

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 January 1, 2012.

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DEADLINE FOR COMMENT: 5:00 p.m. on Tuesday, November 15, 2011

**Superior Court of California
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Rule 1 – General Provisions

1.1 ADOPTION OF LOCAL RULES

The Superior Court of California, County of Solano hereby adopts these local rules pursuant to California Government Code section 68070 and Code of Civil Procedure sections 575.1 and 575.2. Unless otherwise stated in an individual rule, the term “court” as used in these local rules shall mean the Superior Court of California, County of Solano.

(Rule 1.1 amended effective January 1, 2010; adopted effective January 1, 1998.)

1.2 DIVISIONS OF THE COURT; ASSIGNMENT OF SUPERVISING JUDGES

The court shall be divided into five judicial divisions: the Criminal Division, the Civil Division, the Family and Probate Division, the Juvenile Division, and the Appellate Division. The court’s Presiding Judge shall appoint the presiding judge of the Juvenile Division and the supervising judges of all other divisions.

(Rule 1.2 amended effective January 1, 2010; adopted effective January 1, 1998.)

1.3 DIRECT CALENDARING

All matters pending in the court on January 1, 1998, or filed after January 1, 1998, shall be directly calendared to be heard by one judge for all purposes. If the name of the judge is announced in open court, this announcement shall be deemed adequate and appropriate notice to the parties and attorneys present of the assignment for all purposes.

(Rule 1.3 adopted as Rule 1.4 effective January 1, 1998; amended and renumbered effective January 1, 2010.)

1.4 REASSIGNMENT UPON DISQUALIFICATION OF JUDICIAL OFFICER OR FOR OTHER CAUSE

When a judicial officer is disqualified, either on a peremptory challenge, for cause, or by the judicial officer’s own determination, the matter shall be referred to the presiding judge for reassignment. The reassignment shall be made by the presiding judge or designee, or the supervising or presiding judge of the division, upon the delegation of that authority by the presiding judge, and shall be for all purposes. A matter reassigned to a judicial officer for any other reason shall likewise be for all purposes, unless otherwise ordered by the Presiding Judge or by the Supervising Judge of the division.

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Rule 1 – General Provisions

(Rule 1.4 amended effective January 1, 2012;~~amended and renumbered effective January 1, 2010;~~ adopted as Rule 1.6 effective January 1, 1998; amended and renumbered effective January 1, 2010.)

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Rule 3 – Civil Cases

3.1 APPLICATION OF RULES

Rule 3 shall apply to all civil cases, limited and unlimited, filed in the Superior Court of California, County of Solano. Unless otherwise specified elsewhere in the local rules, Rule 3 shall not apply to matters filed under the California Family Code (including adoptions and petitions to terminate parental rights), small claims cases, unlawful detainer cases, probate cases, mental health cases, juvenile cases, or extraordinary writs.

Any reference in these rules to “attorney” or “counsel” shall apply equally to any person representing himself or herself in a case subject to these rules.

(Rule 3.1 amended effective July 1, 2011; adopted effective January 1, 1998; previously amended effective October 1, 2002, January 1, 2009, and January 1, 2010.)

3.2 DIRECT CALENDARING OF CIVIL CASES; ASSIGNMENTS AND REASSIGNMENTS

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. 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.

When a judicial officer is disqualified in a civil matter, either on a peremptory challenge, for cause, or by the judicial officer’s own determination, the matter shall be reassigned per Rule 1.4. A matter reassigned to another judicial officer for any other reason shall likewise be for all purposes, unless otherwise ordered by the Presiding Judge or Supervising Judge of the Civil Division.

This rule does not apply to limited jurisdiction collection actions that qualify under California Rules of Court, rule 3.740, except that a judge may be assigned in those cases upon any of the following events: (1) The plaintiff’s failure to file proof of service or obtain order for publication of summons within 180 days of the filing of the complaint; (2) the plaintiff’s 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, 2012~~July 1, 2011~~; adopted effective January 1, 1998; previously amended effective January 1, 2009, and July 1, 2011.)

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3.9 TENTATIVE RULINGS

a. AVAILABILITY OF TENTATIVE RULINGS

Per California Rules of Court, rule 3.1308, the court has adopted a tentative rulings procedure for civil law and motion. A tentative ruling on a civil matter will be available after 2:00 p.m. on the court day immediately preceding the scheduled hearing on that matter ~~by telephoning (707) 207-7331 or~~ by signing onto the court’s web site at www.solano.courts.ca.gov and selecting “Tentative Rulings,” ~~and Probate Pregrants”~~ or by telephoning (707) 207-7331. ~~after 2:00 p.m. Thus, for example, for a matter on a Monday calendar, one 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 effective January 1, 2012; adopted as Rule 3.14 effective January 1, 1998; previously amended effective October 1, 2002; amended and relettered effective January 1, 2010; previously amended effective July 1, 2011.)

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 of its intention to appear and argue.

(Subd (b) amended effective July 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 4.12(h), unless the court orders a personal appearance.

(Subd (c) amended effective July 1, 2011; adopted as Rule 3.16 effective January 1, 1998; previously amended effective January 1, 2009; relettered effective January 1, 2010.)

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

All motions shall include notice of this local rule in substantially the following form: “Notice: The Superior Court in and for Solano County has adopted a

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tentative rulings system that is described in the court’s local Rule 3.9. Failure to comply with Rule 3.9 may seriously affect parties’ rights in this case.”
(Subd. (d) adopted effective January 1, 2012.)

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

3.10 [RESERVED]

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

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

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

3.12 OFF CALENDAR

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.

(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.)

3.13 EX PARTE MATTERS

Ex parte matters will be heard daily only upon appointment scheduled directly with the designated department. Said application shall comply with California Rules of Court

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Rule 4 – Administration of Civil Litigation

4.7 DIVERSION TO ARBITRATION

a. ORDER TO NONBINDING ARBITRATION

(1) The following matters shall be subject to judicial nonbinding arbitration:

(a) All nonexempt unlimited civil actions in which the amount in controversy does not exceed \$50,000.

(b) All nonexempt limited civil cases, except for small claims actions or any action maintained pursuant to Civil Code section 1781 or Code of Civil Procedure section 1161.

(c) Any matter in which the parties stipulate to arbitration, provided the stipulation is filed no later than the time the initial case management statement is filed, unless the court permits a later time.

(2) Notwithstanding subsection (1) above, matters that have been referred to mandatory mediation per local rule 4.8 shall not be referred to arbitration.

(3) As to those cases ordered to arbitration, judicial arbitration will proceed in accordance with the Judicial Arbitration rules for civil cases (California Rules of Court, rule 3.810 et seq.), except as otherwise stated in these rules.

~~All cases may be ordered to nonbinding arbitration where the court determines from the facts as set forth in a Case Management Statement or as stated by counsel at any Case Management Conference, Trial Management Conference, or Mandatory Settlement Conference that:~~

~~(1) The parties stipulate to arbitration;~~

~~(2) The plaintiff requests arbitration;~~

~~(3) The amount in controversy does not exceed \$50,000 as to any plaintiff; or,~~

~~(4) Arbitration might reasonably lead to the resolution of the case.~~

~~As to those cases ordered to arbitration, judicial arbitration will proceed in accordance with the Judicial Arbitration Rules for civil cases (Rule 3.810 et seq. of the California Rules of Court), except as otherwise stated in these rules.~~

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(Subd (a) amended effective January 1, 2012~~January 1, 2010~~; adopted effective January 1, 1998; previously amended effective October 1, 200, and January 1, 2010.)

b. ~~TIME LIMITS AND~~ SELECTION OF ARBITRATOR

(1) If the parties have a preference for an arbitrator, counsel shall provide the name, address, and telephone number of the preferred arbitrator to the court's ADR Administrator within twenty (20) days of the referral to arbitration. The statement of preference is not binding on the court, but may be considered in selecting the arbitrator.

(2) The court shall select the arbitrator from the court's list of arbitrators. The court shall notify the parties of the name, address, and telephone number of the arbitrator selected by the court within thirty (30) days of the referral to arbitration.

~~Upon ordering the matter to nonbinding arbitration, the court will direct that the arbitration be concluded within ninety (90) days, unless the court determines in its discretion that a longer timeframe is appropriate. Counsel will be directed to notify the Civil Division Court Services Program Manager in writing within ten (10) days of the name, address and telephone number of the arbitrator agreed upon, and if agreement is not possible, then within ten (10) days each counsel shall submit two (2) names each, from the court's list of arbitrators, to the court to the attention of the Civil Division Court Services Program Manager, from which the court shall promptly select an arbitrator and the court shall notify the parties of the name, address, and telephone number of the arbitrator selected by the court.~~

(Subd (b) amended effective January 1, 2012~~January 1, 2010~~; adopted effective January 1, 1998; previously amended effective October 1, 2002, and January 1, 2010.)

e. ~~REQUEST FOR TRIAL DE NOVO~~

~~The case shall not be recalendared for further hearing unless a request for trial de novo is timely filed, except upon order of the court. If a request for trial de novo is not timely filed, the clerk shall, upon the expiration of the time for filing, forthwith enter the award as a judgment.~~

(Subd (c) amended effective October 1, 2002; adopted effective January 1, 1998.)

d. ~~FEEES FOR ARBITRATION~~

~~The parties to the action shall pay to the arbitrator their proportionate share of the fee set by the arbitrator, within thirty (30) days after the filing of the arbitrator's award. In the event that the parties settle the case after the arbitrator has~~

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~~expended any time on the case, the parties shall notify the arbitrator that the case has settled and shall pay their proportionate share of the arbitrator's fees within thirty (30) days after the notice to the arbitrator of the settlement.
(Subd (d) amended effective October 1, 2002; adopted effective January 1, 1998.)~~

(Rule 4.7 amended effective January 1, 2012~~January 1, 2010~~; adopted effective January 1, 1998; previously amended effective October 1, 2002, and January 1, 2010.)

4.8 MEDIATION

a. ADOPTION OF CIVIL ACTION MEDIATION PROGRAM (CCP § 1775 ET SEQ.)

~~Effective January 1, 2012, and per the authority in Code of Civil Procedure section 1775.2, subdivision (b), the court adopts the Civil Action Mediation Program set forth in Title 11.6 of the Code of Civil Procedure. Mediations conducted per the Civil Action Mediation Program (“the Mediation Program”) in Solano County shall be subject to all applicable statutes and California Rules of Court concerning the Civil Action Mediation Program (e.g. Cal. Rules of Court, rule 3.870 et seq.).~~

~~*(Subd (a) adopted effective January 1, 2012; prior subd. (a) relettered as subd. (d) effective January 1, 2012.)*~~

b. MATTERS TO WHICH MEDIATION PROGRAM APPLIES

~~The following matters shall be subject to mandatory mediation:~~

~~(1) All nonexempt unlimited civil actions filed on or after January 1, 2012, in which the amount in controversy does not exceed \$50,000.~~

~~(2) All nonexempt limited civil cases filed on or after January 1, 2012, except for small claims actions.~~

~~(3) Any matter, regardless of filing date or the amount in controversy, in which the parties stipulate to mediation, provided the stipulation is filed at least ninety (90) days prior to trial, unless the court permits a later time.~~

~~*(Subd (b) adopted effective January 1, 2012; prior subd. (b) repealed effective January 1, 2012.)*~~

c. ORDER TO MEDIATION

~~Cases shall be referred to mediation whenever the court determines from the facts as set forth in a Case Management Statement or as stated by counsel at any Case Management Conference, Trial Management Conference, or Mandatory Settlement Conference that the matter is subject to mandatory mediation per these~~

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rules and has not already been referred to mediation or any form of arbitration, unless good cause is found to not refer the matter.

(Subd (c) adopted effective January 1, 2012; prior subd. (c) repealed effective January 1, 2012.)

d. a. **~~TIME LIMITS AND SELECTION OF MEDIATOR~~**

~~Within twenty (20) days of the referral to mediation, the parties shall provide the assigned court with written notification of their mutual choice of mediator, or their individual nominees. If the parties are unable to agree upon a mediator within the 20 days, they shall promptly notify the court, and a mediator will thereupon be appointed by the court.~~

(1) If the parties have a preference for a mediator, counsel shall provide the name, address, and telephone number of the preferred mediator to the court's ADR Administrator within twenty (20) days of the referral to mediation. The statement of preference is not binding on the court, but may be considered in selecting the mediator.

(2) The court shall select the mediator from the court's list of mediators. The court shall notify the parties of the name, address, and telephone number of the mediator selected by the court within thirty (30) days of the referral to mediation.

(Subd (d) amended and relettered effective January 1, 2012; adopted as subd. (a) effective July 1, 1998; previously amended effective July 1, 2005.)

(Subd (a) amended effective July 1, 2005; adopted effective July 1, 1998.)

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e.b. APPEARANCE AT MEDIATION SESSIONS

(1) For purposes of California Rules of Court 3.894, subsection (a), when Each party shall personally appear at the first mediation session and at any subsequent session unless excused by the mediator. When the a party is other than a natural person, it shall appear at the mediation sessions through-by a representative, other than the party's its attorney, with full authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or legislative body, by a representative with authority to recommend such agreement. Failure of the representative to appear at the mediation session may be cause for sanctions. Each party is entitled to have counsel present at all mediation sessions that concern it, and such counsel and an insurance representative of a covered party also shall be present or available at such sessions, unless excused by the mediator.
(Subd. (1) amended and renumbered effective January 1, 2012.)

(2) “Full authority” to resolve the dispute means the person is empowered to make settlement decisions without telephone consultation with others.
(Subd. (2) adopted effective January 1, 2012.)

(Subd ~~(b)~~(e) amended and relettered effective January 1, 2012; adopted as subd. (b) effective July 1, 1998; previously amended effective July 1, 2005; prior subd. (e) relettered as subd. (j) effective January 1, 2012.) ; adopted effective July 1, 1998.)

e. FILING OF STATEMENT BY MEDIATOR

~~Within ten (10) days of the conclusion of the mediation, the mediator shall file a statement on Judicial Council Form ADR-100, advising the court whether the mediation ended in full agreement or non-agreement as to the entire case or as to particular parties in the case.~~
~~(Subd (c) amended effective July 1, 2005; adopted effective July 1, 1998.)~~

d. FEES FOR MEDIATION

~~The parties to the action shall pay to the mediator their proportionate share of the fee set by the mediator, within thirty (30) days after the last mediation session. In the event that the parties settle the case after the mediation, the parties shall notify the mediator that the case has settled and shall pay their proportionate share of the mediator's fees within thirty (30) days after the notice to the mediator of the settlement.~~

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(Subd (d) amended effective July 1, 2005; adopted effective July 1, 1998.)

f. RELATED, COORDINATED, AND CONSOLIDATED CASES

Counsel in cases that have been related, coordinated, or consolidated shall inform the court of all pending mediation proceedings in the related, coordinated, or consolidated cases.

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

g. INTERPRETERS

Any party desiring to use an interpreter during mandatory mediation must notify the ADR Administrator, all other parties, and the mediator at least 10 days prior to the first mediation session at which the interpreter will be used. Unless otherwise ordered by the court, the party seeking the use of the interpreter shall make all arrangements directly with the interpreter and shall assume the costs of the service.

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

h. EX PARTE COMMUNICATIONS

Ex parte communications refers to communications with the mediator outside the presence of the opposing counsel or self-represented party. Ex parte communications with the mediator are not prohibited.

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

i. CONFIDENTIALITY

(1) Mediations are confidential and subject to the confidentiality privilege set forth in Evidence Code sections 703.5 and 1115 through 1128. No communications or writings made in connection with the mediation may be disclosed to the assigned judge or to any other person not involved in the mediation, unless disclosure is agreed to by all parties or permitted by subsection (2), infra. The mediator shall require the parties and all persons attending the mediation to sign a confidentiality agreement at the first mediation session.

