documents contained in the Juvenile Case File
26 without a court order.

27 B. The Probation Department and the Superior Court may, in their sole discretion,
28 require proof that a person wishing to obtain copies of documents falls into one

1 of the categories permitted by Welfare & Institutions Code section 827(a)(5), and
2 may impose a reasonable fee for copying, consistent with the fee schedule set
3 by the County Board of Supervisors (for Probation records) and the
4 Administrative Office of the Courts (for Court records).

5 C. All persons wishing to receive copies of documents from a Juvenile Case File
6 must complete and sign a form which includes an acknowledgement that the
7 records are confidential and are not to be further disseminated without an order
8 of the Court. The form shall also contain a declaration signed under penalty of
9 perjury that the person requesting access to the juvenile case file is authorized
10 either by statute or court order to obtain copies of documents from the file. The
11 executed form shall be maintained in the Probation file or Superior Court file
12 being accessed. Every person receiving copies of documents from a Juvenile
13 Case File will be provided with a copy of a Protective Order re: Release of
14 Juvenile Case File Information adopted by the Juvenile Court.

15 D. The Probation Department may, in its discretion, release documents regarding
16 minors currently under their supervision as necessary to hospitals, schools,
17 camps, job corps, ranches, or any other person, group or institution which
18 requires such information for the placement, treatment or rehabilitation of the
19 minor, including but not limited to no-contact orders, gang terms and other terms
20 of probation. The Probation File shall contain a written record of information and
21 documents released pursuant to this paragraph.

22 E. The Probation Department, may, in its discretion, release to the superintendent
23 or designee of the school district where the minor is enrolled or attending school
24 information regarding (1) the minor's status with the Court or Probation and (2)
25 terms or conditions imposed on the minor as a result of said status which pertain
26 to the minor's schooling, including, but not limited to, no-contact orders gang
27 terms and other terms of probation. The Probation File shall contain a written
28 record of information and documents released pursuant to this paragraph.

1 **IV. OBTAINING VERBAL INFORMATION CONTAINED IN JUVENILE CASE FILES**

2 A. The Probation Department may, in its discretion, verbally release information
3 regarding a Juvenile Case File to the following persons who have an official
4 interest and need to know in connection with the discharge of their official
5 responsibilities, and who are employed by:

- 6 1. California Attorney General.
- 7 2. District Attorney's offices throughout California.
- 8 3. California law enforcement agencies.
- 9 4. Probation Departments in California.
- 10 5. Public Welfare Agencies in California.
- 11 6. California Bureau of Identification and Investigation.
- 12 7. California Department of Corrections and Rehabilitation, Division of
13 Juvenile Justice.
- 14 8. California Department of Corrections and Rehabilitation.
- 15 9. Any Coroner.
- 16 10. Federal investigative and enforcement agencies.

17 B. The Probation Department may, in its discretion, verbally provide information,
18 including, but not limited to, no-contact orders, gang terms and other relevant
19 terms of probation to a minor's school as necessary to promote the rehabilitation
20 of the minor and to lessen the potential for drug use, violence and other forms of
21 delinquency. The Probation File shall contain a written record of information
22 released pursuant to this paragraph.

23 C. The Probation Department may, in its discretion, verbally release information
24 regarding minors currently under their supervision as necessary to hospitals,
25 schools, camps, job corps, ranches, or any other person, group or institution
26 which requires such information for the placement, treatment or rehabilitation of
27 the minor, including, but not limited to, no-contact orders, gang terms and other
28

1 relevant terms of probation. The Probation File shall contain a written record of
2 all information released pursuant to this paragraph.

3 D. Victims, parents or guardians of minor victims, attorneys for victims and insurers of
4 victims may verbally receive the following information without a court order:

- 5 1. Whether or not an arrest has been made.
- 6 2. The offenses for which an arrest has been made.
- 7 3. The disposition of the minor by the law enforcement agency.
- 8 4. Whether or not a petition has been filed with the Juvenile Court and the
9 charge(s) to be alleged in any such petition.
- 10 5. The results of any detention and/or disposition hearing held.
- 11 6. The date, time and location of any hearing in the case.
- 12 7. The identification of the judge or referee who heard or will hear the case.
- 13 8. The jurisdictional finding and the final disposition of the Court.
- 14 9. Any anticipated release date.
- 15 10. All information received by any recipient shall be kept confidential by that
16 recipient, and shall not be further released unless utilized to take court
17 action against a minor, parent or guardian.

18 The Probation File shall contain a written record of information and documents
19 released pursuant to this paragraph.

20 E. The Probation Department may, in its sole discretion, require proof that a person
21 wishing to obtain verbal information from a Juvenile Case File is authorized by
22 this Order to receive such information.

23 **V. RELEASE OF INFORMATION TO THE MEDIA.**

24 The following policy shall apply with regard to the release of information to the media
25 relating to minor offenses:

26 A. The District Attorney, Chief Probation Officer and law enforcement officials or
27 their designees may, in their discretion, divulge the following information:

- 28 1. Whether or not an arrest has been made.

2. The offenses for which an arrest has been made.
3. The disposition of the minor by the law enforcement agency.
4. In cases where disclosure of information aids in an investigation, assists in the arrest of a suspect or escapee or otherwise warns the public of danger; the name, date of birth and physical description of a minor and, where relevant to protect public health and safety, the charges against the minor.

B. The District Attorney and Chief Probation Officer or their designees may, in their discretion, divulge the following:

1. Whether or not a petition has been filed with the Juvenile Court and the charge to be alleged in any such petition.
2. The results of any detention hearing held.
3. The date and location of the hearing.
4. The identification of the Judge or Referee who heard or will hear the matter.
5. The jurisdictional finding and the final disposition of the Court.

VI. PROTECTIVE ORDER

Unless otherwise specifically authorized by the Juvenile Court, or otherwise provided by this Order, every person who receives documents or information from a Juvenile Case File is subject to the following protective order:

A. No documents from a Juvenile Case File or information relating to the contents of records in a Juvenile Case File may be disseminated by the receiving party to any other person or agency, or made attachments to any other document(s) or used in any other proceeding with the prior approval of the Presiding Judge of the Juvenile Court, except as follows: .

- a. The records are used in a proceeding to declare the minor who is the subject of the records a dependent child or ward of the juvenile court;
- b. The records are released to immediate office staff, clients, expert witnesses and investigators retained for the purposes of the pending matter only and with no one else.

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- c. District Attorneys, City Attorneys authorized to prosecute criminal cases, and Public Defenders or other private defense counsel may disseminate records or disclose information in compliance with their discovery obligations under statutory and case law.
- d. Records and information may be disclosed to a judicial officer of Solano County Superior Court for any purpose associated with that judicial officer's obligation to render any type of decision concerning that individual.
- e. In cooperation with federal authorities consistent with California Penal Code section 834b.

- B. Any violation of this Protective Order is punishable as a misdemeanor.
- C. Any production or dissemination of juvenile records shall be accompanied by a copy of the Protective Order made herein. A true and correct copy of the Protective Order is attached and made a part of this Standing Order.
- D. At the conclusion of the proceedings for which the records were disseminated, the receiving party shall cause all copies of the documents released to be destroyed, except that a single copy of the documents may be retained in each counsel's file, in a sealed condition, and not person shall have access to the documents thereafter without further order from the juvenile Court.

Dated: _____

ROBERT C. FRACCHIA
Presiding Judge of the Superior Court
Juvenile Division

1 SUPERIOR COURT OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SOLANO
3
4 IN SESSION AS A JUVENILE COURT

5
6 IN THE MATTER OF:
7 RELEASE OF JUVENILE RECORDS
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PROTECTIVE ORDER RE: RELEASE OF
JUVENILE CASE FILE INFORMATION FOR
W&I 601 AND 602 PROCEEDINGS

11 Unless otherwise specifically authorized by the Juvenile Court, or otherwise provided by
12 this Order, every person who receives documents or information from a Juvenile Case File is
13 subject to the following protective order:

14 A. No documents from a Juvenile Case File or information relating to the contents of
15 records in a Juvenile Case File may be disseminated by the receiving party to
16 any other person or agency, or made attachments to any other document(s) or
17 used in any other proceeding with the prior approval of the Presiding Judge of
18 the Juvenile Court, except as follows: .

- 19 1. The records are used in a proceeding to declare the minor who is the
20 subject of the records a dependent child or ward of the juvenile court.
- 21 2. The records are released to immediate office staff, clients, expert
22 witnesses and investigators retained for the purposes of the pending
23 matter only and with no one else.
- 24 3. District Attorneys, City Attorneys authorized to prosecute criminal
25 cases, and Public Defenders or other private defense counsel may
26 disseminate records or disclose information in compliance with their
27 discovery obligations under statutory and case law.
- 28 3. Records and information may be disclosed to a judicial officer of
Solano County Superior Court for any purpose associated with that

1 judicial officer's obligation to render any type of decision concerning
2 that individual.

3 4. In cooperation with federal authorities pursuant to California Penal
4 Code section 834b.

5 B. Any production or dissemination of records pursuant to this Standing Order shall
6 be accompanied by a copy of the Protective Order made herein. A true and
7 correct copy of the Protective Order is attached and made a part of this Standing
8 Order.

9 C. At the conclusion of the proceedings for which the records were disseminated,
10 the receiving party shall cause all copies of the documents released to be
11 destroyed, except that a single copy of the documents may be retained in each
12 counsel's file, in a sealed condition, and not person shall have access to the
13 documents thereafter without further order from the Juvenile Court.

14 D. Any violation of this Protective Order is punishable as a misdemeanor.
15
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17 Dated: _____

18 _____
19 ROBERT C. FRACCHIA
20 Presiding Judge of the Superior Court
21 Juvenile Division
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**Superior Court of California
County of Solano**

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7.1 SCOPE OF PROBATE RULES

a. **MATTERS TO WHICH RULE 7 APPLIES**

Except as otherwise provided elsewhere in these rules, these probate rules apply to all matters governed by the Probate Code.
(Subd (a) adopted effective July 1, 2009.)

b. **MATTERS TO WHICH RULE 7 DOES NOT APPLY**

Except as otherwise provided elsewhere in these rules, Rule 7 does not apply to probate guardianships or probate conservatorships, which are governed by Rule 15.
(Subd (b) adopted effective July 1, 2009.)

(Rule 7.1 amended effective January 1, 2010; adopted effective July 1, 2009.)

~~7.1 [RENUMBERED]~~

(Former Rule 7.1 renumbered as Rule 7.2 effective July 1, 2009.)

7.2 USE OF JUDICIAL COUNCIL FORMS; FORMAT OF PLEADINGS

a. **USE OF JUDICIAL COUNCIL FORMS**

Printed forms of petitions, orders and other documents which have been adopted or approved by the Judicial Council shall be used in all cases where applicable.
(Subd (a) adopted effective July 1, 2009; previously adopted as unlettered portion of Rule 7.1 effective July 1, 1988.)

b. **FORMAT OF PLEADINGS**

Petitions, orders and other documents for which there is no available form approved by the Judicial Council shall conform to the requirements of the California Rules of Court, rules 2.100-2.119.
(Subd (b) adopted effective July 1, 2009; previously adopted as unlettered portion of Rule 7.1 effective July 1, 1988.)

c. **NOTICES OF UNAVAILABILITY OF COUNSEL**

The court shall not accept for filing a "Notice of Unavailability of Counsel" or other document or pleading whose sole purpose is to advise the court and/or other parties of an attorney's or party's unavailability. *Carl v. Superior Court of Orange County* (2007) 157Cal.App.4th 73.

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(Subd (c) adopted effective July 1, 2009; previously adopted as unlettered portion of Rule 7.1 effective July 1, 1988.)

d. CALENDARING PETITIONS

Except for petitions brought ex parte, probate petitions shall not be calendared until the moving party files a Notice of Hearing.

(Subd (d) adopted effective July 1, 2010.)

(Rule 7.2 amended effective July 1, 2010; ~~amended and renumbered effective July 1, 2009~~; adopted as Rule 7.1 effective July 1, 1988; previously amended effective January 1, 2009; previously amended and renumbered effective July 1, 2009.)

~~**7.2 [RENUMBERED]**~~

~~*(Former Rule 7.2 renumbered as Rule 7.3 effective July 1, 2009.)*~~

7.3 SIGNATURES AND VERIFICATION OF PLEADINGS

Petitions, reports and accounts, as well as objections or responses to petitions, reports and accounts, shall be verified as required by Probate Code section 1020 et seq. The verification shall be included as part of the pleading at the time the pleading is filed. An unverified pleading set for hearing will be placed off-calendar or denied without prejudice.

(Rule 7.3 amended and renumbered effective July 1, 2009; adopted as Rule 7.2 effective July 1, 1988; previously amended effective July 1, 1989.)

~~**7.3 TITLES [REPEALED]**~~

~~*(Former Rule 7.3 repealed effective July 1, 2009; adopted effective July 1, 1988.)*~~

7.4 BONDING OF PERSONAL REPRESENTATIVE

a. INCREASES IN BONDS

When a bond must be increased, the court will ordinarily require the filing of an additional bond rather than a substitute bond.

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b. DECREASES IN BONDS

When the bond may be decreased, the court will ordinarily require an order decreasing the liability on the existing bond rather than the filing of a substitute bond. All petitions for reduction of bond must be filed and set for a noticed hearing. A petition to reduce bond shall not be granted ex parte.

(Rule 7.4 amended and renumbered effective July 1, 2009; adopted as Rule 7.6 effective July 1, 1988; previously amended effective July 1, 1989.)

~~**7.4 COPIES OF ORDERS [REPEALED]**~~

~~*(Former Rule 7.4 repealed effective July 1, 2009; adopted effective July 1, 1988.)*~~

7.5 DECLINATION OF NOMINATED EXECUTOR

If the person petitioning for letters is not the nominated executor in the decedent's will, it is insufficient to allege merely that the nominated executor declines to act as such. The petitioner must either (1) attach to the petition a written declination to act as executor, signed by the nominated executor, or (2) include in the petition sufficient facts demonstrating that the nominated executor should be held to have waived his or her right to appointment per Probate Code section 8001. Any such nominated executor must receive notice of the petition per Probate Code section 8110.

(Rule 7.5 amended and renumbered effective July 1, 2009; adopted as Rule 7.7 effective July 1, 1988.)

~~**7.5 WILLS AND CODICILS AS EXHIBITS TO PETITION [REPEALED]**~~

~~*(Former Rule 7.5 repealed effective July 1, 2009; adopted effective July 1, 1988; amended effective July 1, 1989.)*~~

7.6 NOTICES

Several Probate Code sections require the Clerk of the Court to "cause notice of the hearing to be mailed." The Clerk fulfills this function by requiring a party or a party's counsel to do the mailing. Therefore, the party or the party's counsel is charged with this duty.

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(Rule 7.6 amended and renumbered effective July 1, 2009; adopted as Rule 7.10 effective July 1, 1988; previously amended effective July 1, 1989.)

~~7.6 — [RENUMBERED]~~

(Former Rule 7.6 renumbered as Rule 7.4 effective July 1, 2009.)

7.7 NOTIFICATION TO COURT OF CONTINUANCES, DROPS OR STIPULATIONS

a. DUTY TO NOTIFY DEPARTMENT

When a probate matter is to be dropped, continued or stipulated to, counsel for the moving party shall promptly notify the department of the court to which the matter is assigned. No matter shall be continued unless the department of the court to which the matter is assigned approves of the continuance date. Any continuance requested within forty-eight (48) hours of the hearing date shall be directed to the department in which the hearing is scheduled for approval.
(Subd (a) adopted effective July 1, 2009.)

b. CONTINUANCE OF HEARING AFTER ANNOUNCEMENT OF PREGRANT ORDER

No probate matters will be continued after announcement of a pregrant thereon, except by order of the court for good cause.
(Subd (b) adopted effective July 1, 2009.)

(Rule 7.7 adopted effective July 1, 2009.)