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

(2) The following disclosures are permitted:

(a) A disclosure stipulated in writing by all parties and the mediator, or orally in compliance with Evidence Code section 1118;

(b) A report to or inquiry by the ADR Administrator concerning a complaint against a mediator;

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- (c) A disclosure made by any participant or the mediator in responding to an appropriate request for information made by persons authorized by the ADR Administrator to monitor or evaluate the court's mediation program;
 - (d) A disclosure required by law;
 - (e) A settlement agreement signed by all parties waiving the confidentiality provision of Evidence Code section 1122 et seq., and containing a provision explicitly rendering the agreement enforceable per Code of Civil Procedure section 664.6; or,
 - (f) A disclosure made in connection with a request for sanctions for a party's noncompliance with mediation. This disclosure shall be limited to the minimum facts needed to support the motion.
- (Subd. (2) adopted effective January 1, 2012.)

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

i.e. MEDIATION COMPLAINT PROCEDURE

Per California Rules of Court, rule 3.868, the court adopts the following mediator complaint procedure:

- (1) Complaints are only accepted from a party to the action or the party's attorney.
- (2) The complainant must register his or her complaint in writing with the ADR Administrator. The written complaint must include the following information:
 - (a) The names of the parties in the case and their attorneys;
 - (b) The case number;
 - (c) The most recent court date;
 - (d) The name(s) of any mediation personnel (i.e. mediators or mediation clerks) with whom the complainant had contact; and,
 - (e) A statement explaining the reasons for the complaint.
- (3) Upon receiving the complaint, the ADR Administrator will notify the complainant in writing that the court has received the complaint.

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- (4) The ADR Administrator shall review the complaint and determine whether the complaint can be informally resolved or closed, or whether the complaint warrants investigation. If the complaint warrants an investigation, the ADR Administrator shall take the following steps:
- (a) The ADR Administrator shall give notice of the complaint to the mediator and provide a reasonable opportunity to respond.
 - (b) The complaint shall be investigated and a recommendation made concerning court action. The investigation shall be conducted by an investigator designated by the ADR Administrator or the Presiding Judge. The investigator shall provide his or her recommendation to the Presiding Judge or his or her designee.
 - (c) The final decision shall be made by the Presiding Judge or his or her designee. Notice of the final action taken shall be sent by the court to the complainant and, if the complaint was not resolved during the preliminary review by the ADR Administrator, to the mediator.

(Subd. (j) relettered effective January 1, 2012; adopted effective January 1, 2010, as subd. (e); previously amended effective July 1, 2011.)

k. SANCTIONS

Upon noticed motion and an opportunity to be heard, the court may impose sanctions for failure to meaningfully participate in the mediation process. Sanctions may include, but are not limited to, mediator's fees and attorney fees and costs. Willful failure to meaningfully participate includes, but is not limited to, the following:

- (1) Non-appearance at the time set for the mediation of any person necessary to proceed to a meaningful conclusion. Telephone calls to the mediator shall not constitute an appearance. However, upon agreement by all parties, a party may appear by telephone or other means of real-time electronic communication if he or she resides or has his or her primary place of business more than 500 miles from the mediation location.
- (2) Requests to continue the mediation session less than ten (10) days before the scheduled mediation session, unless good cause is shown.
- (3) Failure to complete mediation within the time fixed, unless good cause is shown.

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

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(Rule 4.8 amended effective January 1, 2012; adopted effective January 1, 1998; previously amended effective July 1, 2005, January 1, 2010, and July 1, 2011.)

4.9 MANDATORY SETTLEMENT CONFERENCES

a. REQUIRED PARTICIPANTS

The lead trial counsel, parties, and persons with full settlement authority shall personally attend the Mandatory Settlement Conference unless excused by the court for good cause. In the case of an insured principal, the authorized representative of the insured's insurance company must be present in lieu of the client, and must have full settlement authority. For purposes of these rules, "full settlement authority" means persons physically present in the courthouse who are empowered to make settlement decisions without telephone consultation with others. In no event will an independent adjuster satisfy the above requirement. In any professional negligence case in which the defendant retains the right to refuse settlement, participation of that defendant in the settlement conference is mandatory.

(Subd (a) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 4.11 effective January 1, 1998; previously amended effective July 1, 2005.)

b. MEET AND CONFER REQUIREMENTS

No later than ten (10) calendar days before the date set for the mandatory settlement conference, trial counsel and all persons with ultimate authority to settle the case shall meet in person or, if all parties agree, by telephone to discuss settlement of the case.

(Subd (b) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 4.11 effective January 1, 1998; previously amended effective July 1, 2005.)

c. ADDITIONAL REQUIREMENTS FOR MANDATORY SETTLEMENT CONFERENCE STATEMENTS

All settlement conference statements filed and served per California Rules of Court, rule 3.1380, subdivision (c), shall contain the following additional information:

- (1) A statement of the factual and legal contentions in dispute;
- (2) A list of all special damages claimed;
- (3) Copies of pertinent medical reports;

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- (4) Other reports by experts;
- (5) Pictorial or documentary evidence anticipated to be presented at trial;
- (6) An estimate of the lowest and highest possible award by a trier of fact;
- (7) The highest previous offer and the lowest previous demand;
- (8) The date when the last face to face or telephonic settlement discussion was held between all parties;
- (9) A statement as to any special problems relating to settlement, such as lack of or disputed insurance coverage; and,
- (10) A statement regarding the party's position regarding settlement of the case.

(Subd (c) amended effective July 1, 2011; adopted as unlettered portion of Rule 4.11 effective January 1, 1998; previously amended effective July 1, 2005; amended and relettered effective January 1, 2010.)

d. SANCTIONS

Failure of any attorney, adjustor, and/or party to prepare for, appear at, or meaningfully participate in a settlement conference, unless good cause is shown for any such failure, is an unlawful interference with the proceedings of the court, and the court may impose sanctions, including but not limited to, any or all of the following: monetary sanctions to be paid to the court; monetary sanctions to be paid to other parties which may include, among other things, costs, actual expenses, and counsel fees; and the court may order an appropriate change in the calendar status of the action.

(Subd (d) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 4.11 effective January 1, 1998; previously amended effective July 1, 2005.)

(Rule 4.9 amended effective July 1, 2011; adopted as Rule 4.11 effective January 1, 1998; previously amended effective July 1, 2005; amended and renumbered effective January 1, 2010; former Rule 4.9, which concerned other settings of cases, repealed effective January 1, 2010.)

4.10 TRIAL MANAGEMENT CONFERENCES

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a. **REQUIRED PARTICIPANTS**

The lead trial counsel shall, unless excused by the court, appear at the Trial Management Conference prepared to respond to any questions the court may pose about the case.

(Subd (a) relettered effective January 1, 2010; adopted as unlettered portion of Rule 4.12 effective January 1, 1998; previously amended effective July 1, 2005.)

b. **TRIAL MANAGEMENT CONFERENCE REPORTSSTATEMENTS**

On a form designated by the court (local form no. 3006), each counsel shall complete, file and serve on all parties a completed Trial Management Conference Report at least five (5) court days before the date set for the Trial Management Conference. At a minimum, the report shall include the following:

- (1) A statement of the nature of the case, with a summary of each party's allegations and supporting facts. Include an agreed-upon statement of the case to be read to the jury panel, if a jury has been requested by any party;
- (2) If there have been developments since the trial setting affecting the estimated length of trial, an explanation as to what those developments are and how the estimated length of trial should be changed as a result;
- (3) The names of any non-expert witnesses who may be called at trial, except for impeachment or rebuttal. State concisely the anticipated testimony of each non-expert witness and the time estimate for testimony, including direct and cross-examination;
- (4) The names and expertise of any expert witnesses who may be called at trial, except for impeachment or rebuttal. State concisely the anticipated testimony of each expert witness and the time estimate for testimony, including direct and cross-examination. In addition, attach any narrative reports provided by the expert witness;
- (5) A list of all witnesses who are unavailable and whose testimony will be presented by deposition, along with the facts supporting that unavailability;
- (6) A list of all documents, exhibits, blowups, and/or photographs that the party expects to offer at trial, except for impeachment or rebuttal. Documents shall be identified by page number or Bates-stamp number as applicable (e.g. "Jane Doe's Medical Records, pages 1 through 326"). Photos shall be separately identified;

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- (7) A specific list in column form of all portions of depositions, answers to interrogatories and responses to request for admissions that the party expects to offer at trial, except for impeachment or rebuttal. All portions of depositions shall be identified by page and line number(s), while responses to written discovery must be identified by the manner of discovery request and the response number (e.g. “Response to Plaintiff’s Special Interrogatories, Set One, Interrogatory Number 4”; “Amended Response to Defendant’s Request for Admissions, Set Three, Request Number 7”);
- (8) A specific list of all anticipated evidentiary disputes with citation to authority;
- (9) A specific list of all anticipated non-evidentiary disputes with citation to authority;
- (10) All requested jury instructions and verdict forms in compliance with the California Rules of Court. Each instruction shall be typed in full and numbered consecutively, with the submitting attorney having filled in all blanks and having made a decision as to all alternatives in the CACI instructions. Two copies of the requested jury instructions shall be submitted to the court. One copy shall have citations to authority and boxes for the court’s use regarding whether the instruction is given, refused, or withdrawn, and one copy shall be presented without citations to authority and boxes regarding given, refused, or withdrawn.
- (11) Copies of all in limine motions that the party expects to submit at trial. Each in limine motion provided shall be numbered consecutively by the party. (Note that any in limine motions not included will not be considered by the court, unless good cause is presented to the trial court).
- (12) All stipulations requested or proposed at trial; and,
- (13) A statement as to whether there are any witnesses that need an interpreter. State the name of the interpreter and the language that must be interpreted. (If an interpreter is needed, it is the obligation of the party calling the witness to make arrangements for an interpreter.)

(Subd (b) amended effective ~~January 1, 2012~~July 1, 2011; adopted as unlettered portion of Rule 4.12 effective January 1, 1998; previously amended effective July

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1, 2005; amended and relettered effective January 1, 2010; amended effective July 1, 2011.)

c. EXCLUSION OF EVIDENCE AND TESTIMONY AT TRIAL

The testimony of witnesses who are not listed in the Trial Management Conference Report, or documents, or other exhibits, portions of depositions, answers to interrogatories or responses to requests for admissions, which are not listed in the Trial Management Conference Report, shall not be admitted at the trial. However, the trial judge, in his or her sole discretion and upon a showing a good cause, may permit the testimony of witnesses who are not listed in the Trial Management Conference Report and may allow the admission of exhibits or portions of discovery which are not listed in the Trial Management Conference Report.

(Subd (c) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 4.12 effective January 1, 1998; previously amended effective July 1, 2005.)

(Rule 4.10 amended effective January 1, 2012~~July 1, 2011~~; adopted as Rule 4.12 effective January 1, 1998; previously amended effective July 1, 2005; amended and renumbered effective January 1, 2010; amended effective July 1, 2011; former Rule 4.10, which concerned setting short causes for trial, repealed effective January 1, 2010.)

4.11 DISMISSAL OF ACTION OR ENTRY OF JUDGMENT FOLLOWING SETTLEMENT

Dismissals shall be governed by California Rules of Court, rule 3.1385.

(Rule 4.11 amended effective July 1, 2011; adopted as Rule 4.13 effective January 1, 1998; renumbered effective January 1, 2010.)

4.12 MISCELLANEOUS

a. REQUEST FOR EXTENSION OF TIME

Any request for extension of time under these rules shall be filed with due diligence and, in addition to being signed by counsel shall be endorsed by the party acknowledging that the extension of time being requested by counsel is concurred in by the party. The request shall be made on the form provided by the court.

(Subd (a) amended effective January 1, 2009; adopted effective January 1, 1998.)

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e. PROOF OF SERVICE FOR SUMMONS SERVED BY PUBLICATION

Where the court has ordered service of a summons by publication, the petitioner shall file a proof of service demonstrating that the summons has been published as ordered and showing the first day of publication of the summons. A copy of the published summons or an affidavit from the newspaper of general circulation shall be attached to the proof of service.

(Subd (e) adopted effective July 1, 2008.)

(Rule 5.5 amended effective January 1, 2010; adopted as Rule 5.4 effective July 1, 1988; previously amended effective August 1, 2002; previously amended and renumbered as Rule 5.5 effective January 1, 2008; amended effective July 1, 2008.)

5.6 DECLARATIONS

a. CONTENT OF DECLARATIONS

Supporting and responding declarations shall be made on personal knowledge, shall set forth only admissible evidence, and shall show affirmatively that the declarant is entitled to the relief or order requested and is competent to testify to the matters stated therein. The court will not grant an application based on declarations that contain solely conclusions or inadmissible statements.

(Subd (a) amended and relettered effective January 1, 2008; adopted as unlettered subdivision to Rule 5.6 effective July 1, 1988.)

(Rule 5.6 amended effective January 1, 2008; adopted effective July 1, 1988; previously amended effective August 1, 2002.)

5.7 EX PARTE APPLICATION FOR ORDER; ORDERS SHORTENING AND EXTENDING TIME

a. EX PARTE APPLICATIONS GENERALLY

Ex parte applications are extraordinary remedies. Most ex parte applications are appropriate only where irreparable harm or immediate danger needs to be addressed before a motion or an Order to Show Cause can be heard, or if good cause is shown for the granting of an order shortening time.

(Subd (a) adopted effective January 1, 2008.)

b. REQUIREMENTS FOR DECLARATION IN SUPPORT OF AN EX PARTE ORDER

All applications for ex parte relief shall comply with California Rules of Court, rules 3.1201 and 3.1202. Absent good cause, a written declaration that supports the ex parte relief requested shall be required in all cases.

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(Subd (b) amended and relettered effective January 1, 2008; adopted as subd (a) effective January 1, 1988.)

c. DISCLOSURE THAT THE APPLICATION CHANGES THE STATUS QUO

The applicant shall disclose whether his or her request modifies a court order, an agreement, or a practice of the parties.

(Subd (c) amended and relettered effective January 1, 2008; adopted as subd (b) effective January 1, 1988.)

d. EX PARTE NOTICE REQUIREMENTS

Before submitting an ex parte application for the court's consideration, the applicant shall comply with the procedures in Family Code sections 241 through 246 inclusive, 2045, 3060 through 3064 inclusive, 6320 through 6340 inclusive, and California Rules of Court. Unless otherwise stated in the Solano County Local Rules, the applicant must comply with all requirements for a declaration setting forth that NOTICE of the ex parte request has been given to the other party or the reason notice has not been given. At the time of submission of the application, a completed Declaration Re Notice Upon Ex Parte Application for Orders (Solano County Local Form no. 1070) or a declaration in substantial compliance therewith, shall accompany all applications for ex parte orders, except those specified in Family Code sections 6200 et seq., and shall be filed before the ex parte hearing. The moving party shall make available a copy of the filed Declaration Re Notice Upon Ex Parte Application for Orders to the judicial officer, and to the opposing party or attorney if one appears, at the time of the ex parte hearing, or the ex parte hearing may be ordered rescheduled.