~~7.7 — [RENUMBERED]~~

(Former Rule 7.7 renumbered as Rule 7.5 effective July 1, 2009.)

7.8 PREGRANTS IN PROBATE MATTERS

a. AVAILABILITY OF PREGRANT ORDERS

A pregrant order on a probate matter will be available on the court day immediately preceding the scheduled hearing by telephoning a tape-recorded message at (707) 207-7331 or by signing onto the court's web site at www.solano.courts.ca.gov and clicking "Tentative Rulings" after 2:00 p.m. Thus, for example, for a matter on a Monday calendar, one may call the recorded

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message or check the court’s web site after 2:00 p.m. on the preceding Friday afternoon.

(Subd (a) amended effective January 1, 2010; adopted effective July 1, 2009.)

b. PREGRANT ORDER AS THE ORDER OF THE COURT

The pregrant order shall become the ruling of the court unless a party desiring to be heard so advises the judicial assistant of the department hearing the matter no later than 4:30 p.m. on the court day preceding the hearing, and further advises that such party has notified all interested parties of its intention to appear and argue.

(Subd (b) adopted effective July 1, 2009.)

(Rule 7.8 amended effective January 1, 2010; adopted effective July 1, 2009; former Rule 7.8, which concerned filing fees, repealed effective July 1, 2009.)

~~7.8 FEES [REPEALED]~~

(Former Rule 7.8 repealed effective July 1, 2009; adopted effective July 1, 1988.)

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.

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

b. HEARINGS WHERE APPEARANCE IS REQUIRED

Subdivision (a) shall not apply and personal appearance by the parties and/or counsel shall be required in the following cases:

- (1) Contested matters.
- (2) Proof of holographic wills, if the petitioner did not previously submit proof of the admissibility of each testamentary document to probate or if an appearance is specially required by the hearing judge.
- (3) Petitions for court confirmation of sales of property.
- (4) Any non-routine matter which by law requires the personal appearance of any person.

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

c. TELEPHONIC APPEARANCE

Telephonic appearance will be permitted when authorized by California Rule of Court, rule 3.670 and Solano County Local Rules, rule 4.12(h), if the party seeking to appear telephonically has also complied with the notice requirements set forth in those rules, and subject to the exceptions set forth in those rules and the court's discretion to require personal appearances.

(Subd (c) amended effective January 1, 2010; amended and relettered effective July 1, 2009; adopted as subd (d) of Rule 7.11 effective July 1, 1989; previously amended effective January 1, 2009.)

(Rule 7.9 amended effective January 1, 2010; amended and renumbered effective July 1, 2009; adopted as Rule 7.11 effective July 1, 1989.)

~~7.9 CALENDARING [REPEALED]~~

(Former Rule 7.9 repealed effective July 1, 2009; adopted effective July 1, 1988; amended effective July 1, 1989.)

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7.10 EX PARTE APPLICATIONS

a. NOTICE ON EX PARTE PETITIONS

- (1) Unless otherwise ordered by the court, a party seeking ex parte relief shall provide notice of the petition to all individuals entitled to notice of a petition by 10:00 a.m. on the court day prior to the ex parte appearance.
- (2) All applications for ex parte orders must contain a statement on special notices. The statement shall recite that no request for special notice is on file and in effect or shall list the parties requesting special notice and have attached to the petition the specific waivers of notice by such parties or proof of service on parties requesting special notice.

(Subd (a) adopted effective July 1, 2009; previously adopted as subd (c) of former Rule 7.11 effective July 1, 1989.)

b. WAIVER OF NOTICE

A party seeking to dispense with notice for a particular individual for whom notice has not yet been waived shall file a request to dispense with notice concurrently with the ex parte petition. The request shall set forth sufficient evidentiary facts supporting the request. For individuals who cannot be located, the party shall file a declaration of due diligence in compliance with California Rules of Court, rule 7.52, prior to the ex parte appearance.

(Subd (b) adopted effective July 1, 2009.)

c. EX PARTE PROCEDURE

- (1) Ex parte hearings are scheduled by each department individually. A party wishing to set an ex parte hearing shall contact the department to which the case is assigned by noon on the court day prior to the desired ex parte appearance. The moving papers and the proposed order shall be faxed to the department as directed by the judicial assistant.
- (2) On the day of the ex parte appearance, the party seeking ex parte relief shall file the original petition or motion seeking ex parte relief with the Clerk of the Court and pay the applicable filing fees. The party shall provide a copy of the receipt showing the payment of fees to the court at the time of the ex parte appearance; otherwise, the hearing shall not take place.

(Subd (c) adopted effective July 1, 2009.)

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(Rule 7.10 adopted effective July 1, 2009.)

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~~7.10~~ [RENUMBERED]

(Former Rule 7.10 renumbered as Rule 7.6 effective July 1, 2009.)

7.11 APPOINTMENT OF SPECIAL ADMINISTRATOR

Except upon a showing of good cause for dispensing with notice, petitions for special letters of administration will not ordinarily be granted without the petitioning party giving notice in compliance with Probate Code section 8003 and 8110. Applications for special letters of administration may be requested ex parte, provided the application is prepared and submitted in compliance with Solano County Local Rules, rule 7.10, and California Rules of Court, rule 7.55.

(Rule 7.11 amended and renumbered effective July 1, 2009; adopted as Rule 7.14 effective July 1, 1988; previously amended effective July 1, 1989.)

~~7.11~~ [RENUMBERED]

(Former Rule 7.11 renumbered as Rule 7.9 effective July 1, 2009.)

7.12 INFORMATION TO BE CONTAINED IN PETITIONS FOR PROBATE OF WILL AND FOR LETTERS TESTAMENTARY; FOR LETTERS OF ADMINISTRATION; OR FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED (PROBATE CODE SECTION 8000 ET SEQ.)

a. INFORMATION TO BE INCLUDED WITH THE PETITION

Any petition for probate of a will and for letters testamentary, for letters of administration, or for letters of administration with will annexed shall contain the following information:

- (1) If the heir is a minor, the heir's date of birth.
- (2) The name of any and all nominated trustees of a trust created by the will.
- (3) The name of any and all trustees and beneficiaries of an inter vivos trust created by the decedent and that is in existence at the time of the decedent's death.

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- (4) The name of any and all trustees of a special needs or other trust created to benefit the decedent and that is in existence at the time of the decedent's death.

(Subd (a) adopted effective July 1, 2009.)

b. **INFORMATION CONCERNING A DECEASED BENEFICIARY**

In addition to the information required in Rule 7.12(a), information concerning a deceased beneficiary shall be included in the petition as follows:

- (1) If an heir or beneficiary dies before the decedent, that person should be listed with the notation that he or she is predeceased, and date of death. No notice need be given to the successors in interest of the predeceased person unless that person's interest has not lapsed by reason of death, in which case, notice should be given in the same manner as for the postdeceased heir or beneficiary.
- (2) If an heir or beneficiary dies after the decedent, that person's name should be listed with the notation "deceased", and date of death. If a personal representative has been appointed, the postdeceased heir or beneficiary should be listed in care of the name and address of the personal representative. If no personal representative has been appointed, that fact should be alleged, and notice given to the last known address of the postdeceased heir or beneficiary.
- (3) If a named beneficiary predeceased the decedent or did not survive the decedent for the designated survival period, that fact must be stated, together with the actual or approximate date of death.

(Subd (b) adopted effective July 1, 2009.)

(Rule 7.12 amended and renumbered effective July 1, 2009; adopted as Rule 7.15 effective July 1, 1988.)

~~7.12 SHORT CAUSE CALENDAR [REPEALED]~~

(Former Rule 7.12 repealed effective July 1, 2009; adopted effective July 1, 1988.)

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7.13 PREPARATION OF ORDERS

a. **PROPOSED ORDERS SUBMITTED PRIOR TO HEARING**

All probate orders in uncontested matters shall be prepared by the petitioner's attorney of record or the petitioner, if unrepresented, and shall be submitted at least four court days prior to the hearing.

(Subd (a) adopted effective July 1, 2009.)

b. **MATERIAL TO BE INCLUDED IN PROBATE ORDERS**

All orders or decrees in probate matters must be complete in and of themselves, so that their effect may be understood without reference to the underlying petition. The order or decree shall set forth all matters actually passed on by the court, the relief granted, and the names of persons and descriptions of property or amounts of money affected with the same particularity required of judgments in civil matters. The court will not approve orders or decrees that merely recite that the petition as presented is granted or incorporate by reference the relief sought in the petition. However, in orders settling accounts, the court will ordinarily approve general language approving the account, the report, and the acts reflected therein. With the exception of attached schedules, no written matter shall appear after the judicial officer's signature line.

(Subd (b) adopted effective July 1, 2009; previously adopted as unlettered portion of Rule 7.19 effective July 1, 1988.)

(Rule 7.13 amended and renumbered effective July 1, 2009; adopted as Rule 7.18 effective July 1, 1988.)

~~**7.13 LONG CAUSE CALENDAR [REPEALED]**~~

(Former Rule 7.13 repealed effective July 1, 2009; adopted effective July 1, 1988.)

7.14 INTEREST ON FUNERAL AND INTERMENT CLAIMS

When accrued interest has been paid on delayed payment of claims for the reasonable costs of funeral expenses, a specific allegation must be made in the report accompanying the account in which credit has been taken for such payment, setting forth reasons for any delay in payment. The court will not allow credit for payment of interest when the delay in payment of the claims is not justified by the facts set forth. Interest for funeral and interment claims will be allowed only as provided by Health and Safety Code section 7101.

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(Rule 7.14 amended and renumbered effective July 1, 2009; adopted as Rule 7.21 effective July 1, 1988.)

~~7.14 [RENUMBERED]~~

(Former Rule 7.14 renumbered as Rule 7.11 effective July 1, 2009.)

7.15 REAL ESTATE IN INVENTORY AND APPRAISAL

If a decedent's estate contains real property, the inventory and appraisal shall identify that property by its address and shall include a legal description of the property. If the parcel is unimproved, the inventory must so state.

(Rule 7.15 amended and renumbered effective July 1, 2009; adopted as Rule 7.23 effective July 1, 1988; amended effective July 1, 1989.)

~~7.15 [RENUMBERED]~~

(Former Rule 7.15 renumbered as Rule 7.12 effective July 1, 2009.)

7.16 CASH DEPOSIT

A minimum cash deposit of ten percent (10%) of the purchase price (unless the loan proceeds exceed 90% of the purchase price), shall be deposited in escrow ten days prior to the confirmation of sale hearing date, and written verification of said deposit shall be filed with the court five (5) days prior to the confirmation of sale hearing date.

(Rule 7.16 renumbered effective July 1, 2009; adopted as Rule 7.24 effective July 1, 1988; previously amended effective July 1, 1989.)

~~7.16 ATTORNEY'S NAMES [REPEALED]~~

(Former Rule 7.16 repealed effective July 1, 2009; adopted effective July 1, 1988.)

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7.17 SECOND DEEDS OF TRUST

The court will approve the taking of a promissory note secured by a second deed of trust upon a showing that it serves the best interests of the estate.

(Rule 7.17 renumbered effective July 1, 2009; adopted as Rule 7.25 effective July 1, 1988.)

~~7.17 PROOF OF WILLS [REPEALED]~~

(Former Rule 7.17 repealed effective July 1, 2009; adopted effective July 1, 1988; revised effective July 1, 1989.)

7.18 EARNEST MONEY DEPOSIT BY OVERBIDDER

When a sale is confirmed to an overbidder, the overbidder must submit at the time of the hearing a certified or cashier's check in the amount of ten percent (10%) of the bid.

(Rule 7.18 renumbered effective July 1, 2009; adopted as Rule 7.26 effective July 1, 1988.)

~~7.18 [RENUMBERED]~~

(Former Rule 7.18 renumbered as Rule 7.13 effective July 1, 2009.)

7.19 APPEARANCES OF COUNSEL

In petitions for confirmation of sales of real estate and for sales of personal property where bidding is authorized, the court will ordinarily not proceed with the confirmation of the sale in the absence of the petitioner's attorney, if the petitioner is represented. Where the personal representative, guardian or conservator is present and requests that the sale proceed, the court may do so, in its discretion.

(Rule 7.19 amended and renumbered effective July 1, 2009; adopted as Rule 7.27 effective July 1, 1988; previously amended effective July 1, 1988.)

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~~7.19 MATERIAL TO BE INCLUDED IN PROBATE ORDERS [REPEALED]~~

(Former Rule 7.19 repealed effective July 1, 2009; adopted effective July 1, 1988.)

7.20 CONDITIONAL SALES OF REAL PROPERTY

The court will ordinarily not approve a sale of real property which is conditioned upon the occurrence of a subsequent event (such as change in zoning or obtaining approval from an environmental control board). However, if unusual and extraordinary circumstances exist and the necessity and advantage to the estate are set forth in detail, the court may approve such a sale.

(Rule 7.20 amended and renumbered effective July 1, 2009; adopted as Rule 7.30 effective July 1, 1988.)

~~7.20 APPROVAL OF FUNERAL AND INTERNMENT CLAIMS [REPEALED]~~

(Former Rule 7.20 repealed effective July 1, 2009; adopted effective July 1, 1988; revised effective July 1, 1989.)

7.21 BROKER'S COMMISSIONS

a. **IMPROVED REAL PROPERTY**

An agent or broker's commission on the sale of improved real property shall not exceed six percent (6%). A copy of an executed broker's agreement shall be attached to the petition for confirmation of sale.

(Subd (a) amended effective July 1, 2009; adopted effective July 1, 1988; previously amended effective July 1, 1989.)

b. **UNIMPROVED REAL PROPERTY**

An agent or broker's commission on the sale of unimproved or raw real property shall not exceed ten percent (10%). A copy of an executed broker's agreement shall be attached to the petition for confirmation of sale.

(Subd (b) amended effective July 1, 2009; adopted effective July 1, 1988; previously amended effective July 1, 1989.)

c. **BROKER COMMISSIONS IN OVERBID SITUATIONS**

Broker commissions in overbid situations are governed by Probate Code section 10160 et seq.

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*(Subd (c) amended effective July 1, 2009; adopted effective July 1, 1988;
previously amended effective July 1, 1989.)*

*(Rule 7.21 amended and renumbered effective July 1, 2009; adopted as Rule 7.31
effective July 1, 1988; previously amended effective July 1, 1989.)*

~~7.21 [RENUMBERED]~~

(Former Rule 7.21 renumbered as Rule 7.14 effective July 1, 2009.)

7.22 STATUTORY COMPENSATION FOR PERSONAL REPRESENTATIVE AND ATTORNEY FEES

a. INCLUSION OF COMPUTATION IN PETITION

The computation in Rule 7.22, subsection (b), must be made regardless of the estate's value and even though an accounting has been waived. For estates worth in excess of \$25,000,000.00 (twenty-five million dollars), the court shall determine the reasonable amount of compensation.

(Subd (a) adopted effective July 1, 2009.)

b. FORMAT OF REQUEST FOR STATUTORY COMPENSATION AND ATTORNEY FEES

The basis for statutory compensation and attorney fees requested shall be set out in the body of the petition for distribution or on a separate schedule as required per California Rules of Court, rule 7.705.

(Subd (b) adopted effective July 1, 2009; previously adopted as unlettered portion of Rule 7.36 effective July 1, 1988.)

*(Rule 7.22 amended and renumbered effective July 1, 2009; adopted as Rule 7.36
effective July 1, 1988.)*

~~7.22 MODE OF FILING CREDITORS' CLAIM [REPEALED]~~

*(Former Rule 7.22 repealed effective July 1, 2009; adopted effective July 1, 1988; revised
effective July 1, 1989.)*

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7.23 PARTIAL ALLOWANCE OF STATUTORY COMPENSATION OR ATTORNEY FEES

a. COURT ORDER REQUIRED

A personal representative may not pay an advance on statutory compensation or attorney fees without prior court order. Petitions for an advance of statutory compensation or attorney fees may not be brought ex parte.