(Subd (d) amended effective January 1, 2010; adopted as subd (c) effective January 1, 1988; previously amended July 1, 2005; amended and relettered as subd (d) effective January 1, 2008.)

e. EX PARTE APPLICATIONS WITHOUT NOTICE

The court may hear an application without notice for good cause, which may include, but not be limited to, the following:

- (1) Notice could not be given after a good faith effort to do so;
- (2) The moving party presents proof that the other party in the matter does not oppose the application;
- (3) The applicant would suffer immediate and irreparable injury if notice were given; or,

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- (4) The request is for an order directing the parties to attend mediation or to file and serve an *Income and Expense Declaration* (Judicial Council form FL-150).
(*Subd (e) amended and relettered effective January 1, 2008; adopted as subd (d) effective January 1, 1988.*)

f. PROCEDURE GENERALLY FOR PROCURING EX PARTE ORDER

- (1) To determine whether, if taken as true, the moving papers demonstrate irreparable harm or immediate danger or otherwise set forth good cause for granting an order shortening time, the assigned judicial officer shall consider the requesting party's papers and, in his or her discretion, determine that the matter should be addressed in an ex parte hearing, or with an order shortening time for notice or for a hearing, or with a regularly set motion or Order to Show Cause. All ex parte applications must be submitted for screening by 1:00 p.m. for consideration on that same court day. Presenting the ex parte motion for this screening process does not in and of itself constitute submission of the motion for the court's consideration per Solano County Local Rules, rule 5.7(d), above.
(*Subd (1) adopted effective January 1, 2008.*)
- (2) At the ex parte hearing, the party requesting ex parte orders must inform the judicial officer whether the opposing party is represented by counsel or is unrepresented.
(*Subd (2) amended and renumbered effective January 1, 2008; adopted as subd (e)(1) effective January 1, 1988.*)
- (3) If the opposing party has counsel, the moving party must inform the judicial officer of the name, address and telephone number of the opposing counsel and whether notice has been given to opposing counsel. Unless excused or otherwise ordered by the court or excused pursuant to the Solano County Local Rules, the notice must be given no later than 10:00 a.m. the court day before the ex parte appearance and shall include the date, time, and place the request will be made, a summary of the relief requested, and the facts upon which the request will be made. In its discretion, the court may require that the entire moving papers package

must be served in a prescribed manner upon the opposing party or attorney, at a specified time before the ex parte hearing.

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(Subd (3) amended effective July 1, 2008; adopted as subd (e)(2) effective January 1, 1988; previously amended and renumbered effective January 1, 2008.)

- (4) If the opposing party is not represented by counsel, notice to the other party must be given pursuant to California Rules of Court, rule 3.1203, unless said notice is excused by the court or excused pursuant to the Solano County Local Rules. Notice shall include the date, time, and place the request will be made, a summary of the relief requested and the facts upon which the request will be made. In its discretion, the court may require that the entire moving papers package must be served in a prescribed manner upon the opposing party or attorney, at a specified time before the ex parte hearing.

(Subd (4) amended and renumbered effective January 1, 2008; adopted as subd (e)(3) effective January 1, 1988.)

(Subd (f) amended effective July 1, 2008; adopted as subd (e) effective January 1, 1988; previously amended and relettered effective January 1, 2008.)

g. REQUIREMENTS FOR PARTICULAR EX PARTE ORDERS

- (1) *Exclusive Use of a Motor Vehicle*
The court will not grant an application for exclusive use of a vehicle without notice to the other party unless the declaration demonstrates that the opposing party has suitable transportation available or requires no such transportation.
- (2) *Removal From a Residence*
The court will not grant an application removing a party from a residence without notice to the removed party except in exceptional circumstances and unless the declaration demonstrates the facts required by Family Code section 6321.
- (3) *Children*
The court will not grant an application establishing or modifying custody of children (with or without notice) unless the declaration demonstrates exceptional circumstances.

~~(4) *Domestic Violence Restraining Orders*
A mere expression in the declaration of violence or fear will not adequately support the granting of an ex parte order. The facts upon~~

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~~which the violence or fears are based must be stated in the manner set forth in Solano County Local Rules, rule 5.6, above. The declarations must expressly include (1) the actual or approximate date(s) of the incidents alleged, (2) a detailed description of the facts of each incident, and (3) the specific harm caused or threatened.~~

(Subd (g) amended ~~and relettered~~ effective January 1, ~~2012~~2008; adopted as subd (f) effective January 1, 1988; amended and relettered effective January 1, 2008.)

h. CONFORMING EX PARTE COURT ORDERS

The applicant must conform copies of the ex parte orders to the original order signed by the court prior to filing and causing service of the copies.

(Subd (h) amended and relettered effective January 1, 2008; adopted as subd (g) effective January 1, 1988.)

i. SET ASIDE OF EX PARTE ORDER

If a responding party requests an ex parte order be set aside prior to the date set for hearing, notice shall be given to the moving party unless such notice is waived by order of court for good cause shown by declaration. The court may order an earlier hearing date or modify the order on a proper showing in lieu of setting aside the order.

(Subd (i) amended effective January 1, 2010; adopted as subd (h) effective January 1, 1988; previously amended and relettered as subd (i) effective January 1, 2008; amended effective July 1, 2008.)

j. ORDERS SHORTENING AND EXTENDING TIME

An order shortening time for service per Code of Civil Procedure section 1005 or extending the duration of ex parte orders per Family Code section 245 will not be granted unless supported by a written declaration demonstrating good cause. A request for an order shortening time shall be sought through the court's ex parte screening process as described in Solano County Local Rules, rule 5.7(f)(1).

- (1) If an order shortening time for service is requested, the supporting declaration shall state whether the responding party is represented by counsel, the name and address of the responding party's attorney, and whether that attorney has been contacted and has agreed to the date and time proposed for the hearing. If the responding party's attorney, or the responding party if self-represented, has not been contacted or has not agreed to the proposed setting, the moving party's supporting declaration shall clearly demonstrate why the hearing should be set on the proposed date without the consent of the opposing attorney or self-represented

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party. Provision for immediate delivery of the pleadings to the opposing attorney or self-represented party shall be set forth in the order.
(Subd (1) amended effective January 1, 2008.)

- (2) As a general rule, a declaration in support of an order shortening time for service must show emergency circumstances unless it is to enable a responding party to file moving papers and obtain affirmative relief on the same hearing date and time previously set by the moving party. Anticipated problems of serving the responding party will not be sufficient basis for an order shortening time for service.
(Subd (2) amended effective August 1, 2002.)

(Subd (j) amended and relettered effective January 1, 2008; adopted as subd (i) effective January 1, 1988; previously amended effective August 1, 2002.)

k. PAYMENT OF EX PARTE FILING FEE

The filing fee applicable to ex parte applications shall be paid before the date and time of the ex parte hearing, except as specifically permitted by the court. A copy of the receipt reflecting payment of the ex parte filing fee shall be provided to the judicial officer at the time of the ex parte hearing, or the ex parte hearing may be ordered rescheduled.

(Subd (k) amended and relettered effective January 1, 2008; adopted as subd (j) effective July 1, 2005.)

(Rule 5.7 amended effective January 1, 2010; adopted effective July 1, 1988; previously amended August 1, 2002, July 1, 2005, January 1, 2008, and July 1, 2008.)

5.8 SPECIAL PROCEDURES FOR EX PARTE APPLICATIONS FOR ORDERS AND EX PARTE APPLICATIONS FOR INJUNCTIVE RELIEF PERTAINING TO DOMESTIC VIOLENCE [Repealed]

~~**a. DECLARATION REGARDING EX PARTE NOTICE GENERALLY NOT REQUIRED**~~

~~Except as may be required by the judicial officer to whom the ex parte application for an order is made pursuant to Family Code section 6200 et seq. (Domestic Violence Prevention Act), an applicant for ex parte restraining orders made pursuant to the Act need not submit a completed Declaration Re Notice Upon Ex Parte Application for Orders (Solano County Local Form no. 1070) or a declaration in substantial compliance therewith.~~

~~*(Subd (a) amended effective July 1, 2008; previously amended effective January 1, 2008.)*~~

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~~b. **REVIEW OF EX PARTE APPLICATIONS**~~

~~All ex parte applications may be reviewed by court staff to determine compliance with these rules and, after such review, may be submitted to the court for consideration.~~

~~(Subd (b) amended effective January 1, 2008.)~~

~~e. **DELIVERY TO LAW ENFORCEMENT AGENCY**~~

~~To obtain enforcement of temporary restraining orders, applicants or their counsel shall deliver a copy of such orders to one or more designated law enforcement agencies. The order shall have a file endorsed stamp by the Clerk of the Superior Court in the upper right hand corner and the expiration date of the order shall be clearly marked on the face of the document. Temporary restraining orders and orders issued at the order to show cause hearing for delivery to law enforcement agencies shall include a specific expiration date.~~

~~(Subd (c) amended effective January 1, 2008.)~~

~~d. **NOTIFICATION DUTY ON TERMINATION, EXTENSION OR MODIFICATION**~~

~~Where an order is issued restraining or enjoining domestic violence and that order is terminated before the expiration date, extended beyond that date or otherwise modified, the party obtaining relief, or his or her attorney, shall immediately notify the designated law enforcement agency in writing of such termination, extension or modification.~~

~~(Subd (d) amended effective January 1, 2008.)~~

~~e. **NOTIFICATION DUTY ON EXTENSION OF TEMPORARY RESTRAINING ORDERS**~~

~~Where a temporary restraining order is issued ex parte to be effective until the date set for hearing, and thereafter the hearing date is continued to a subsequent date, the temporary restraining order shall terminate unless ordered by the court to remain in effect until a subsequent date. In the event the temporary order is continued by court order to a subsequent hearing date, applicant shall deliver a copy of such order to the designated law enforcement agency.~~

~~(Subd (e) amended effective January 1, 2008.)~~

~~(Rule 5.8 repealed effective January 1, 2012; amended effective July 1, 2008; adopted effective July 1, 1988; previously amended effective August 1, 2002, January 1, 2008, and July 1, 2008.) and January 1, 2008.)~~

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consider in deciding whether good cause exists include but are not limited to the availability of the proposed excused person by telephone, the authority granted by the proposed excused person to the person making the appearance, the necessity of the proposed excused person's providing testimony or confirming an offer of proof, and the stipulation or objection of the other party or counsel.

(Subd (a) amended and relettered effective January 1, 2008; adopted as Rule 5.18, subd (b) effective July 1, 1988; previously amended effective July 1, 2005; former Rule 5.18, subd (a) repealed and incorporated into new subd (a) effective January 1, 2008.)

b. MOVING PARTY'S FAILURE TO APPEAR

If the moving party or attorney fails to appear when the matter is called, the court may continue or remove the matter from the calendar at its discretion. If the responding party appears, the court may award attorney fees and costs to the appearing party. If the responding party has sought appropriate affirmative relief, the court may enter an order on the pleadings, testimony, and argument of the responding party, as allowed by law.

(Subd (b) amended and relettered effective January 1, 2008; adopted as Rule 5.18, subd (c) effective July 1, 1988; previously amended effective July 1, 2005.)

c. RESPONDING PARTY'S FAILURE TO APPEAR

If the responding party or attorney fails to appear when the matter is called, the court may continue the matter and award attorney fees, or enter an order on the pleadings and testimony of the moving party.

(Subd (c) amended and relettered effective January 1, 2008; adopted as Rule 5.18, subd (d) effective July 1, 1988.)

d. PROCEDURE IF COURT IS NOT AVAILABLE FOR HEARING

If a matter cannot be heard because of the unavailability of the court at the time for hearing, it may be set in another department and/or continued.

(Subd (d) amended and relettered effective January 1, 2008; adopted as Rule 5.18, subd (e) effective July 1, 1988; previously amended effective August 1, 2002.)

(Rule 5.10 amended and renumbered effective January 1, 2008; adopted as Rule 5.18 effective July 1, 1988; previously amended effective August 1, 2002, and July 1, 2005.)

5.11 ~~CHILD CUSTODY RECOMMENDING COUNSELING MEDIATION—CHILD CUSTODY AND VISITATION~~

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a. ~~MEDIATION~~ PARTIES' DUTIES

~~(1) Except as set forth in subsection (2), in all proceedings and actions pursuant to Family Code sections 3100 through 3104 where there is a contested issue regarding the custody of or visitation with a minor child, the matter shall automatically be set for child custody recommending counseling through Family Court Services. mediation of the contested issues pursuant to Family Code sections 3160 through 3186 and these rules. The custody counseling shall be completed and a report issued by the child custody recommending counselor. Such issue must be submitted to mediation before the court hears the matter.~~

(Subd. (1) amended and renumbered effective January 1, 2012; previously adopted as unnumbered part of subd (a).)

~~(2) If a report from child custody recommending counseling, a custody investigation, or a custody evaluation has been issued within the six months immediately preceding the filing of a motion seeking custody or visitation orders, no child custody recommending counseling appointment will be automatically set with Family Court Services. Instead, the court shall determine at the hearing whether child custody recommending counseling is appropriate. The court may thereafter refer the parties to child custody recommending counseling and issue temporary child custody orders in the interim pending the next hearing.~~

(Subd. (2) adopted effective January 1, 2012.)

(Subd (a) amended effective January 1, 20122008; previously amended August 1, 2002, and January 1, 2008.)

b. ~~MEDIATION~~ REPORT – FULL AGREEMENT

Where a full agreement has been reached between the parties regarding the issues of custody and visitation, the child custody recommending counselor mediator shall prepare and forward to the court ~~his or her~~ written summary of such agreement.

(Subd (b) amended effective January 1, 20122008; previously amended August 1, 2002, and July 1, 2005, and January 1, 2008.)

c. ~~MEDIATION~~ REPORT – PARTIAL OR NO AGREEMENT

Where there is no agreement or only partial agreement between the parties regarding the issues of custody and/or visitation, the child custody recommending counselor mediator shall submit a recommendation to the court regarding custody of and/or visitation with the minor child(ren), per Family Code section 3183. The

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~~counselor's mediator's~~ recommendation shall state the factual basis for the recommendation, which may include matters communicated to the ~~counselor mediator~~ by the parties or the minor child(ren). The court may consider the written recommendation of the ~~counselor mediator~~ and the basis for that recommendation in determining the issues before the court at the time of hearing. *(Subd (c) amended ~~and relettered~~ effective January 1, 20122008; adopted as part of Rule 5.20, subd (b) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005; ~~previously amended and relettered~~ effective January 1, 2008.)*

d. CALLING THE ~~CHILD CUSTODY RECOMMENDING COUNSELOR MEDIATOR~~ AS A WITNESS

In a contested hearing, the ~~child custody recommending counselor mediator~~ may be called as a witness by either party, minor's counsel, or the court, and may testify at the hearing regarding his or her recommendation and the basis therefore. Both parties and minor's counsel may examine the ~~counselor mediator~~ with respect to all matters covered by the written recommendation. ~~A~~The party ~~or attorney~~ calling ~~the counselor a mediator~~ as a witness at any hearing is subject to being assessed expert witness fees pursuant to Evidence Code sections 730 and 731, and the court may allocate responsibility for these fees to any party, in its discretion.

(Subd (d) amended ~~and relettered~~ effective January 1, 20122008; adopted as Rule 5.20, subd (c) effective July 1, 1988; previously amended effective August 1, 2002; ~~previously amended and relettered~~ effective January 1, 2008.)

e. PRIVACY OF ~~CHILD CUSTODY RECOMMENDING COUNSELING MEDIATION~~ PROCEEDINGS

All ~~child custody recommending counseling mediation~~ proceedings shall be held in private. All communications from ~~a party, a party's attorney, the parties, the parties' attorneys,~~ the minor child, the child's attorney, and/or any collateral contacts or experts designated by any of the above individuals to the ~~child custody recommending counselor mediator~~ shall be deemed official information within the meaning of Evidence Code section 1040. The ~~counselor mediator~~ shall exclude attorneys from the ~~counseling proceeding, mediation proceeding,~~ absent ~~all parties'~~ consent or order of the court. In the absence of an agreement between the parties, the ~~counselor's mediator's~~ recommendation to the court as to the custody or visitation issue may include, if appropriate, a recommendation for an investigation pursuant to Family Code section 3110 et seq. or for the issuance of restraining orders to protect the well-being of the child or children involved in the controversy, pursuant to Family Code section 3183.