(Subd (a) adopted effective July 1, 2009.)

b. REQUIREMENT OF INVENTORY AND APPRAISAL; ACCOUNTS

Notwithstanding Probate Code section 10830, the court shall not consider a petition seeking an advance of statutory compensation or attorney fees unless the personal representative's Inventory and Appraisal is filed prior to or concurrently with the petition. The court prefers that attorney fees not be requested until the first account has been filed.

(Subd (b) adopted effective July 1, 2009.)

c. AMOUNT OF STATUTORY COMPENSATION OR ATTORNEY FEES PERMITTED AS AN ADVANCE

Any allowance for statutory compensation or attorney fees will be made in accordance with the work actually performed. Where no accounting is filed, the allowance may not exceed 50% of the statutory compensation computed upon the total value appearing in the inventories filed to that time. Where an accounting is filed, the allowance may not exceed 75 % of the statutory compensation so computed.

(Subd (c) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.37 effective July 1, 1988.)

d. APPORTIONMENT OF FEES FOR SUCCESSIVE ATTORNEYS

Except in a case in which there is an agreement in writing on apportionment, where the personal representative has been represented by successive attorneys, fees will not ordinarily be apportioned to a prior attorney for the personal representative until the final accounting has been approved.

(Subd (d) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.37 effective July 1, 1988.)

(Rule 7.23 amended and renumbered effective July 1, 2009; adopted as Rule 7.37 effective July 1, 1988; previously amended effective July 1, 1989.)

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~~7.23~~ [RENUMBERED]

(Former Rule 7.23 renumbered as Rule 7.15 effective July 1, 2009.)

7.24 APPORTIONMENT OF STATUTORY COMPENSATION BETWEEN TWO OR MORE PERSONAL REPRESENTATIVES

If the statutory compensation is to be divided among co-personal representatives, the petition shall set out facts upon which the court can base the apportionment.

(Rule 7.24 amended and renumbered effective July 1, 2009; adopted as Rule 7.38 effective July 1, 1988.)

~~7.24~~ [RENUMBERED]

(Former Rule 7.24 renumbered as Rule 7.16 effective July 1, 2009.)

**7.25 EXTRAORDINARY COMPENSATION FOR PERSONAL REPRESENTATIVE;
EXTRAORDINARY ATTORNEY FEES**

**a. CONTENTS OF PETITIONS OR DECLARATIONS FOR EXTRAORDINARY
COMPENSATION OR FEES**

All applications for extraordinary compensation for the personal representative's services and for extraordinary attorney's fees must be supported in the petition or in the separate verified declaration requesting said fees. At a minimum, the declaration or petition shall state:

- (1) The nature, necessity, success, cost in time, detail of the services performed and value of the services believed to warrant additional fees;
- (2) The amount requested; and,
- (3) The number of hours spent on ordinary services.

Records of time spent, without substantiated information, are not adequate.

(Subd (a) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.39 effective July 1, 1988.)

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b. FACTORS THAT WILL NOT SUPPORT A REQUEST FOR EXTRAORDINARY COMPENSATION OR FEES

The routine conduct of any proceeding relating to the collection of assets, processing of claims, conduct of estate administration or distribution will not, in the absence of special circumstances or problems, justify an extraordinary fee.

(Subd (b) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.39 effective July 1, 1988.)

(Rule 7.25 amended and renumbered effective July 1, 2009; adopted as Rule 7.39 effective July 1, 1988.)

~~**7.25 [RENUMBERED]**~~

(Former Rule 7.25 renumbered as Rule 7.17 effective July 1, 2009.)

7.26 DISTRIBUTIVE CONTINGENCIES

If the right of a beneficiary to distribution of part of the estate is dependent upon the occurrence of an event (e.g., death of a parent), the petition must allege the occurrence of that event and the order must contain a finding of the occurrence of that event.

(Rule 7.26 renumbered effective July 1, 2009; adopted as Rule 7.41 effective July 1, 1988.)

~~**7.26 [RENUMBERED]**~~

(Former Rule 7.26 renumbered as Rule 7.18 effective July 1, 2009.)

7.27 CONTENTS OF PETITION AND DECREE OF PARTIAL OR FINAL DISTRIBUTION

a. WHEN PROPOSED DECREE REQUIRED

The proposed form of Decree of Distribution shall be filed with any petition for partial or final distribution.

(Subd (a) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.42 effective July 1, 1988.)

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b. DESCRIPTION OF PROPERTY TO BE DISTRIBUTED

The distribution of property must be separately stated in detail in both the petition and the decree, listing a description of the property to be distributed under the name of each beneficiary. Real estate shall be legally described and street address, if any, shall be included. The decree must be complete in and of itself. Description by reference to the inventory is not acceptable. In both the petition and decree for final distribution, the distribution schedule shall include a summary showing the value of the estate distributed to each beneficiary and the total estate distributed which must agree with "Property on Hand" as shown on the final account's Schedule F and in the summary of account. If any beneficiaries previously received an early distribution, the petition and the decree shall so state. *(Subd (b) amended effective January 1, 2010; amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.42 effective July 1, 1988.)*

c. TRACING REQUIRED FOR INTESTATE DECEDENT

If an intestate decedent who survived his spouse leaves no issue, the applicability of Probate Code Section 6402.5 must be alleged and the necessary tracing must be carried out as far as possible. *(Subd (c) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.42 effective July 1, 1988.)*

d. OTHER ITEMS TO BE INCLUDED IN THE PETITION AND DECREE

(1) A petition and any decree for distribution shall include the names and addresses of all persons who are present and future distributees of the estate, and shall indicate whether each person listed is an adult or a minor. In all cases where a minor is a distributee, the minor's age and birth date must be stated in the petition and the decree for distribution. *(Subd (1) adopted effective January 1, 2010.)*

(2) If distribution will not be made directly to the beneficiary, the name, address and fiduciary capacity of the recipient must be stated in the petition and the decree for distribution. *(Subd (2) adopted effective January 1, 2010.)*
Subd (d) adopted effective January 1, 2010.)

(Rule 7.27 amended effective January 1, 2010; adopted as Rule 7.42 effective July 1, 1988; previously amended effective July 1, 1989; amended and renumbered effective July 1, 2009.)

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~~7.27~~ [RENUMBERED]

(Former Rule 7.27 renumbered as Rule 7.19 effective July 1, 2009.)

7.28 DISTRIBUTIONS TO TRUSTS

a. DISTRIBUTIONS TO TESTAMENTARY TRUSTS

The provisions of a decree of distribution establishing a testamentary trust shall include all of the terms of the will relating to the trust. Per California Rules of Court, rule 7.650, the provisions of the trust shall be stated in the present tense and in the third person, and shall not quote the will verbatim. If a trust beneficiary will receive distribution upon reaching a specific age, the petition for distribution and decree thereon must state the age and birthdate of the beneficiary. *(Subd (a) amended effective January 1, 2010; amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.43 effective July 1, 1988.)*

b. DISTRIBUTIONS TO INTER VIVOS TRUSTS

A decree of distribution which distributes assets to an inter vivos trust shall name the trust and specify the name of the trustee to receive the assets. The decree of distribution shall not be approved absent a declaration by the trustee that he or she has in fact accepted the trust. A decree of distribution for a decedent's estate shall not name as beneficiaries of the estate in the distribution plan any beneficiaries who are entitled to distributions from the trust. *(Subd (b) adopted effective July 1, 2009.)*

(Rule 7.28 amended effective January 1, 2010; amended and renumbered effective July 1, 2009; adopted as Rule 7.43 effective July 1, 1988; former Rule 7.28, which concerned overbids, repealed effective July 1, 2009.)

~~7.28~~ OVERBIDS [REPEALED]

(Former Rule 7.28 repealed effective July 1, 2009; adopted effective July 1, 1988; revised effective July 1, 1989.)

7.29 JOINT TENANCY ASSETS

In the absence of prior court determination or authorization, joint tenancy assets of the decedent and a person other than the decedent's spouse should not be inventoried as assets of the probate estate. However, an asset held in joint tenancy between the

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decedent and the decedent's spouse, or former spouse in appropriate cases, shall be inventoried if there is an unadjudicated allegation that the asset is in fact community property. A notation concerning the allegation shall be included in all inventory and appraisals until the asset's characterization is determined.

(Rule 7.29 amended and renumbered effective July 1, 2009; adopted as Rule 7.49 effective July 1, 1988; former Rule 7.29, which concerned increased bid forms, repealed effective July 1, 2009.)

~~**7.29 INCREASED BID FORMS [REPEALED]**~~

(Former Rule 7.29 repealed effective July 1, 2009; adopted effective July 1, 1988.)

7.30 PERSONAL REPRESENTATIVE COMPENSATION AND ATTORNEY FEES IN CONNECTION WITH TERMINATION OF A JOINT TENANCY OR HANDLING OF OTHER NONPROBATE ASSETS

Assets that pass outside of probate are outside the court's jurisdiction. Therefore, a personal representative or his or her attorney shall not request payment from a probate estate for work done concerning joint tenancy assets or other nonprobate assets, and any request for such relief shall be denied. However, this rule does not prevent a request for extraordinary fees where the termination of joint tenancy with a previously deceased joint tenant is necessary to clear title to property in the decedent's estate.

(Rule 7.30 amended and renumbered effective July 1, 2009; adopted as Rule 7.50 effective July 1, 1988.)

~~**7.30 [RENUMBERED]**~~

(Former Rule 7.30 renumbered as Rule 7.20 effective July 1, 2009.)

7.31 COURT INVESTIGATOR FEES FOR INVESTIGATION OF PETITION FOR PARTICULAR TRANSACTION

Pursuant to Probate Code section 3140, the court may, in its discretion, appoint a court investigator to evaluate a petition for a proposed transaction involving an incapacitated spouse's community property and report to the court regarding the transaction's advisability. Appointment of a court investigator for such an investigation shall result in an assessment against the petitioning party for the costs of the investigation. The fee

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amount is determined by the court on an annual basis and is subject to change. The assessed fee is payable within 30 days after the Assessment and Order for Payment is mailed by the Court Investigators Office.

(Rule 7.31 adopted effective July 1, 2009.)

~~7.31~~ [RENUMBERED]

~~(Former Rule 7.31 renumbered as Rule 7.21 effective July 1, 2009.)~~

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7.32 RECEIPT OR WAIVER OF ACCOUNT SIGNED BY ATTORNEY IN FACT

Any waiver of account or any receipt of a distribution filed with the court that has been signed by an “attorney in fact” on a beneficiary’s behalf shall include a copy of the power of attorney granting authority to the attorney in fact to waive the account or sign the receipt.

(Rule 7.32 adopted effective July 1, 2010.)

~~7.32 NOTICE OF PETITION FOR DISTRIBUTION [REPEALED]~~

(Rule 7.32 repealed effective July 1, 2009; adopted effective July 1, 1988.)

~~7.33 ACCOUNTING (PROBATE CODE SECTION 10900) [REPEALED]~~

(Rule 7.33 repealed effective July 1, 2009; adopted effective July 1, 1988; amended effective July 1, 1989.)

~~7.34 ACCOUNTS REQUIRED ANNUALLY [REPEALED]~~

(Rule 7.34 repealed effective July 1, 2009; adopted effective July 1, 1989.)

~~7.35 WAIVER OF ACCOUNTING (PROBATE CODE SECTION 933; 10954) [REPEALED]~~

(Rule 7.35 repealed effective July 1, 2009; revised effective July 1, 1989; adopted effective July 1, 1988.)

~~7.36 [RENUMBERED]~~

(Rule 7.36 renumbered as Rule 7.22 effective July 1, 2009.)

~~7.37 [RENUMBERED]~~

(Rule 7.37 renumbered as Rule 7.23 effective July 1, 2009.)

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~~7.38~~—[RENUMBERED]

(Rule 7.38 renumbered as Rule 7.24 effective July 1, 2009.)

~~7.39~~—[RENUMBERED]

(Rule 7.39 renumbered as Rule 7.25 effective July 1, 2009.)

~~7.40~~—CREDITOR'S CLAIMS [REPEALED]

(Rule 7.40 revised effective July 1, 1989; adopted effective July 1, 1988.)

~~7.41~~—[RENUMBERED]

(Rule 7.41 renumbered as Rule 7.26 effective July 1, 2009.)

~~7.42~~—[RENUMBERED]

(Rule 7.42 renumbered as Rule 7.27 effective July 1, 2009.)

~~7.43~~—[RENUMBERED]

(Rule 7.43 renumbered as Rule 7.28 effective July 1, 2009.)

~~7.44~~—REQUIRED SHOWING (PROBATE CODE SECTION 12250) [REPEALED]

(Rule 7.44 repealed effective July 1, 2009; adopted effective July 1, 1988; previously amended effective July 1, 1989.)

~~7.45~~—[RENUMBERED]

(Rule 7.45 renumbered as Rule 7.50 effective July 1, 2009.)

~~7.46~~—[RENUMBERED]

(Rule 7.46 renumbered as Rule 7.51 effective July 1, 2009.)

~~7.3347~~ – 7.49 [RESERVED]

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7.50 BENEFICIARIES OF TESTAMENTARY TRUST TO BE LISTED IN PETITION FOR LETTERS TESTAMENTARY

All petitions involving a testamentary trust must set forth the names and last known addresses of all vested and contingent beneficiaries.

(Rule 7.50 amended and renumbered effective July 1, 2009; adopted as Rule 7.45 effective July 1, 1988.)

7.51 TRUSTEE FEES

a. **APPLICABILITY OF RULE**

This rule applies to all trusts subject to the continuing jurisdiction of the court, to petitions for approval of trustee compensation, and to objections to petitions for trustee compensation.

(Subd (a) adopted effective July 1, 2009.)

b. **PRESUMPTION OF REASONABLE COMPENSATION FOR TRUSTEES**

Trustee compensation shall be presumed reasonable if it does not exceed 1% (one percent) of the asset value of the estate. However, nothing in this rule limits the court's discretion to find as unreasonable a fee totaling less than 1%.

(Subd (b) adopted effective July 1, 2009.)

c. **REQUEST FOR ADDITIONAL COMPENSATION**

A trustee may request fees in excess of 1% (one percent) of the asset value of the estate. A trustee requesting such relief shall do one of the following:

- (1) File a declaration from the beneficiaries indicating awareness of the fees being requested and a statement waiving objection to those fees.
- (2) File a declaration detailing the services rendered justifying the fee requested.

(Subd (c) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.46 effective July 1, 1988.)

(Rule 7.51 amended and renumbered effective July 1, 2009; adopted as Rule 7.46 effective July 1, 1988; previously amended effective July 1, 1988.)

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~~7.51 MISCELLANEOUS [REPEALED]~~

(Rule 7.51 repealed effective July 1, 2009; adopted effective July 1, 1988.)

7.52 INFORMATION TO BE INCLUDED IN PETITIONS CONCERNING TRUSTS

All petitions concerning trusts shall indicate in the pleading title the Probate Code section(s) under which the petition is brought or which supports the relief requested. For example, a petition seeking orders concerning the internal affairs of a trust shall cite Probate Code section 17200 in the pleading title.

(Rule 7.52 adopted effective July 1, 2009.)

~~7.52 SCOPE OF GUARDIANSHIP RULES [REPEALED]~~

(Former Rule 7.52 repealed effective July 1, 2009; adopted effective July 1, 2008.)

7.53 GENERAL PROCEDURES FOR SPECIAL NEEDS TRUSTS

a. **ESTABLISHMENT OF SPECIAL NEEDS TRUSTS IN SOLANO COUNTY**

If a special needs trust is included as part of a minor's compromise or other judgment entered in Solano County and the trust is to be administered in Solano 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 petition to approve minor's compromise. The judge assigned to hear the civil action or petition to approve minor's compromise shall approve the terms of the special needs trust per Probate Code section 3604.
- (2) Once so approved and signed, the original special needs trust instrument and a copy of the order approving 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. Government Code §70655.

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- (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 case number assigned to the probate file containing the special needs trust.