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(Subd (e) amended ~~and relettered~~ effective January 1, ~~2012~~2008; adopted as Rule 5.20, subd (d) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005; ~~previously amended and relettered effective January 1, 2008.~~)

f. **CONFIDENTIALITY OF ~~MEDIATION-CHILD CUSTODY RECOMMENDING COUNSELING~~ REPORTS IN FAMILY LAW MATTERS**

In any proceeding involving the custody or visitation of minor children, any written report or recommendation from a child custody recommending counselor ~~court mediator~~ or from any person appointed by the court to render a report shall be confidential and unavailable to any person except the court, the parties, their attorneys and the attorneys' employees or agents, the parties' experts, licensed family counselors professionally involved with the case, the minor child's attorney, and any person to whom the court expressly grants access by written order made with prior notice to all parties. No person who has access to a report shall make copies of it for any persons other than the individuals designated above or a person to whom the court expressly orders access in writing. No disclosure of the contents of a child custody recommending counseling mediation report shall be made to any child who is the subject of the report, or to any other minor child. The court may issue sanctions for violation of this confidentiality rule.

(Subd (f) amended ~~and relettered~~ effective January 1, ~~2012~~2008; adopted as Rule 5.20, subd (e) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005; ~~previously amended and relettered effective January 1, 2008.~~)

g. **COPIES OF THE REPORT**

The court shall provide a copy of the report to the parties or their respective attorneys as well as to minor's counsel by the time of any hearing or other action, which is the subject of the report, unless otherwise ordered by the court. The parties shall be entitled to read the report and recommendations prior to the hearing. No copy of any child custody recommending counseling mediation report shall be disclosed to, nor any contents discussed with, any minor child.

(Subd (g) amended ~~and relettered~~ effective January 1, ~~2012~~2008; adopted as Rule 5.20, subd (f) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005; ~~previously amended and relettered effective January 1, 2008.~~)

h. **ADDITIONAL CHILD CUSTODY RECOMMENDING COUNSELING SCHEDULING OF MEDIATION CONFERENCE AT FIRST HEARING**

~~If the parties have not met with a mediator prior to the time set for hearing on any order to show cause or motion relative to child custody and visitation matters, the court normally will order the parties to immediate mediation.~~

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Upon completion of a child custody recommending counseling session, the court may, in its discretion, order additional subsequent child custody recommending counseling, which may include interviews of the minors subject to the proceeding. The costs associated with the additional child custody recommending counseling shall be paid by the parties, unless the court finds the costs would impose an unreasonable financial hardship on one or both parties. mediation, to be paid for by the parties.

(Subd (h) amended ~~and relettered~~ effective January 1, 2012~~2008~~; adopted as Rule 5.20, subd (g) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005; previously amended and relettered effective January 1, 2008.)

i. **CONTACT WITH CHILD CUSTODY RECOMMENDING COUNSELOR MEDIATOR IN CHILD CUSTODY PROCEEDINGS**

All communications between a child custody recommending counselor court-appointed or court-connected mediators and a party or his or her attorney parties or their attorneys are prohibited, except as provided by Family Code section 216 and California Rules of Court, rule 5.235.

(Subd (i) amended ~~and relettered~~ effective January 1, 2012~~2008~~; adopted as Rule 5.20, subd (h) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005; previously amended and relettered effective January 1, 2008.)

j. **GRIEVANCE PROCEDURE -- FAMILY COURT SERVICES CHILD CUSTODY RECOMMENDING COUNSELORS ~~MEDIATORS~~**

The procedure for processing a complaint concerning a Family Court Services child custody recommending counselor ~~Mediator~~ shall be as follows:

- (1) Complaints are only accepted from the following individuals:
 - (a) A party to the action currently filed with the Solano County Superior Court;
 - (b) A party's attorney; or
 - (c) The court-appointed attorney for the minor child.
- (2) The complainant must register his or her complaint in writing with the Court Service Program Manager for the Family Law ~~D~~ivision.
- (3) The written complaint must include the following information:
 - (a) The names of the parties in the case and their attorneys;

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- (b) The family law case number;
- (c) The most recent court date;
- (d) The name(s) of any Family Court Services personnel (i.e. child custody recommending counselorsmediators) with whom the complainant had contact; and,
- (e) A statement explaining the reasons for the complaint. Mere disagreement with a child custody recommending counselor'smediator's recommendation(s) or stated reasons is not a sufficient basis for the court or any other program manager to take action on the grievance, and such a complaint may be summarily denied without further investigation.

- (4) Persons making complaints should be aware that all information contained in the complaint may be made available to all persons involved in the case.
- (5) The manager will conduct an investigation of the matter, which may include consultation with the child custody recommending counselor, mediator. Within 30 days of filing his or her complaint, the complainant will be informed in writing of the results of the manager's investigation.
- (6) The complainant may appeal the manager's action by noticed motion to the judicial officer assigned to hear the case.

(Subd (j) amended ~~and relettered~~ effective January 1, 2012~~2008~~; adopted as Rule 5.20, subd (i) effective July 1, 1988; previously amended August 1, 2002; previously amended and relettered effective January 1, 2008.)

- k. **PEREMPTORY CHALLENGE AGAINST FAMILY COURT SERVICES CHILD CUSTODY RECOMMENDING COUNSELOR MEDIATOR**
Peremptory challenges against a Family Court Services child custody recommending counselor mediator shall not be allowed.
(Subd (k) amended effective January 1, 2012; adopted effective July 1, 2008.)

(Rule 5.11 amended effective January 1, 2012~~July 1, 2008~~; adopted as Rule 5.20 effective July 1, 1988; previously amended effective August 1, 2002, and July 1, 2005; amended and renumbered effective January 1, 2008; amended effective July 1, 2008.)

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5.12 CHILD CUSTODY AND VISITATION EVALUATION OR INVESTIGATION

a. EVALUATOR OR INVESTIGATOR APPOINTMENT

When the court determines that it is appropriate, the court shall appoint an evaluator and/or investigator to investigate and report on child custody and visitation issues pursuant to Family Code section 3110 et seq. or Evidence Code section 730, and the California Rules of Court. The parties shall negotiate in good faith as to the important procedural issues involved, including but not necessarily limited to the selection of the evaluator and/or investigator, the scope of issues to be evaluated or investigated, the information to be made available to the evaluator and/or investigator, and the liability of each party for the costs of the evaluation or investigation. Orders appointing evaluators or investigators must be made on the designated Judicial Council form and must contain ~~an Order Appointing Child Custody Evaluator (Judicial Council form FL-327), and must contain~~ the further non-optional orders listed in the local form Attachment to Order Appointing Child Custody Evaluator. ~~(Solano County Local Form no. 327).~~ (Subd (a) amended effective January 1, ~~2012~~2010; previously amended effective July 1, 2005, ~~and~~ January 1, 2008, and January 1, 2010.)

b. CONTACT WITH EVALUATOR OR INVESTIGATOR IN CHILD CUSTODY PROCEEDINGS

All communications between court-appointed or court-connected investigators or evaluators and parties or their attorneys are prohibited, except as provided by law or court order. ~~Family Code section 216, California Rules of Court rule 5.235, and the Order Appointing Child Custody Evaluator.~~ The court may order sanctions for violation of this no-contact rule, which may include but not be limited to evidence or issue or monetary sanctions, or suppression and sealing of the evaluator's or investigator's report and the conduct of a new evaluation or investigation at the sole expense of the offending party. (Subd (b) amended effective January 1, 2012; previously amended effective January 1, 2008.)

c. ACCESS TO EVALUATOR/INVESTIGATOR'S REPORT

Unless the court specifically orders to the contrary, the evaluator and/or investigator's report shall be accessible to the parties, their attorneys and the attorneys' employees or agents, the parties' experts, the minor child's attorney, and any person to whom the court expressly grants access by written order made with prior notice to all parties. The report shall not be accessible to any minor child. Sanctions may be ordered against any party, attorney, expert, or other

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person to whom the court has authorized access for disclosing or copying any portion of the report to the minor child.

(Subd (c) amended effective January 1, 2008.)

d. CONFIDENTIALITY OF EVALUATOR/INVESTIGATOR'S REPORT

The evaluator/investigator's report shall be confidential and unavailable to any person except the court, the parties, their attorneys, the minor child's attorney, and the attorneys' employees or experts or agents, licensed family counselors professionally involved with the case, and any person to whom the court expressly grants access by written order made with prior notice to all parties. No person who has access to a report shall make copies of it for any persons other than the parties, their attorneys, the minor child's attorney, the attorneys' employees or experts or agents, licensed family counselors professionally involved with the case, or a person to whom the court expressly orders access in writing. No disclosure of the contents of such a report shall be made to any child who is the subject of the report, or to any other minor child. Sanctions may be ordered against any party, attorney, expert, or other person to whom the court has authorized access for disclosing or copying any portion of the report to the minor child.

(Subd (d) amended effective January 1, 2008.)

e. CHILD CUSTODY EVALUATIONS/INVESTIGATIONS

The report of an expert witness appointed by the court pursuant to Evidence Code section 730 or Family Code section 3111 shall be submitted directly to the court by the evaluator or investigator and, if the parties so stipulate, it shall be received into evidence without foundation.

(Subd (e) adopted effective January 1, 2008; previously adopted as Rule 5.24, subd (d) effective July 1, 1988; previously amended effective August 1, 2002.)

f. GRIEVANCE PROCEDURE – EVALUATORS AND INVESTIGATORS

The procedure for processing a complaint concerning a court-appointed evaluator or investigator shall be as follows:

- (1) If the complaint involves the cost or administration of the evaluation or investigation process, then the complainant shall attempt to resolve the matter with the evaluator before pursuing his or her complaint as provided in this rule. All such attempts at resolution shall comply with court orders and all applicable laws. ~~Family Code section 216, California Rules of Court, rule 5.235, and the Order Appointing Child Custody Evaluator, to the extent~~

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~~they are applicable.~~—All other complaints shall be made as presented in subpart 3 of this rule, below.

- (2) Except upon a showing of extraordinary circumstances, complaints about the performance of an evaluator or investigator shall be addressed after issuance of the evaluation or investigation report.
- (3) Written notice of a complaint, specifying the conduct objected to, shall be provided to the evaluator or investigator, the other party, and the attorney for the minor child, and shall be lodged with the court by direct delivery to the judicial officer, within 20 days after issuance of the evaluation report. Mere disagreement with an evaluator's or investigator's recommendation(s) or stated reasons is not a sufficient basis for the court or any program manager to take action on the grievance, and such a complaint may be summarily denied without further investigation.
- (4) A written response from the evaluator or investigator (and from the other party and/or the attorney for the minor child, at their respective election) shall be provided to both parties and the attorney for the minor child, and shall be lodged with the court, no later than 10 days after the complaint was provided to the evaluator or investigator, the other party, the minor child's attorney, and the court.
- (5) Within 10 days after receipt of the evaluator's or investigator's response, or if there is no response from the evaluator or investigator, within 20 days after receiving the original complaint, the court shall issue a written statement as to what action, if any, it deems appropriate to deal with the complaint.
- (6) If either party or attorney for a minor is not satisfied with the court's determination, he or she may file a noticed motion requesting other specified relief. Such motion shall be in compliance with Code of Civil Procedure section 1005 and shall be served on the other parties, the attorney for the minor child, and the evaluator or investigator. The evaluator or investigator shall appear at the hearing. The cost of the evaluator's or investigator's appearance shall be advanced by the complainant, with the court reserving jurisdiction over the allocation of such cost.

(Subd (f) adopted effective January 1, 2008.)

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- g. **PEREMPTORY CHALLENGE AGAINST EVALUATOR OR INVESTIGATOR**
Peremptory challenges against an appointed evaluator or investigator shall not be allowed.
(Subd (g) adopted effective July 1, 2008.)
- h. **EVALUATOR’S OR INVESTIGATOR’S PETITION FOR WITHDRAWAL FROM A CASE**
A private evaluator or investigator shall have the right to petition for withdrawal from a case to which he or she has been appointed. Such petition shall demonstrate good cause for the withdrawal request and, to the greatest extent possible, shall be made before the judicial officer ~~trial court~~ that made the appointment. The petition shall be filed and served in compliance with Code of Civil Procedure section 1005.
(Subd (h) amended effective January 1, 2012; adopted effective July 1, 2008.)

(Rule 5.12 amended January 1, 2012~~July 1, 2008~~; adopted as Rule 5.21 effective July 1, 1988; previously amended effective August 1, 2002, July 1, 2005, ~~and~~ January 1, 2008, and July 1, 2008.)

5.13 CHILDREN AND THE COURT; MINOR’S COUNSEL

- a. **GENERAL POLICY REGARDING A MINOR CHILD’S PRESENCE IN THE COURTROOM**
Unless a child whose custody or visitation is at issue will be addressing the court or testifying per Family Code section 3042, the presence of children in the courtroom is discouraged. ~~While children whose custody or visitation is the subject of litigation may be physically present in the courthouse, it is the policy of the court to discourage bringing them to the courthouse. Subject Minor~~ children may not be brought ~~to or~~ into the assigned courtroom without the judicial officer’s prior knowledge. ~~and consent.~~
(Subd (a) amended effective January 1, 2012; previously amended effective January 1, 2008.)
- b. **INTERVIEW OF CHILDREN BY COURT**
A judicial officer’s interview of a child subject to a proceeding shall be governed by the applicable California Rules of Court. ~~The court in its discretion will decide whether and on what conditions it will interview any minor child who is the subject of any pending proceeding. The court may consult with the parties, the parties’ attorneys, the attorney for the minor child, the custody mediator, evaluator, or investigator in reaching this decision.~~

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(Subd (b) amended effective January 1, 2012; previously amended effective January 1, 2008.)

c. APPOINTMENT OF COUNSEL FOR CHILD

In any proceeding covered by these rules, the court may, if it finds it would be in the best interests of the minor child and after consideration of any applicable law or guideline standards, ~~including those stated in California Rules of Court, rule 5.240,~~ appoint private counsel to represent the interests of the child pursuant to Family Code section 3150. When the court appoints counsel to represent the minor, counsel shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. Such amount shall be paid as the court directs. Nothing shall prohibit a child custody recommending counsel~~mediator or the probation department~~ from advising the court that private counsel for the child should be appointed pursuant to Family Code section 3150. In making any recommendation, the child custody recommending counsel~~mediator or probation officer~~ shall inform the court of the reasons why it would be in the minor child's best interests to have private counsel appointed. Counsel appointed by the court pursuant to Family Code section 3150 have the duties and powers specified in Family Code section 3151 et seq. except as otherwise ordered.

(Subd (c) amended effective January 1, 2012~~July 1, 2008~~; previously amended effective January 1, 2008, and July 1, 2008.)

d. PARENTING ORDERS REGARDING CUSTODY AND VISITATION

The court has adopted model language ~~and may from time to time modify language known as “Parenting Orders” (Solano County Local Form no. 304) for incorporation into regarding~~ child custody and visitation orders. These model orders are an administrative aid only. They are not effective unless actually issued as orders and are subject to the court’s modification in every case.

(Subd (d) amended effective January 1, 2012; ~~amended and relettered effective January 1, 2008~~; adopted as Rule 5.24, subd (e) effective July 1, 1988; amended and relettered effective January 1, 2008.); ~~former Rule 5.24, subd (d), which related to the submission of an evaluation report to the court and its admission into evidence without foundation, was repealed and incorporated into Rule 5.12 effective January 1, 2008~~.)

(Rule 5.13 amended effective July 1, 2008; adopted as Rule 5.24 effective July 1, 1988; previously amended effective August 1, 2002; amended and renumbered as Rule 5.13 effective January 1, 2008.)

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5.14 CALCULATION OF CHILD SUPPORT AND TEMPORARY SPOUSAL OR PARTNER SUPPORT

a. **COMPUTER PROGRAM SOFTWARE**

The court ordinarily uses the CFLR DissoMaster™ computer program in all family law matters, except as may be otherwise required by state law in Department of Child Support Services cases.