(Subd (a) adopted effective July 1, 2009.)

b. TRANSFER OF SPECIAL NEEDS TRUSTS INTO SOLANO COUNTY

Whenever a special needs trust is transferred into Solano County and the court file being transferred does not contain the original special needs trust instrument, the trustee shall provide the court with the original trust document within 90 days after the court file is received by Solano County.

(Subd (b) adopted effective July 1, 2009.)

(Rule 7.53 adopted effective July 1, 2009.)

~~**7.53 FORMS TO BE FILED AT COMMENCEMENT OF PROCEEDING [REPEALED]**~~

(Former Rule 7.53 repealed effective July 1, 2009; adopted effective July 1, 2008.)

7.54 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.

(Subd (a) adopted effective July 1, 2009.)

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

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(Subd (b) adopted effective July 1, 2009.)

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.

(Subd (c) adopted effective July 1, 2009.)

(Rule 7.54 adopted effective July 1, 2009.)

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~~7.54 NOTICE OF PETITION FOR APPOINTMENT OF GUARDIAN OR
TEMPORARY GUARDIAN [REPEALED]~~

(Rule 7.54 repealed effective July 1, 2009; adopted as Rule 7.52 effective July 1, 1989; amended effective July 1, 1992; amended and renumbered as Rule 7.54 effective July 1, 2008.)

7.55 COMPENSATION OF CONSERVATOR FROM TRUST

If a conservatee is also the beneficiary of a trust and the compensation of a conservator of the person is sought from the trust, a petition seeking approval of the amount of compensation payable to the conservator shall first be filed in the conservatorship matter. The petition shall include a declaration by the trustee as to whether there are sufficient funds in the conservatorship estate to allow for the compensation sought. 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.

(Rule 7.55 adopted effective July 1, 2009.)

~~7.55 APPOINTMENT OF INVESTIGATOR [REPEALED]~~

(Rule 7.55 repealed effective July 1, 2009; adopted as Rule 7.53 effective July 1, 1989; amended effective July 1, 1992; amended and renumbered as Rule 7.55 effective July 1, 2008.)

7.56 TRUST ACCOUNTINGS FILED WITH THE COURT

Any time a petition seeking approval of a trust accounting is filed with the court, the filing party shall simultaneously submit to the court an additional courtesy copy of the petition and the accounting.

(Rule 7.56 adopted effective July 1, 2010.)

~~7.56 COURT INVESTIGATOR FEES [REPEALED]~~

(Rule 7.56 repealed effective July 1, 2009; adopted as Rule 7.54 effective July 1, 1989.)

~~7.57 TEMPORARY GUARDIANSHIPS [REPEALED]~~

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(Rule 7.57 repealed effective July 1, 2009; adopted effective July 1, 2008.)

~~7.58 — EX PARTE APPLICATIONS FOR TEMPORARY GUARDIANSHIP OR OTHER
TEMPORARY ORDERS [REPEALED]~~

(Rule 7.58 repealed effective July 1, 2009; adopted as Rule 7.55 effective July 1, 1988.)

~~7.59 — CONTESTED GUARDIANSHIPS [REPEALED]~~

(Rule 7.59 repealed effective July 1, 2009; adopted as Rule 7.56 effective July 1, 1988.)

~~7.60 — ORDERS FOR VISITATION IN GUARDIANSHIPS [REPEALED]~~

(Rule 7.60 repealed effective July 1, 2009; adopted effective July 1, 2008.)

~~7.61 — GUARDIANSHIPS OF THE ESTATE — INVENTORIES AND ACCOUNTINGS;
SERVICE OF ACCOUNTINGS; NOTICE OF HEARINGS ON OBJECTIONS TO
ACCOUNTINGS [REPEALED]~~

(Rule 7.61 repealed effective July 1, 2009; adopted as Rule 7.59 effective July 1, 1992.)

~~7.62 — GUARDIANSHIPS OF THE ESTATE: REPORTS ACCOMPANYING
ACCOUNTS [REPEALED]~~

(Rule 7.62 repealed effective July 1, 2009; adopted as Rule 7.61 effective July 1, 1989.)

~~7.63 — ALLOWANCE OF FEES IN GUARDIANSHIP PROCEEDINGS [REPEALED]~~

(Rule 7.63 repealed effective July 1, 2009; adopted effective July 1, 1988.)

~~7.64 — INVESTMENTS BY GUARDIAN OF THE ESTATE [REPEALED]~~

(Rule 7.64 repealed effective July 1, 2009; adopted effective July 1, 1988.)

~~7.65 — APPOINTMENT OF MINOR’S COUNSEL [REPEALED]~~

(Rule 7.65 repealed effective July 1, 2009; adopted effective July 1, 2008.)

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PART ~~THREE~~TWO: Trusts

~~7.66 — TERMINATION OF GUARDIANSHIP [REPEALED]~~

(Rule 7.66 repealed effective July 1, 2009; adopted effective July 1, 1988.)

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~~7.67 — COOPERATION WITH COURT INVESTIGATOR [REPEALED]~~

(Rule 7.67 repealed effective July 1, 2008; adopted effective July 1, 1988.)

~~7.68 — OTHER PROTECTIVE PROCEEDINGS FOR MINORS [REPEALED]~~

(Rule 7.68 repealed effective July 1, 2008; adopted effective July 1, 1988.)

~~7.69 — PETITION FOR APPOINTMENT [REPEALED]~~

(Rule 7.69 repealed effective July 1, 2009; adopted effective July 1, 1988.)

~~7.70 — APPOINTMENT OF COURT INVESTIGATOR [REPEALED]~~

(Rule 7.70 repealed effective July 1, 2009; adopted effective July 1, 1988.)

~~7.71 — TEMPORARY CONSERVATORSHIP [REPEALED]~~

(Rule 7.71 repealed effective July 1, 2009; adopted effective July 1, 1988.)

~~7.72 — LEGAL CAPACITY OF CONSERVATEE [REPEALED]~~

(Rule 7.72 repealed effective July 1, 2009; adopted effective July 1, 1988.)

~~7.73 — INDEPENDENT EXERCISE OF POWERS [REPEALED]~~

(Rule 7.73 repealed effective July 1, 2009; adopted effective July 1, 1988.)

~~7.74 — BOND — CONDITIONS — AMOUNT [REPEALED]~~

(Rule 7.74 repealed effective July 1, 2009; adopted effective July 1, 1988.)

~~7.75 — ACCOUNTINGS IN CONSERVATORSHIP PROCEEDINGS [REPEALED]~~

(Rule 7.75 repealed effective July 1, 2009; adopted effective July 1, 1988.)

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~~7.76 FREQUENCY OF ACCOUNTS [REPEALED]~~

~~(Rule 7.76 repealed effective July 1, 2009; adopted effective July 1, 1988.)~~

~~7.77 ASSESSMENT AND ORDER FOR COURT INVESTIGATION [REPEALED]~~

~~(Rule 7.77 repealed effective July 1, 2009; adopted effective July 1, 1988.)~~

~~7.78 ALLOWANCE OF FEES [REPEALED]~~

~~(Rule 7.78 repealed effective July 1, 2009; adopted effective July 1, 1988.)~~

~~7.79 ORDERS FOR SUPPORT AND SUBSTITUTED JUDGMENT [REPEALED]~~

~~(Rule 7.79 repealed effective July 1, 2009; adopted effective July 1, 1988.)~~

~~7.80 INVESTMENT BY CONSERVATOR [REPEALED]~~

~~(Rule 7.80 repealed effective July 1, 2009; adopted effective July 1, 1988.)~~

~~7.81 TERMINATION [REPEALED]~~

~~(Rule 7.81 repealed effective July 1, 2009; adopted effective July 1, 1988.)~~

~~7.82 APPOINTMENT OF SUCCESSOR CONSERVATOR [REPEALED]~~

~~(Rule 7.82 repealed effective July 1, 2009; adopted effective July 1, 1988.)~~

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PART THREE: Trusts Appendices