(Subd (a) amended effective July 1, 2008; previously amended effective January 1, 2008.)

b. **CALCULATION OF TIMESHARE**

The court will determine upon the evidence presented the actual average annualized timeshare percentage in calculating guideline child support. However, in the event the court is not provided with any evidence of the actual timeshare, the court may use an assumption of 20 percent visitation time with the non-custodial or non-primary custodial parent in calculating guideline child support. The Time Sharing Arrangements as attached in Appendix 5-A ~~-2~~ may be used in calculating guideline child support, in addition to similar charts which are part of the Judicial Council approved child support computer program software. These timeshare charts are guidelines only, and the judicial officer shall at all times exercise discretion in calculating the timeshare percentage.

(Subd (b) amended effective January 1, 2012; adopted effective January 1, 2008.)

c. **TEMPORARY SPOUSAL OR PARTNER SUPPORT FORMULA**

The court has adopted the Santa Clara temporary spousal or partner support calculation formula. That is, temporary spousal or partner support shall ordinarily be computed by taking 40% of the net income of the payor, minus 50% of the net income of the payee, adjusted for tax consequences. Computerized temporary spousal or partner support calculations pursuant to software approved by the Judicial Council apply these assumptions.

(Subd (c) amended and relettered effective January 1, 2008; adopted as Rule 5.23, subd (b) effective July 1, 1988.)

(Rule 5.14 amended effective July 1, 2008; adopted as Rule 5.23 effective July 1, 1988; previously amended effective August 1, 2002; previously amended and renumbered as Rule 5.14 effective January 1, 2008.)

5.15 PROCEDURES FOR DOCUMENT SIGNATURE; ORDERS AFTER HEARING AND TRIAL

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RULE 5 APPENDICES

~~Appendix 5-A-1: Meet and Confer Orders~~

~~(Note: Use Solano County Local Form no. 010)~~

Appendix 5-A-2: Time Sharing Arrangement Table

~~Appendix 5-A-3: Family Law Rules Conversion Table~~

~~(Effective January 1, 2008; Amended effective July 1, 2009)~~

~~Appendix 5-A-4: Family Law Rules Reverse Conversion Table~~

~~(Effective January 1, 2008; Amended effective July 1, 2009)~~

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~~APPENDIX 5 A 1: MEET AND CONFER ORDERS (Note: Use Local Form No. 010)~~

SHORT TITLE:	CASE NUMBER:
-------------------------	-------------------------

~~MEET AND CONFER ORDERS~~

~~(SEE PARAGRAPH 3 IF THERE ARE RESTRAINING ORDERS IN EFFECT NOW.)~~

~~1. a. The parties and/or attorneys are ordered to peaceably contact each other, immediately upon service of these papers, and to make at least one peaceable attempt to settle these issues, before the date of this hearing.~~

~~b. Each party and/or attorney shall make good faith, reasonable proposals on all issues in the attached documents, and shall try to settle all of the issues. They shall do this in writing or by fax or e-mail, or by telephone, or in person.~~

~~c. If the issues in the attached documents include child support, or temporary spousal support, each party shall prepare and give the other a printout of his or her proposed DissoMaster™ or other computerized support calculation, before the date of the hearing.~~

~~d. If the parties both agree that the scheduled hearing is not necessary, both parties or attorneys shall immediately notify the assigned judicial department, or the Court may impose sanctions upon one or both of the parties or attorneys.~~

~~2. a. On the date of the hearing, and in addition to any mediation about child issues on that same date, the parties and/or their attorneys shall peaceably meet and confer a second time, and make reasonable, good faith efforts to settle the issues of this hearing. They shall exchange all relevant documents, updated DissoMaster™ or other computerized support calculation printouts if applicable, and other information, in good faith efforts to settle all issues of this hearing. They shall cooperate so as to clearly outline and efficiently present any unsettled issues to the court at the hearing. The court may, in its discretion, decline to consider any document or information that was not exchanged before the hearing.~~

~~b. Failure to meet and confer in good faith may cause the hearing to be delayed, or postponed, or dropped from calendar, or the court may impose sanctions or other remedies upon one or both of the parties or attorneys.~~

~~3. These orders do not apply to the parties themselves if there are any restraining orders, from any court whatsoever, ordering one party to “not contact” or to “stay away” from any other party to this case, if such orders are still in effect at this time. Even if such “no contact” or “stay away” orders are in effect at this time, each party’s attorney must meet and confer with the other party’s attorney or the other party as stated in this Meet and Confer Order, and at the hearing the court may in its discretion order the parties themselves to meet and confer, under conditions that the court deems appropriate.~~

~~NOTE: For DissoMaster™ calculations, consult with an attorney of your choice, or contact the Solano County Family Law Facilitator’s Office in the Hall of Justice, 600 Union Avenue, Fairfield, CA 94533; (707) 207-7348.~~

~~AUTHORITY: California Family Code section 271; Rules 5.9 and 5.14 of the Solano County Local Rules.~~

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APPENDIX 5-A-2: TIME SHARING ARRANGEMENT TABLE

Item No.	Time Sharing Arrangement	Days out of the Year	Timeshare Percentage
A	1 weekend per month	24	7
B	1 extended weekend per month	36	10
C	2 weekends per month	48	13
D	1 weekend per month plus 1 evening per week	50	14
E	Alternate weekends (26 weekends per year)	52	14
F	Alternate weekends plus 2 weeks in the summer	67	18
G	Alternate weekends plus ½ the holidays plus 2 weeks in the summer	69	19
H	2 extended weekends per month	72	20
I	Alternate weekends plus 1 evening per week	78	21
J	Alternate weekends plus 1 overnight per week	104	28
K	Alternate extended weekends	78	21
L	Alternate extended weekends plus ½ the holidays plus 4 weeks in the summer (with alternating weekends continuing in summer and makeup time if the weekends are lost due to the 4 weeks)	77	21
M	Alternate weekends plus ½ the holidays plus 4 weeks in the summer (with no alternating weekends all summer)	75	21
N	Alternate weekends plus ½ the holidays plus ½ the summer (with or without alternating weekends in the summer)	82	22
O	Alternate extended weekends plus 1 evening a week	104	28
P	Alternate extended weekends plus 1 overnight a week	130	36
Q	Alternate weekends plus ½ holidays plus 1 evening per week plus 4 weeks in the summer (with alternating weekends continuing in summer and makeup time if the weekends are lost due to the 4 weeks)	103	28
R	Alternate weekends plus 1 evening per week when school is in session plus ½ school vacations	104	28
S	Three days per week	156	43
T	First, third and fifth weekends of every month	56	15
U	First, third and fifth extended weekends of every month	84	23
V	First, third and alternate fifth weekends	52	14
W	First, third and alternate fifth extended weekends	78	21

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Rule 5 – Family Law

~~APPENDIX 5-A-3: FAMILY LAW RULES CONVERSION TABLE~~
Effective January 1, 2008; Amended effective July 1, 2009

<i>Rule Title</i>	<i>New Rule Number</i>	<i>Former Rule Number</i>
Scope of Rule 5; Applicability to Parties and Counsel	5.1	5.1
Direct Calendaring	5.2	5.2
Use and Completeness of Judicial Council and Solano County Forms	5.3	5.5
Filing and Service of Summons, Petition, Moving and Responsive Pleadings	5.4	5.3
Proof of Service	5.5	5.4
Declarations	5.6	5.6
Ex Parte Application for Order; Orders Shortening and Extending Time	5.7	5.7
Special Procedures for Ex Parte Applications for Orders and Ex Parte Applications for Injunctive Relief Pertaining to Domestic Violence	5.8	5.8
Law and Motion Calendar	5.9	5.11
Law and Motion Procedure	5.10	5.18
Mediation – Child Custody and Visitation	5.11	5.20
Child Custody and Visitation Evaluation or Investigation	5.12	5.21
Children and the Court; Minor’s Counsel	5.13	5.24
Calculation of Child Support and Temporary Spousal or Partner Support	5.14	5.23
Procedures for Document Signature; Orders After Hearing and Trial	5.15	5.9
Family Law Discovery Motions	5.16	5.17
Status Conferences and Status Conference Reports	5.17	5.10
Settlement Conferences	5.18	5.16
Trial Matters	N/A (See 5.19)	5.14
Trial Procedure	N/A (See 5.19)	5.15
Family Law Trial Matters and Procedure	5.19	5.19
Default or Uncontested Judgment of Dissolution or Legal Separation by Affidavit or Declaration under Family Code Section 2336	5.20	5.12
Default or Uncontested Judgments of Dissolution, Legal Separation or Nullity by Appearance	5.21	5.13
Contents of Judgment	5.22	5.25
Fee Waivers at Time of Judgment	5.23	5.27
Contempt	5.24	5.22
Attorney Fees, Costs and Sanctions	5.25	5.26
Forms Lists	5.26	5.28
Family Law Facilitator’s Duties	5.27	N/A

**Superior Court of California
County of Solano**

Rule 5 – Family Law

~~APPENDIX 5-A-4: FAMILY LAW RULES REVERSE CONVERSION TABLE~~
~~Effective January 1, 2008; Amended Effective July 1, 2009~~

<i>Rule Title</i>	<i>Former Rule Number</i>	<i>New Rule Number</i>
Scope of Rule 5; Applicability to Parties and Counsel	5.1	5.1
Direct Calendaring	5.2	5.2
Filing and Service of Summons, Petition, Moving and Responsive Pleadings	5.3	5.4
Proof of Service	5.4	5.5
Use and Completeness of Judicial Council and Solano County Forms	5.5	5.3
Declarations	5.6	5.6
Ex Parte Application for Order; Orders Shortening and Extending Time	5.7	5.7
Special Procedures for Ex Parte Applications for Orders and Ex Parte Applications for Injunctive Relief Pertaining to Domestic Violence	5.8	5.8
Procedures for Document Signature; Orders After Hearing and Trial	5.9	5.15
Status Conferences and Status Conference Reports	5.10	5.17
Law and Motion Calendar	5.11	5.9
Default or Uncontested Judgment of Dissolution or Legal Separation by Affidavit or Declaration under Family Code Section 2336	5.12	5.20
Default or Uncontested Judgments of Dissolution, Legal Separation or Nullity by Appearance	5.13	5.21
Trial Matters	5.14	N/A (See 5.19)
Trial Procedure	5.15	N/A (See 5.19)
Settlement Conferences	5.16	5.18
Family Law Discovery Motions	5.17	5.16
Law and Motion Procedure	5.18	5.10
Family Law Trial Matters and Procedure	5.19	5.19
Mediation—Child Custody and Visitation	5.20	5.11
Child Custody and Visitation Evaluation or Investigation	5.21	5.12
Contempt	5.22	5.24
Calculation of Child Support and Temporary Spousal or Partner Support	5.23	5.14
Children and the Court; Minor’s Counsel	5.24	5.13
Contents of Judgment	5.25	5.22
Attorney Fees, Costs and Sanctions	5.26	5.25
Fee Waivers at Time of Judgment	5.27	5.23
Forms Lists	5.28	5.26
Family Law Facilitator’s Duties	N/A	5.27

**Superior Court of California
County of Solano**

Rule 6 – Juvenile Proceedings

APPENDIX – 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 [VACATED] <i>(Vacated effective January 1, 2012)</i>
2002-04	Records – Multi-Disciplinary Teams [VACATED] <i>(Vacated effective July 1, 2011; see Standing Order 2011-004)</i>
2002-05	Release of Records, Absent Parents
2002-06	Release of Records – Guardianship Proceedings [VACATED] <i>(Vacated effective July 1, 2011; see Standing Order 2011-005)</i>
2002-07	Release of Records – Financial Hearing Officer
2002-09	Release of Records – Foster Youth Services Program [VACATED] <i>(Vacated effective July 1, 2011; see Standing Order 2011-006)</i>
2002-10	Release of School Records – Probation [VACATED] <i>(Vacated effective July 1, 2011; see Standing Order 2011-007)</i>
2002-11	Toxicology Testing [VACATED] <i>(Vacated effective July 1, 2011; see Standing Order 2011-008)</i>
2004-01	Sealing File upon Successful Completion of Deferred Entry of Judgment [VACATED] <i>(Vacated effective January 1, 2011)</i>
2004-02	Notice of Change of Address DCSS [VACATED] <i>(Vacated effective January 1, 2011)</i>
2010-001	Release of Juvenile Case File Information for W&I 601 and 602 Proceedings
2011-001	Standing Order Authorizing Mental Health Evaluation and/or Treatment for Dependent Children or Minors Placed into Protective Custody by Child Welfare Services
2011-002	Order re: Release of Probation Files and Information Regarding Parents with Children Under the Jurisdiction of the Juvenile Court

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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

**Superior Court of California
County of Solano**

Rule 7 – Probate

PART ONE: Probate Proceedings Generally

7.1 SCOPE OF PROBATE RULES; DIRECT CALENDARING

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, except probate guardianships and probate conservatorships, which are governed by Rule 15.

(Subd (a) amended effective January 1, 2012; 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.)*~~

b. DIRECT CALENDARING

When a probate case is filed, or received and filed as a transfer from another county, the Clerk of the Court shall assign the case in a manner directed by the Supervising Judge of the Civil Division. 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 designed to equally distribute the workload among the judges and best serve the court.

(Subd. (b) adopted effective January 1, 2012; former subd (b) repealed effective January 1, 2012.)

(Rule 7.1 amended effective January 1, 2012; adopted effective July 1, 2009; previously amended effective January 1, 2010.)

7.2 USE OF JUDICIAL COUNCIL FORMS; FORMAT OF PLEADINGS; CALENDARING

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.

**Superior Court of California
County of Solano**

Rule 7 – Probate

PART ONE: Probate Proceedings Generally

(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.

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

d. CALENDARING PETITIONS

Parties may contact the Probate Division calendaring clerk to reserve a hearing date on a probate petition. Reservation of a calendar date does not automatically place the matter on the court's calendar. The probate petition must be filed within three court days of reserving the date, otherwise the date reserved will be canceled. Except for petitions brought ex parte, probate petitions shall not be calendared for hearing until the moving party files a Notice of Hearing.

(Subd (d) amended effective January 1, 2012; adopted effective July 1, 2010.)

e. FILING PETITIONS

All petitions concerning trusts shall be filed at least 30 days prior to the desired or scheduled hearing date. All petitions concerning non-trust probate matters shall be filed at least 15 days prior to the desired or scheduled hearing date.

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

(Rule 7.2 amended effective January 1, 2012~~July 1, 2010~~; adopted as Rule 7.1 effective July 1, 1988; previously amended effective January 1, 2009; previously amended and renumbered effective July 1, 2009; amended effective July 1, 2010.)

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.

**Superior Court of California
County of Solano**

Rule 7 – Probate

PART ONE: Probate Proceedings Generally

(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.)

7.4 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.

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.)

7.5 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.)

7.6 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.

(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.)

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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.)

7.8 PREGRANTS IN PROBATE MATTERS

~~**a. AVAILABILITY OF PREGRANT ORDERS**~~

~~A pregrant order on a probate matter will be available after 2:00 p.m. on the court day immediately preceding the scheduled hearing by signing onto the court's web site at www.solano.courts.ca.gov and clicking "Tentative Rulings" or by telephoning the court 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 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.~~

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

(Rule 7.8 amended effective January 1, ~~2012~~2010; adopted effective July 1, 2009; previously amended effective January 1, 2010; former Rule 7.8, which concerned filing fees, repealed effective July 1, 2009.)

7.9 APPEARANCES AT HEARINGS

a. HEARINGS WHERE APPEARANCE NOT REQUIRED

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

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

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

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

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.

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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 at the time the compensation is sought.