APPENDIX 7-A: PROBATE RULES CONVERSION TABLE

Effective July 1, 2009

<i>Rule Title</i>	<i>New Rule Number</i>	<i>Former Rule Number</i>
Scope of Probate Rules	7.1	N/A
Use of Judicial Council Forms; Format of Pleadings	7.2	7.1
Signatures and Verifications of Pleadings	7.3	7.2
Titles [<i>Repealed</i>]	N/A	7.3
Copies of Orders [<i>Repealed</i>]	N/A	7.4
Wills and Codicils as Exhibits to Petition [<i>Repealed</i>]	N/A	7.5
Bonding of Personal Representative	7.4	7.6
Declination of Nominated Executor	7.5	7.7
Fees [<i>Repealed</i>]	N/A	7.8
Calendaring [<i>Repealed</i>]	N/A	7.9
Notices	7.6	7.10
Notification to Court of Continuances, Drops, or Stipulations	7.7	N/A
Pregrants in Probate Matters	7.8	N/A
Appearances at Hearings	7.9	7.11
Short Cause Calendar [<i>Repealed</i>]	N/A	7.12
Long Cause Calendar [<i>Repealed</i>]	N/A	7.13
Ex Parte Applications	7.10	N/A
Appointment of Special Administrator	7.11	7.14
Information to be contained in Petitions for Probate of Will and for Letters Testamentary; for Letters of Administration; or for Letters of Administration with Will Annexed (Probate Code section 8000 et seq.)	7.12	7.15
Attorney's Names [<i>Repealed</i>]	N/A	7.16
Proof of Wills [<i>Repealed</i>]	N/A	7.17
Preparation of Orders	7.13	7.18
Material to be Included in Probate Orders [<i>Repealed</i>]	N/A	7.19
Approval of Funeral and Internment Claims [<i>Repealed</i>]	N/A	7.20
Interest on Funeral and Internment Claims	7.14	7.21
Mode of Filing Creditors' Claim [<i>Repealed</i>]	N/A	7.22
Real Estate in Inventory and Appraisal	7.15	7.23
Cash Deposit	7.16	7.24
Second Deeds of Trust	7.17	7.25
Earnest Money Deposit by Overbidder	7.18	7.26
Appearances by Counsel	7.19	7.27
Overbids [<i>Repealed</i>]	N/A	7.28
Increased Bid Forms [<i>Repealed</i>]	N/A	7.29

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PART THREE: TrustsAppendices

<i>Rule Title</i>	<i>New Rule Number</i>	<i>Former Rule Number</i>
Conditional Sales of Real Property	7.20	7.30
Broker's Commissions	7.21	7.31
Notice of Petition for Distribution [<i>Repealed</i>]	N/A	7.32
Accounting (Probate Code Section 10900) [<i>Repealed</i>]	N/A	7.33
Accounts Required Annually [<i>Repealed</i>]	N/A	7.34
Waiver of Accounting (Probate Code Sections 933; 10954) [<i>Repealed</i>]	N/A	7.35
Statutory Compensation for Personal Representative and Attorney Fees	7.22	7.36
Partial Allowance of Statutory Compensation or Attorney Fees	7.23	7.37
Apportionment of Statutory Compensation Between Two or More Personal Representatives	7.24	7.38
Extraordinary Compensation for Personal Representative; Extraordinary Attorney Fees	7.25	7.39
Creditor's Claims [<i>Repealed</i>]	N/A	7.40
Distributive Contingencies	7.26	7.41
Contents of Decree of Partial or Final Distribution	7.27	7.42
Distributions to Trusts	7.28	7.43
Required Showing (Probate Code Section 12250) [<i>Repealed</i>]	N/A	7.44
Beneficiaries to Be Listed in Petition [<i>Repealed</i>]	N/A	7.45
Trustee Fees [<i>Repealed</i>]	N/A	7.46
Spousal Set Asides – Requirements [<i>Repealed</i>]	N/A	7.47
Joint Tenancy Proceedings [<i>Repealed</i>]	N/A	7.48
Joint Tenancy Assets	7.29	7.49
Personal Representative Compensation and Attorney Fees in Connection with Termination of a Joint Tenancy or Handling of Other Nonprobate Assets	7.30	7.50
Court Investigator Fees for Investigation of Petition for Particular Transaction	7.31	N/A
Miscellaneous [<i>Repealed</i>]	N/A	7.51

NOTICE:
Former Rules 7.51 through 7.82, all of which concern conservatorships and guardianships, have been moved to Rule 15 effective July 1, 2009.
Please consult the table in Appendix 15-A for rule number conversions.

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Rule 8 – Claims of ~~Minors or~~ Adults with Disabilities or Minors

8.1 CONTENTS OF PETITION FOR COMPROMISE OF CLAIM OF AN ADULT WITH DISABILITIES OR A MINOR OR ADULT WITH DISABILITIES

A petition for court approval of a compromise or covenant not to sue regarding ~~a minor or~~ an adult with disabilities or a minor shall comply in all respects with California Rules of Court, rule 3.1384, and shall be presented on the mandatory Judicial Council form MC-350. In addition, the petition shall include:

- (1) A full disclosure of all information concerning the reasonableness of the proposed compromise or covenant not to sue, including the amounts, if any, paid to other claimants.
- (2) The original or a photocopy of each bill which, if paid, shall disclose the date of payment, the amount paid, and the name of the payor.

(Rule 8.1 amended effective ~~July~~January 1, 2010; adopted effective July 1, 1988; previously amended effective July 1, 2009, and January 1, 2010.)

8.2 ATTORNEYS' FEES IN CASES INVOLVING MINORS OR ADULTS WITH DISABILITIES [REPEALED]

~~a. FEES~~

~~In actions involving the compromise of a claim of a minor or adult with disabilities, the attorneys' fees awarded by the court shall not exceed the following amounts under normal circumstances, which are not otherwise provided by statute:~~

- ~~(1) Twenty five percent of the amount recovered if the matter is settled before trial.~~
- ~~(2) Thirty three and one third percent of the amount recovered if the settlement is achieved during trial after a substantial part of plaintiff's case has been introduced or after judgment.~~
- ~~(3) Forty percent of the amount recovered if the settlement is after the filing of respondent's brief on appeal.~~

~~*(Subd (a) amended effective January 1, 2010; adopted effective July 1, 1988.)*~~

~~b. COMPUTATION OF FEES~~

~~In computing fees, parents claiming reimbursement for medical expenses, etc., shall, except in cases of hardship, pay their proportionate share of the attorney's~~

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Rule 8 – Claims of ~~Minors or~~ Adults with Disabilities or Minors

~~fees. Reasonable costs incurred or paid by an attorney that are itemized and accompanied by appropriate vouchers or other supporting evidence shall not be included in the "amount recovered" for the purpose of fixing fees.~~

~~All costs advanced by the attorney shall be deducted from the gross settlement and then attorneys fee percentage shall be computed.~~

~~(Subd (b) adopted effective July 1, 1988.)~~

~~e. **COURT APPROVAL OF ATTORNEY-CLIENT CONTRACT**~~

~~Except as otherwise directed by the court for good cause shown, no contract of employment providing for fees higher than those specified in sub-section (a) shall be approved without an appearance by the client(s) at the hearing on application for court approval.~~

~~(Subd (c) amended effective July 1, 2009; adopted effective July 1, 1988.)~~

~~(Rule 8.2 repealed effective July 1, 2010; amended effective January 1, 2010; adopted effective July 1, 1988; amended effective July 1, 2009, and January 1, 2010.)~~

8.3 ESTABLISHMENT OF SPECIAL NEEDS TRUSTS

If a compromise of claim or covenant not to sue includes the establishment of a special needs trust with an the minor or adult with disabilities or a minor as beneficiary, the establishment of the trust shall comply with Solano County Local Rules, rule 7.53.

~~(Rule 8.3 amended effective July ~~January~~ 1, 2010; adopted effective July 1, 2009; previously amended effective January 1, 2010; previous Rule 8.3, concerning representation of specified parties by counsel at hearings, repealed effective July 1, 2009.)~~

Response Form

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

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

DEADLINE FOR COMMENT: 5:00 p.m. on Monday, May 10, 2010