However, nothing in this rule limits the court's discretion to find as unreasonable a fee totaling less than 1% or to approve a trustee's fee that exceeds 1%.

(Subd (b) amended effective January 1, 2012; 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 effective January 1, 2012; ~~amended and renumbered effective July 1, 2009~~; adopted as Rule 7.46 effective July 1, 1988; previously amended effective July 1, 1988; amended and renumbered effective July 1, 2009.)

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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.)

7.53 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. The petition shall include the complete terms of the proposed trust.
- (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 the county in which the trust is to be administered pursuant to that county's procedures. If the trust is to be administered in Solano County, the trust shall be filed in a separate file and assigned a probate case number. No filing fee shall be charged for said filing as the trust instrument is the result of a petition filed to approve a minor's compromise claim per Probate Code section 3600 et seq. Government Code §70655.
- (3) The party filing the special needs trust instrument per subsection (2) shall file a notice in the civil action file or the minor's compromise file indicating the county in which the trust is being administered and the case number assigned to the probate file containing the special needs trust.

(Subd (a) amended effective January 1, 2012; adopted effective July 1, 2009.)

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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 amended effective January 1, 2012; adopted effective July 1, 2009.)

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.

(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.

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- (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.)

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 or estate, or his or her attorney, is sought from the trust in part or in whole, the conservator shall first seek approval of the compensation in the conservatorship matter. 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 trust conservatorship estate to allow for the compensation sought. If the conservatorship of the estate has sufficient funds to pay for the requested compensation, the conservator shall explain why compensation is sought from the trust and not the estate. A trustee shall not pay a conservator’s compensation without a court order approving said compensation by the judge assigned to hear the conservatorship matter.

(Rule 7.55 amended effective January 1, 2012; adopted effective July 1, 2009.)

7.56 TRUST ACCOUNTINGS FILED WITH THE COURT

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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.)

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**Rule 9 – Attorney Fees in Default Matters,
Promissory Notes, Contracts, and Foreclosures**

9.1 ATTORNEY FEES - UNLIMITED CIVIL MATTERS

- a. **RECOVERY OF “REASONABLE” ATTORNEY FEES IN DEFAULT CASES**
Except in open book accounts, whenever the obligation sued upon provides for the recovery of “reasonable” attorney fees and the matter is heard as an unlimited civil matter, the fees in each default case shall be fixed, based on the principal amount only, pursuant to the schedule set forth in subsection (d).
(Subd (a) amended effective January 1, ~~2012~~2009; adopted effective May 13, 1988; amended effective January 1, 2009.)
- b. **ATTORNEY FEES IN JUDGMENTS ISSUED BY THE CLERK OF THE COURT**
Except in open book accounts, in unlimited civil matters where the Clerk of the Court may issue a Judgment, attorney fees shall be calculated using the schedule set forth in subsection (d).
(Subd (b) amended effective January 1, 2009; adopted effective May 13, 1988.)
- c. **REQUEST FOR FEES IN EXCESS OF SCHEDULED FEES**
Any attorney seeking fees in excess of those provided for in subsection (d) shall be required to apply for a hearing on the Default Calendar and supply an affidavit in accordance with Code of Civil Procedure section 585.
(Subd (c) amended effective January 1, 2009; adopted effective May 13, 1988.)
- d. **SCHEDULE OF ATTORNEY FEES**
Attorney fees shall be calculated using the following formula:
- 25% of the first \$1,000 (with a minimum of \$150)
20% of the next \$4,000
15% of the next \$5,000
10% of the next \$10,000
5% of the next \$30,000
2% over \$50,000
- An example of this calculation appears in Appendix A to Rule 9.
(Subd (d) amended effective January 1, 2010; adopted effective May 13, 1988.)
- e. **ATTORNEY FEES IN UNLAWFUL DETAINER ACTIONS**
The fee schedule set forth in Rule 9.1 shall not apply to unlawful detainer actions, which are governed by Rule 14.2.
(Subd (e) adopted effective January 1, 2010.)

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(Rule 9.1 amended effective January 1, ~~20122010~~; adopted effective May 13, 1988; amended effective January 1, 2009, and January 1, 2010.)

9.2 ATTORNEY FEES - LIMITED CIVIL MATTERS

a. **ATTORNEY FEES FOR DEFAULT LIMITED CIVIL MATTERS (CCP §585(a))**
Except for open book accounts, attorney fees in default limited civil matters shall be calculated on the principal obligation only per the schedule set forth in subsection (c), subject to any limitations set forth elsewhere in Rule 9.

(Subd (a) amended effective January 1, ~~20122009~~; adopted effective May 13, 1988; amended effective January 1, 2009.)

b. **REQUEST FOR FEES IN EXCESS OF SCHEDULED FEES**

Any attorney seeking fees in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).

(Subd (b) amended effective January 1, 2009; adopted effective May 13, 1988.)

c. **SCHEDULE OF ATTORNEY FEES**

<u>Amount</u>	<u>Fees</u>
\$1.00 to \$600.00	\$150.00
\$600.00 to \$1,000.00	\$150.00 plus 25% of amount over \$600.00
\$1,000.00 to \$10,000.00	\$250.00 plus 15% of amount over \$1,000.00
\$10,000.00 to \$25,000.00	\$1,600.00 plus 10% of amount over \$10,000.00

(Subd (c) amended effective January 1, 2009; adopted effective May 13, 1988.)

d. **ATTORNEY FEES IN UNLAWFUL DETAINER ACTIONS**

The fee schedule set forth in Rule 9.2 shall not apply to unlawful detainer actions, which are governed by Rule 14.3.

(Subd (d) amended effective January 1, 2010; adopted effective May 13, 1988.)

(Rule 9.2 amended effective January 1, ~~20122010~~; ~~adopted effective January 1, 2009~~; previously adopted as unlettered portion of Rule 9.1 effective May 13, 1988; adopted as Rule 9.2 effective January 1, 2009; amended effective January 1, 2010.)

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9.3 OPEN BOOK ACCOUNTS - UNLIMITED AND LIMITED CIVIL

a. **ATTORNEY FEES IN OPEN BOOK ACCOUNTS**

Subject to subsection (b), attorney fees in all open book accounts shall be calculated on the principal obligation only pursuant to the following schedule:

<u>Amount</u>	<u>Fees</u>
\$1.00 to \$600.00	\$150.00
\$600.00 to \$1,000.00	\$150.00 plus 25% of amount over \$600.00
\$1,000.00 to \$10,000.00	\$250.00 plus 15% of amount over \$1,000.00
\$10,000.00 to \$25,000.00	\$1,600.00 plus 10% of amount over \$10,000.00

(Subd. (a) amended effective January 1, 2012.)

b. **MAXIMUM ALLOWABLE ATTORNEY FEES IN OPEN BOOK ACCOUNTS**

Per Civil Code section 1717.5, the maximum fee allowable in open book accounts shall be the lesser of the following:

- (1) 25% (Twenty-five percent) of the principal obligation owing under the contract; or,
- (2) The following amount:
 - (a) \$800.00 based upon an obligation owing by a natural person for goods, moneys, or services which were primarily for personal, family, or household purposes.
 - (b) \$1,000.00 for all other book accounts.

(Subd. (b) amended effective January 1, 2012.)

(Rule 9.3 adopted effective January 1, 2009.)

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**Rule 9 – Attorney Fees in Default Matters,
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APPENDIX 9-A

Example of Attorney Fee Calculation per Rule 9.1:

Demand of Complaint - \$54,000.00

1. 25% of the first \$1,000 = \$250.00 (the minimum fee of \$150 would apply if the amount of the demand was under \$1,000)
Subtract \$1,000 from the total demand of the complaint - \$54,000 - \$1,000 = \$53,000
2. 20% of the next \$4,000 = \$800
Subtract \$4,000 from the remaining balance - \$53,000 - \$4,000 = \$49,000
3. 15% of the next \$5,000 = \$750
Subtract \$5,000 from the remaining balance - \$49,000 - \$5,000 = \$44,000
4. 10% of the next \$10,000 = \$1,000
Subtract \$10,000 from the remaining balance - \$44,000 - \$10,000 = \$34,000
5. 5% of the next \$30,000 = \$1,500
Subtract \$30,000 from the remaining balance - \$34,000 - \$30,000 = \$4,000
6. 2% over \$50,000 (this percent should be calculated on any remaining amount, in this instance \$4,000) – 2% of \$4,000 = \$80

Total attorney's fees: \$4,380

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Rule 14 – Unlawful Detainer

14.1 TELEPHONIC APPEARANCES

Telephonic appearances in unlawful detainer cases will be permitted only to the extent authorized by California Rules of Court, rule 3.670, and in the manner required by that rule and Solano County Local Rules, rule 4.12(h).

(Rule 14.1 amended effective January 1, 2010; adopted effective January 1, 2009.)

14.2 TRIAL MANAGEMENT

The court may, in its discretion, order the parties to an unlawful detainer matter to participate in a trial management conference and/or settlement conference in cases where the case is to be tried by a jury.

(Rule 14.2 adopted effective January 1, 2010.)

14.3 ATTORNEY FEES IN DEFAULT MATTERS

a. CASES FILED AS LIMITED CIVIL MATTERS

In default unlawful detainer actions filed as limited civil matters, the attorney fees are fixed upon the schedule set forth in subsection (c), based on principal only, with a minimum of \$300.00. The maximum fee shall not exceed the court's jurisdiction. Any attorney seeking fees in an unlawful detainer action in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).

(Subd (a) amended effective January 1, 2012; ~~adopted effective January 1, 2010;~~ previously adopted as unlettered portion of Rule 9.1 effective May 13, 1988; amended and relettered as Subd (d) of Rule 9.1 effective January 1, 2009; adopted as subd (a) effective January 1, 2010.)

b. CASES FILED AS UNLIMITED CIVIL MATTERS

In default unlawful detainer actions filed as unlimited civil matters, the attorney fees are fixed upon the schedule set forth in subsection (c), based on principal only, with a minimum of \$300.00. Any attorney seeking fees in an unlawful detainer action in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).

(Subd (b) amended effective January 1, 2012; adopted effective January 1, 2010.)

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Rule 14 – Unlawful Detainer

c. **SCHEDULE OF ATTORNEY FEES**

Attorney fees in unlawful detainer actions shall be calculated as follows:

25% of the first \$1,000, with a minimum of \$300

15% of the next \$9,000

10% of the next \$15,000

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

(Rule 14.3 amended effective January 1, 2012; adopted effective January 1, 2010.)

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Rule 15 – Guardianships and Conservatorships

PART ONE: Guardianships

15.1 SCOPE OF GUARDIANSHIP RULES; TERMINOLOGY; DIRECT CALENDARING

a. MATTERS TO WHICH RULE 15 APPLIES

These guardianship rules apply to all probate guardianships of the person, the estate, or both, which are filed pursuant to the Probate Code, ~~section 1500 et seq.~~ (Subd (a) amended effective January 1, 2012; adopted effective July 1, 2009.)

b. MATTERS TO WHICH RULE 15 DOES NOT APPLY

These guardianship rules do not apply to child custody matters filed pursuant to the Family Code or to guardianships under the Welfare and Institutions Code. (Subd (b) adopted effective July 1, 2009.)

c. TERMINOLOGY

Unless otherwise indicated in a particular rule, all references to a “ward” shall include a proposed ward and references to a “guardian” shall include a proposed guardian. (Subd (c) adopted effective July 1, 2009.)

d. DIRECT CALENDARING

When a guardianship or conservatorship case is filed, or received and filed as a transfer from another county, the Clerk of the Court shall assign the case in a manner directed by the Supervising Judge of the Family Law Division. 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 designed to equally distribute the workload among the judges and best serve the court. (Subd (d) adopted effective January 1, 2012.)

(Rule 15.1 amended effective January 1, 2012; previously adopted as Rule 7.52 effective July 1, 2008; adopted effective July 1, 2009.)

15.2 FORMS TO BE FILED AT COMMENCEMENT OF PROCEEDING

a. FORMS FOR GENERAL GUARDIANSHIP OF THE PERSON ONLY

A petitioner seeking the appointment of a guardian of the person only must file the following forms with the clerk of the court:

- (1) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020);

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- (5) Inquiry of the person’s last known residential address and any neighbors of that address;
- (6) Inquiry of any relatives, friends, or other individuals who might have knowledge of the person’s whereabouts; and,
- (7) Inquiry of any appropriate county, state, and federal correctional systems in which the petitioner believes or has reason to believe the person is or may be incarcerated.

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

g. ORDER DISPENSING WITH NOTICE

A petitioner seeking an order dispensing with notice for one or more persons shall submit an Order Dispensing with Notice (Judicial Council form GC-021) to the court prior to or at the hearing on the petition for guardianship. The court will not grant an order dispensing with notice unless the petitioner has filed a Declaration of Due Diligence pursuant to Solano County Local Rules, rule 15.3, subdivision (f).

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

h. NOTICE IN TEMPORARY GUARDIANSHIPS

Notice in temporary guardianships is governed by Probate Code section 2250(e).

(Subd (h) adopted effective July 1, 2008.)

(Rule 15.3 adopted effective July 1, 2009; adopted as Rule 7.52 effective July 1, 1989.)

15.4 APPOINTMENT OF COURT INVESTIGATOR

a. APPOINTMENT OF INVESTIGATOR IN RELATIVE GUARDIANSHIPS

The court shall appoint the Court Investigators Office to perform an investigation pursuant to Probate Code section 1513 where the proposed guardian is a relative of the ward within the second degree. For purposes of this rule, a person shall be considered a relative within the second degree if they are related to the ward as described in Probate Code section 1513, subdivision (g).

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

b. APPOINTMENT OF INVESTIGATOR IN NON-RELATIVE GUARDIANSHIPS

In all probate guardianship matters where the proposed guardian is not a relative of the ward within the second degree as defined by Probate Code section 1513,

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subdivision (g), the court shall appoint the Solano County Department of Health & Social Services to perform an investigation pursuant to Probate Code sections 1513 and 1543.

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

- c. **SERVICE OF DOCUMENTS ON INVESTIGATOR – RELATIVE GUARDIANSHIPS**
In guardianship proceedings where the court has appointed the Court Investigators Office, the petitioner or the petitioner's attorney must serve the Court Investigators Office with a copy of the following documents at least thirty (30) days prior to the hearing date:

- (1) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020);
- (2) A copy of the Petition for Guardianships (Judicial Council form GC-210 or GC-210(P)); and
- (3) A completed Court Investigator's Information and Referral Form (Solano County Local Form no. 3490)

The documents shall be delivered or mailed to:
Court Investigators Office
Superior Court of California, County of Solano
600 Union Avenue
Fairfield, California 94533

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

- d. **SERVICE OF DOCUMENTS ON INVESTIGATOR – NON-RELATIVE GUARDIANSHIPS**
In guardianship proceedings where the court has appointed the Solano County Department of Health & Social Services (“Department”) to investigate the guardianship petition, the petitioner or the petitioner's attorney must serve the Department with a copy of the following documents thirty (30) days prior to the hearing date:

- (1) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020);
- (2) A copy of the Petition for Guardianship (Judicial Council form GC-210 or GC-210(P)); and,

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- (3) Any other forms that may be required by the Department.

The documents shall be delivered or mailed to:
Supervisor – Court Unit, Children’s Bureau
Department of Health & Social Services
275 Beck Avenue MS5-230
Fairfield, CA 94533

(Subd (d) adopted July 1, 2009.)

e. **DUTY TO UPDATE INFORMATION GIVEN TO INVESTIGATOR**

The petitioner must advise the investigating office of any changes to the contact information of the ward, guardian, or proposed guardian.

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

f. **DUTY TO COOPERATE WITH INVESTIGATOR**

All parties, including but not limited to the petitioner, proposed or appointed guardian, parent(s) of the ward, and any attorneys for the parties, including appointed counsel for the ward or proposed ward, are to cooperate fully with the appointed investigator. Failure to cooperate may be punishable with sanctions pursuant to Code of Civil Procedure, section 575.2, in the court’s discretion.

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

g. **SERVICE OF SUBPOENA ON COURT INVESTIGATOR**

Any subpoena to compel a court investigator’s presence at a hearing or trial must be served in compliance with Government Code sections 68097.1 and 68097.2. Said subpoena shall be served personally on the court investigator, on the Court Executive Officer, or an agent designated by the Court Executive Officer, during the court’s normal business hours. The subpoena shall be accompanied by payment in the amount of \$150.00 for each day that the court investigator is required to remain in attendance at the hearing or trial pursuant to the subpoena; otherwise, the subpoena shall not be accepted.

In order to give the court investigator reasonable time for preparation, the subpoenaing party shall serve the subpoena a minimum of 10 court days prior to the first date the court investigator is to appear at the hearing or trial, unless the court investigator agrees to a shorter period of time.

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(Rule 15.4 ~~amended effective January 1, 2012; adopted effective July 1, 2009;~~ adopted as Rule 7.55 effective July 1, 2008; adopted as Rule 15.4 effective July 1, 2009.)

15.5 COURT INVESTIGATOR FEES

a. COURT INVESTIGATOR FEES GENERALLY

A fee for the services of the Court Investigators Office shall be imposed upon the person(s) so responsible for payment per Probate Code section 1513.1. The rate of this fee depends on the nature of the investigation and is determined by the court on an annual basis. All rates are subject to change. The amount of the fee payable shall be determined by the fee schedule in effect on the date the petition triggering the investigation is filed, the date the accounting being reviewed is filed, or the due date of any reviews mandated by law. A list of current fees is available from the Court Investigators Office or the Family Law Clerk's Office. The assessed fee is payable within 30 days after the Assessment and Order for Payment is mailed by the Court Investigators Office.

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

b. PAYMENT OF COURT INVESTIGATOR FEES

Any and all assessments not waived by the court or county shall be paid to the court.

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

c. DEFERMENT OR WAIVER OF COURT INVESTIGATOR FEES

Upon application by a guardian or proposed guardian, a custodial parent, or a ward or proposed ward, the court may defer or waive a portion or all of the assessed court investigator fees if the court finds that ordering payment of the assessed fees would constitute a hardship for the ward or the ward's estate pursuant to Probate Code section 1513.1. The court may also defer fees pursuant to Probate Code section 2628. There shall be a rebuttable presumption that the assessed court investigator fees constitute a hardship on a ward or proposed ward if the proposed guardian qualifies for a fee waiver under Government Code section 68630 et seq.

The court may periodically review the person's ability to pay the assessed fee. If the court becomes aware of a change in circumstances permitting payment of the fees by the person, the court shall order the fees paid after notice to the person and an opportunity to be heard.

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

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c. FILING OF INVENTORIES AND APPRAISALS

The guardian shall file the inventory and appraisal required by Probate Code section 2610 at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.10, subsection (b), concerning that inventory and appraisal.
(Subd (c) adopted effective July 1, 2009.)

d. SERVICE OF INVENTORIES AND APPRAISALS

At the time that the guardian of the estate presents an inventory and appraisal to the court pursuant to Probate Code sections 2610 or 2620 or any other section of the Probate Code, the guardian shall also serve an exact copy of the inventory and appraisal on the Court Investigators Office, if the inventory is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the inventory is in a non-relative guardianship of the estate.
(Subd (d) adopted effective July 1, 2009.)

e. SERVICE OF NOTICE OF HEARING ON OBJECTIONS TO INVENTORIES AND APPRAISALS

A person who files an objection to the inventory and appraisal of a guardian shall timely serve a notice of hearing on the Court Investigators Office, if the inventory and appraisal is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the inventory and appraisal is in a non-relative guardianship of the estate. This notice of hearing shall only be required for a hearing set by the objecting party that is not already on calendar. No notice of the hearing is required for the review hearings set automatically by the court.
(Subd (e) adopted effective July 1, 2009.)

(Rule 15.10 adopted effective July 1, 2009; adopted as Rule 7.59 effective July 1, 1992; renumbered as Rule 7.61 effective July 1, 2008.)

15.11 GUARDIANSHIPS OF THE ESTATE – ACCOUNTINGS

a. ACCOUNTINGS GENERALLY

Accountings in guardianships of the estate are governed by Chapter 7 of Part 4 of Division 4 of the Probate Code (commencing with section 2600). The use of mandatory Judicial Council forms is required, and the use of optional Judicial Council forms is strongly encouraged, in the preparation of all accountings.
(Subd (a) adopted effective July 1, 2009.)

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b. SUPPLEMENTAL REPORT TO ACCOMPANY ACCOUNTING

In addition to the information required by Probate Code section 2620, each accounting shall include a report containing the following information:

- (1) An explanation of any unusual items appearing in the account;
- (2) A report of the stewardship of the fiduciary in the management of the assets of the ward's estate during the period covered by the account;
- (3) In cases where a bond has been ordered, a statement attesting that bond premiums have been paid regularly; and,
- (4) If income-producing property is inventoried in the guardianship and the account fails to indicate that income is being produced by the property, an explanation as to the lack of income.

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

c. REVIEW HEARING FOR ACCOUNTINGS

At the time of the appointment of a guardian of the estate or a guardian of the person and the estate, the court shall set a review hearing to take place ~~fifteen~~^{fourteen} (15~~14~~) months after the date of appointment. The date of the compliance review hearing shall be listed as part of the order appointing the guardian. The court may set additional review hearings as needed for the initial and any subsequent accounts.

(Subd (c) amended effective January 1, 2012; adopted effective July 1, 2009.)

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d. FILING OF ACCOUNTINGS

The guardian shall file the accounting required by Probate Code section 2620 at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.11, subsection (c), concerning that accounting.

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

e. SERVICE OF ACCOUNTINGS

At the time that the guardian of the estate presents an accounting to the court pursuant to Probate Code section 2620 et seq. or any other section of the Probate Code, the guardian shall also serve an exact copy of the inventory on the Court Investigators Office, if the inventory is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the inventory is in a non-relative guardianship of the estate. Said service shall be at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.11, subsection (c). Absent a court order to the contrary, any subsequent accountings shall likewise be filed and served on at least 30 days prior to any subsequent compliance review hearings.

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

f. SERVICE OF NOTICE OF HEARING ON OBJECTIONS TO ACCOUNTINGS

A person who files an objection to the accounting of a guardian shall timely serve a notice of hearing on the Court Investigators Office, if the inventory is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the inventory is in a non-relative guardianship of the estate. This notice of hearing shall only be required for a hearing set by the objecting party that is not already on calendar. No notice of the hearing is required for the review hearings set automatically by the court.

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

(Rule 15.11 ~~amended effective January 1, 2012~~ ~~adopted effective July 1, 2009~~; adopted as Rule 7.61 effective July 1, 1989; renumbered as Rule 7.62 effective July 1, 2008; adopted as Rule 15.11 effective July 1, 2009.)

15.12 ALLOWANCE OF FEES IN GUARDIANSHIP PROCEEDINGS

a. COMPENSATION FOR GUARDIAN OR GUARDIAN’S COUNSEL

A guardian of the estate or the person and/or his or her attorney may petition the court for just and reasonable compensation in accordance with Probate Code

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(Rule 15.52 amended effective July 1, 2011; previously adopted as portion of Rule 7.69 effective July 1, 1988; adopted effective July 1, 2009.)

15.53 COURT INVESTIGATOR

a. AUTOMATIC APPOINTMENT OF COURT INVESTIGATOR

The court automatically appoints the court investigator to conduct investigations into probate conservatorships and proposed probate conservatorships.
(Subd (a) adopted effective July 1, 2009.)

b. SERVICE OF DOCUMENTS ON COURT INVESTIGATOR UPON COMMENCEMENT OF THE PROCEEDING

Immediately upon the filing of a Petition for Appointment of Temporary Conservator or Petition for Appointment of Probate Conservator, the petitioner or the petitioner's attorney must submit the following documents to the Court Investigators Office:

- (1) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020);
- (2) A copy of the Petition for Appointment of Probate Conservator (Judicial Council form GC-311);
- (3) A copy of the Petition for Appointment of Temporary Conservator (Judicial Council form GC-111), if one was filed; and,
- (4) The Confidential Conservator Screening Form (Judicial Council form GC-314).

The documents shall be delivered or mailed to:

Court Investigators Office
Superior Court of California, County of Solano
600 Union Avenue
Fairfield, California 94533

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

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**c. SERVICE OF PETITIONS AND OTHER DOCUMENTS ON COURT INVESTIGATOR
AFTER APPOINTMENT OF CONSERVATOR**

A copy of any pleadings or documents filed in the court file shall be immediately provided to the Court Investigators Office by the party or attorney filing said pleadings or documents.

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

d. DUTY TO UPDATE INFORMATION GIVEN TO INVESTIGATOR

The petitioner must advise the investigating office of any changes to the contact information of the conservatee or proposed conservatee.

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

e. DUTY TO COOPERATE WITH INVESTIGATOR

All parties, including but not limited to the petitioner, proposed or appointed conservator, conservatee or proposed conservatee, and any attorneys for the parties, including appointed counsel for the conservatee or proposed conservatee, are to cooperate fully with the appointed investigator. Failure to cooperate may be punishable with sanctions pursuant to Code of Civil Procedure section 575.2, in the court's discretion.

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

f. SERVICE OF SUBPOENA ON COURT INVESTIGATOR

Any subpoena to compel a court investigator's presence at a hearing or trial must be served in compliance with Government Code sections 68097.1 and 68097.2. Said subpoena shall be served personally on the court investigator, on the Court Executive Officer, or an agent designated by the Court Executive Officer, during the court's normal business hours. The subpoena shall be accompanied by payment in the amount of \$150.00 for each day that the court investigator is required to remain in attendance at the hearing or trial pursuant to the subpoena; otherwise, the subpoena shall not be accepted.

In order to give the court investigator reasonable time for preparation, the subpoenaing party shall serve the subpoena a minimum of 10 court days prior to the first date the court investigator is to appear at the hearing or trial, unless the court investigator agrees to a shorter period of time.

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

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(Rule 15.53 amended effective January 1, 2012 ~~adopted effective July 1, 2009~~; previously adopted as Rule 7.70 effective July 1, 1988; adopted as Rule 15.53 effective July 1, 2009.)

15.54 COURT INVESTIGATOR FEES

a. **COURT INVESTIGATOR FEES GENERALLY**

A fee for the services of the Court Investigators Office shall be imposed upon the person(s) so responsible for payment per Probate Code section 1851.5. The rate of this fee depends on the nature of the investigation and is determined by the court on an annual basis. All rates are subject to change. The amount of the fee payable shall be determined by the fee schedule in effect on the date the petition triggering the investigation is filed, the date the accounting being reviewed is filed, or the due date of any reviews mandated by law. A list of current fees is available from the Court Investigators Office or the Family Law Clerk’s Office. The assessed fee is payable within 30 days after the Assessment and Order for Payment is mailed by the Court Investigators Office.

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

b. **PAYMENT OF COURT INVESTIGATOR FEES**

Any and all assessments not waived by the court shall be paid to the court.

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

c. **DEFERRAL OR WAIVER OF COURT INVESTIGATOR FEES**

Upon application by the conservator or proposed conservator or the conservatee or proposed conservatee, the court may defer or waive a portion or all of the assessed court investigator fees if the court finds that ordering payment of the assessed fees at the time of the assessment would constitute a hardship for the conservatee or conservatee’s estate pursuant to Probate Code section 1851.5. The court may also defer fees pursuant to Probate Code section 2628. There shall be a rebuttable presumption that the assessed court investigator fees constitute a hardship on a conservatee or proposed conservatee if the conservatee qualifies for a fee waiver under Government Code section 68630 et seq. The court shall review the conservatee’s ability to pay the assessed fee at every review of the conservatorship. If the court finds the conservatee is able to pay the fee at the time of a review, or if the court otherwise becomes aware of a change in circumstances permitting payment of the fees by the conservatee, the court shall order the fees paid.

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

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15.59 CONSERVATORSHIP ACCOUNTINGS

a. **ACCOUNTINGS GENERALLY**

Accountings in conservatorships of the estate are governed by Chapter 7 of Part 4 of Division 4 of the Probate Code (commencing with section 2600). The use of mandatory Judicial Council forms is required, and the use of optional Judicial Council forms is strongly encouraged, in the preparation of all accountings.
(Subd (a) adopted effective July 1, 2009.)

b. **SUPPLEMENTAL REPORT TO ACCOMPANY ACCOUNTING**

In addition to the information required by Probate Code section 2620, each accounting shall include a report containing the following information:

- (1) An explanation of any unusual items appearing in the account;
- (2) A report of the stewardship of the fiduciary in the management of the assets of the conservatee's estate during the period covered by the account;
- (3) In cases where a bond has been ordered, a statement attesting that bond premiums have been paid regularly; and,
- (4) If income-producing property is inventoried in the conservatorship and the account fails to indicate that income is being produced by the property, an explanation as to the lack of income.

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

c. **REVIEW HEARING FOR ACCOUNTINGS**

At the time of the appointment of a conservator of the estate or a conservator of the person and the estate, the court shall set a review hearing to take place ~~fifteen~~^{fourteen} (15~~+~~4) months after the date of appointment. The date of the compliance review hearing shall be listed as part of the order appointing the conservator. The court may set additional review hearings as needed concerning the initial or subsequent accountings.

(Subd (c) amended effective January 1, 2012; adopted effective July 1, 2009.)

d. **FILING OF ACCOUNTINGS**

The conservator shall file the accounting required by Probate Code section 2620 at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.59, subsection (c), concerning that accounting.

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

e. SERVICE OF ACCOUNTINGS

At the time that the conservator of the estate presents an accounting to the court pursuant to Probate Code section 2620 et seq. or any other section of the Probate Code, the conservator shall also serve an exact copy of the inventory on the Court Investigators Office. Said service shall be at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.59, subsection (c). Absent a court order to the contrary, any subsequent accountings shall likewise be filed and served on the Court Investigators Office at least 30 days prior to any subsequent compliance review hearings.

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

f. SERVICE OF NOTICE OF HEARING ON OBJECTIONS TO ACCOUNTINGS

A person who files an objection to the accounting of a conservator shall timely serve a notice of hearing on the Court Investigators Office. This notice of hearing shall only be required for a hearing set by the objecting party that is not already on calendar. No notice of the hearing is required for the review hearings set automatically by the court.

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

(Rule 15.59 amended effective January 1, 2012 ~~adopted effective July 1, 2009~~; previously adopted as Rule 7.76 effective July 1, 1988; adopted as Rule 15.59 effective July 1, 2009.)

15.60 ALLOWANCE OF FEES

a. GUIDELINES FOR COMPENSATION

A conservator of the estate or the person and/or his or her attorney may petition the court for just and reasonable compensation in accordance with Probate Code sections 2640 and 2642. In determining whether to award compensation, the court shall take into consideration the following:

- (1) The nature and difficulty of the services rendered to the conservatee and/or the conservatee's estate;
- (2) The results achieved from those services;
- (3) The benefit to the conservatee and/or the conservatee's estate of those services;

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- (4) The productivity of the conservator’s and/or attorney’s time spent in performing the services;
- (5) The expertise and experience of the person requesting the fees;
- (6) The hourly rate of the person performing the services; and,
- (7) The total amount of compensation requested in relation to size and income of the conservatee’s estate, if applicable.

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

b. COMPENSATION OF CONSERVATOR OR CONSERVATOR’S ATTORNEY FROM TRUST OR OTHER SOURCE

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

(Subd (b) amended effective January 1, 2012; adopted effective July 1, 2009.)

(Rule 15.60 amended effective January 1, 2012; ~~adopted effective July 1, 2009~~; previously adopted as Rule 7.78 effective July 1, 1988; adopted effective July 1, 2009.)

15.61 ORDERS FOR SUPPORT AND SUBSTITUTED JUDGMENT

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A petition to establish a conservatorship for a developmentally disabled adult shall be filed as a limited conservatorship, unless the petition makes a factual showing that a general conservatorship is more appropriate.

(Rule 15.64 adopted effective July 1, 2009.)

15.65 SANCTIONS

Failure to comply with these local rules in conservatorship matters may result in the imposition of sanctions pursuant to Code of Civil Procedure section 575.2.

(Rule 15.65 adopted effective July 1, 2009.)

15.66 ADDITIONAL PROVISIONS FOR CONSERVATORSHIPS OF THE PERSON

a. REVIEW HEARING FOR LEVEL OF CARE ASSESSMENT

At the time of the appointment of a conservator of the person or a conservator of the person and the estate, the court shall set a review hearing to take place four (4) months after the date of appointment to review the conservator's written assessment of the conservatee's level of care per Probate Code section 2352.5. The date of the initial compliance review hearing shall be listed as part of the order appointing the conservator. The court may set additional review hearings as needed.

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

(Rule 15.66 adopted effective January 1, 2012.)

15.67 – 15.99 [RESERVED]

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PART **THREE**: **Miscellaneous**

15.100 COMPLAINTS CONCERNING COURT INVESTIGATORS

a. WHO MAY MAKE A COMPLAINT

Complaints concerning a court investigator are only accepted from the following individuals:

- (1) A party to the action currently filed with the Solano County Superior Court, including a ward, conservatee, guardian, or conservator;
- (2) A party's attorney;
- (3) An attorney for a ward or conservatee; or,
- (4) Individuals interviewed or contacted in connection with a probate investigation.

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

b. PROCEDURE

The complainant must send his or her complaint in writing to the Supervising Court Investigator. If the complaint concerns the Supervising Court Investigator, the complaint shall be directed to the Court Executive Officer.

The written complaint must explain in detail the reasons for the complaint. Mere disagreement with a court investigator's report is not a sufficient basis for the court to take action on the grievance, and such a complaint may be summarily denied without further investigation.

The Supervising Court Investigator or the Court Executive Officer will conduct an investigation of the matter, which may include consultation with the court investigator. Within 30 days of filing his or her complaint, the complainant will be informed in writing of the results of the investigation and the action taken, if any.

The complainant may appeal the action by noticed motion to the judicial officer assigned to hear the case.

(Subd. (b) effective January 1, 2012.)

c. PEREMPTORY CHALLENGE AGAINST COURT INVESTIGATOR

Peremptory challenges against a court investigator shall not be allowed.

(Subd. (c) effective January 1, 2012.)

Rule 15.100 adopted effective January 1, 2012.

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APPENDIX

Appendix 15-A: Service Addresses for Non-Relative Guardianships
(Effective July 1, 2009)

~~Appendix 15-B: Guardianship and Conservatorship Rules Conversion Table~~
~~(Effective July 1, 2009)~~

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APPENDIX

~~APPENDIX 15-B: GUARDIANSHIP AND CONSERVATORSHIP RULES~~
~~CONVERSION TABLE~~
Effective July 1, 2009

<i>Rule Title</i>	<i>New Rule Number</i>	<i>Former Rule Number</i>
Scope of Guardianship Rules; Terminology	15.1	7.52
Forms to be Filed at Commencement of Proceeding	15.2	7.53
Notice of Petition for Appointment of Guardian or Temporary Guardian	15.3	7.54
Appointment of Investigator	15.4	7.55
Court Investigator Fees	15.5	7.56
Temporary Guardianships	15.6	7.57
Ex Parte Applications for Temporary Guardianship or Other Temporary Orders	15.7	7.58
Contested Guardianships	15.8	7.59
Orders for Visitation in Guardianships	15.9	7.60
Guardianships of the Estate—Inventories and Appraisals	15.10	7.61
Guardianships of the Estate—Accountings	15.11	7.62
Allowance of Fees in Guardianship Proceedings	15.12	7.63
Investments by Guardian of the Estate	15.13	7.64
Appointment of Counsel for Ward	15.14	7.65
Termination of Guardianships	15.15	7.66
Sanctions	15.16	N/A
Conservatorship Matters to Which Rule 15 Applies	15.50	N/A
Cooperation with Court Investigator <i>[Repealed]</i>	N/A	7.67
Other Protective Proceedings for Minors <i>[Repealed]</i>	N/A	7.68
Continuance of Hearing Where Conservatee not Served with Citation	15.51	7.69 (portion)
Information to be Provided Prior to Issuance of Letters	15.52	7.69 (portion)
Court Investigator	15.53	7.70
Court Investigator Fees	15.54	N/A
Appointment of Counsel for Conservatee	15.55	N/A
Ex Parte Applications for Temporary Conservatorship and Other Orders	15.56	7.71
Legal Capacity of Conservatee <i>[Repealed]</i>	N/A	7.72
Independent Exercise of Powers	15.57	7.73
Bond—Conditions—Amount <i>[Repealed]</i>	N/A	7.74
Conservatorship Inventories and Appraisals	15.58	7.75
Conservatorship Accountings	15.59	7.76
Assessment and Order for Court Investigation <i>[Repealed]</i>	N/A	7.77
Allowance of Fees	15.60	7.78

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<i>Rule Title</i>	<i>New Rule Number</i>	<i>Former Rule Number</i>
Orders for Support and Substituted Judgment	15.61	7.79
Payments to Caregiver Spouse of Conservatee	15.62	N/A
Investment by Conservator [Repealed]	N/A	7.80
Termination of Conservatorships	15.63	7.81
Conservatorships for Developmentally Disabled Individuals	15.64	N/A
Sanctions	15.65	N/A

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Rule 16 – Protective Orders

16.1 DOMESTIC VIOLENCE (FAMILY CODE § 6200 ET SEQ.)

a. DECLARATION REGARDING EX PARTE NOTICE GENERALLY NOT REQUIRED

An applicant for ex parte restraining orders made pursuant to the Act need not submit a completed *Declaration Re Notice Upon Ex Parte Application for Orders* or a declaration in substantial compliance therewith.

(Subd (a) relettered effective January 1, 2012; adopted as subsection (a) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008, and July 1, 2008.)

b. CONTENTS OF DECLARATIONS IN SUPPORT OF DOMESTIC VIOLENCE RESTRAINING ORDERS

A mere expression in the declaration of violence or fear will not adequately support the granting of an ex parte order. The declarations must expressly include (1) the actual or approximate date(s) of the incidents alleged, (2) a detailed description of the facts of each incident, and (3) the specific harm caused or threatened.

(Subd (b) relettered and amended effective January 1, 2012; adopted as subsection (a) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008, and July 1, 2008.)

c. DELIVERY TO LAW ENFORCEMENT AGENCY

To obtain enforcement of temporary restraining orders, applicants or their counsel shall deliver a copy of such orders to one or more designated law enforcement agencies. The order shall have a file-endorsed stamp by the Clerk of the Superior Court in the upper right hand corner and the expiration date of the order shall be clearly marked on the face of the document. Temporary restraining orders and orders issued at the order to show cause hearing for delivery to law enforcement agencies shall include a specific expiration date.

(Subd (c) relettered effective January 1, 2012; previously adopted as subsection (a) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008.)

d. NOTIFICATION DUTY ON TERMINATION, EXTENSION OR MODIFICATION

Where an order is issued restraining or enjoining domestic violence and that order is terminated before the expiration date, extended beyond that date or otherwise modified, the party obtaining relief, or his or her attorney, shall immediately notify the designated law enforcement agency in writing of such termination, extension or modification.

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(Subd (d) relettered effective January 1, 2012; adopted as subdivision (d) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008; relettered as subd. (b) of Rule 5.8 effective July 1, 2008.)

e. NOTIFICATION DUTY ON EXTENSION OF TEMPORARY RESTRAINING ORDERS

Where a temporary restraining order is issued ex parte to be effective until the date set for hearing, and thereafter the hearing date is continued to a subsequent date, the temporary restraining order shall terminate unless ordered by the court to remain in effect until a subsequent date. In the event the temporary order is continued by court order to a subsequent hearing date, applicant shall deliver a copy of such order to the designated law enforcement agency.

(Subd (e) amended effective January 1, 2008.)

(Rule 16.1 amended and renumbered effective January 1, 2012; adopted as Rule 5.8 effective July 1, 1988; previously amended effective August 1, 2002, January 1, 2008, and July 1, 2008.)

16.2 CIVIL HARASSMENT (CCP § 527.6)

a. ELIGIBILITY FOR CIVIL HARASSMENT ORDER

Only natural persons may request a restraining order. Entities such as corporations, partnerships, or companies may not seek a civil harassment order.

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

b. REQUESTING OR RESPONDING TO CIVIL HARASSMENT ORDER ON BEHALF OF INCAPACITATED ADULT

If a person seeks a civil harassment protective order on behalf of an incapacitated adult plaintiff, or seeks to respond to a petition for civil harassment protective orders on behalf of an incapacitated adult defendant, the representative must submit an application for appointment of guardian ad litem prior to or concurrently with the appropriate pleading. If the representative has already been appointed as the protected person's guardian ad litem or has a power of attorney specifically granting authority concerning litigation, the guardian ad litem application shall not be required, but the representative shall provide the court with proof of his or her authority to act on the incompetent person's behalf.

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

c. MUTUAL INJUNCTIVE ORDERS

Mutual injunctive orders shall not be granted absent the defendant filing a cross-complaint and providing proof of sufficient notice of the cross-complaint to the plaintiff.

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

d. MINOR SUBJECT TO JUVENILE COURT JURISDICTION

If the plaintiff or defendant is a minor previously determined to be subject to juvenile court jurisdiction, any party with knowledge of that fact shall inform the court at the earliest opportunity so that the matter may be transferred for hearing to the juvenile court per CCP section 374.5.

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

e. ADDRESS OF PARENT OR GUARDIAN

In order to enable the court's compliance with CCP section 372, subdivision (a)(2), a minor seeking a protective order who appears without a guardian ad litem but who lives with a parent or guardian shall provide the court with the address of at least one parent to whom the court shall send the order once it is issued. This address may be provided at the hearing, or in a confidential declaration filed with the court.

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

(Rule 16.2 adopted effective January 1, 2012.)

16.3 WORKPLACE VIOLENCE (CCP § 527.8)

a. MINOR SUBJECT TO JUVENILE COURT JURISDICTION

If the plaintiff or defendant is a minor previously determined to be subject to juvenile court jurisdiction, any party with knowledge of that fact shall inform the court at the earliest opportunity so that the matter may be transferred for hearing to the juvenile court per CCP section 374.5.

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

b. ADDRESS OF PARENT OR GUARDIAN

In order to enable the court's compliance with CCP section 372, subdivision (a)(2), a minor seeking a protective order who appears without a guardian ad litem but who lives with a parent or guardian shall provide the court with the address of at least one parent to whom the court shall send the order once it is issued. This address may be provided at the hearing, or in a confidential declaration filed with the court.

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

(Rule 16.2 adopted effective January 1, 2012.)

16.4 POSTSECONDARY SCHOOL VIOLENCE (CCP § 527.85)

Superior Court of California
County of Solano

Rule 16 – Protective Orders

a. **STUDENT CONSENT TO FILING OF APPLICATION**

Proof of a student’s consent to the filing of the application may be shown through the student’s signature on the petition or the attachment of an original written consent signed by the student.

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

(Rule 16.4 adopted effective January 1, 2012.)

16.5 ELDER OR DEPENDENT ADULT ABUSE [RESERVED]

Superior Court of California
County of Solano

Rule 17 – Miscellaneous

17.1 PHOTOGRAPHY, VIDEOTAPING, AND ELECTRONIC RECORDINGS

a. PHOTOGRAPHY, VIDEOTAPING, AND ELECTRONIC RECORDINGS IN THE COURTHOUSE

(1) Photography, filming, videotaping, or electronic recording by the media and general public is not permitted in any part of any courthouse, including but not limited to, entrances, exits, stairways, hallways, elevators, offices, or any other public area within the courthouse, unless by written order of the Presiding Judge.

(2) Videotaping, photographing, or electronic recording devices may be brought into the courthouse by the media or members of the public, but must be turned off while being transported in any area of the courthouse. Devices that include videotaping, photographing, digital image capture, or electronic recording capabilities—such as cell phones, personal digital assistants (PDAs), or watches—may be brought into the courthouse, provided that the image capturing and recording features are not used.

(3) Any photography, videotaping, or electronic recording of a courtroom or courtroom proceeding through the courtroom’s windows or doors is prohibited.

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

b. PHOTOGRAPHY, VIDEOTAPING, AND ELECTRONIC RECORDINGS IN COURTROOMS

Photography, filming, videotaping, or electronic recording within a courtroom is governed by California Rules of Court, rule 1.150. All requests for any type of video, still photography or audio coverage, including pool cameras, must be made in compliance with California Rules of Court, rule 1.150, and submitted to the judicial officer assigned to hear the case on the designated Judicial Council forms.

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

c. VIOLATIONS

Any violation of this rule or an order made under this rule is an unlawful interference with the proceedings of the court, and may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

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

(Rule 17.1 adopted effective January 1, 2012.)



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SOLANO**

CIVIL DIVISION

Fairfield Branch
600 Union Avenue
Fairfield, CA 94533
(707) 207-7330

Vallejo Branch
321 Tuolumne Street
Vallejo, CA 94590
(707) 561-7830

Plaintiff(s): _____

Case No. _____

Defendant(s): _____

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

Pursuant to local rules and by order of this court, this matter has been calendared for Case Management Conference One as follows:

DATE: _____ **TIME:** _____

**THE ABOVE-ENTITLED CASE HAS BEEN ASSIGNED FOR ALL PURPOSES TO
JUDGE _____, DEPT. _____.**

600 Union Avenue, Fairfield, CA 94533 321 Tuolumne Street, Vallejo, CA 94590

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

- 1) Service of the complaint must be within sixty (60) calendar days of the date of filing.
- 2) Service and filing of responsive pleading must be within thirty (30) days after service of the complaint. The time for filing responsive pleading may not be extended except as authorized by Government Code section 68616. ***Appearance at the Case Management Conference does not excuse a litigant from the requirement of filing and serving a responsive pleading within this deadline.***
- 3) Plaintiff shall serve a copy of this *Notice of Case Management Conference One* **and the court's Alternative Dispute Resolution information packet** on all defendants with the complaint.
- 4) Any party serving a cross-complaint shall serve a copy of this *Notice of Case Management Conference One* on each cross-defendant with the cross-complaint. **In addition, cross-complainants shall serve a copy of the court's Alternative Dispute Resolution information packet along with the cross-complaint on any parties new to the case.**
- 5) Any cross-complaint served after Case Management Conference One has been held shall have a *Notice of Case Management Conference Two* served with it.
- 6) A *Case Management Statement* shall be filed with the court and served on all parties by each counsel by the 15th calendar day before the date set for Case Management Conference One.
- 7) At Case Management Conference One the court shall inform counsel and self-represented parties of the date, time and place for Case Management Conference Two and shall make any orders regarding what is expected that counsel and self-represented parties will accomplish in regard to the case before the filing of the *Case Management Statement* for Case Management Conference Two.

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

COUNSEL AND SELF-REPRESENTED PARTIES ARE OBLIGATED TO REVIEW AND COMPLY WITH LOCAL RULES REGARDING CIVIL LITIGATION.

AFFIDAVIT OF SERVICE

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

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

Name: _____

Party Attorney of Record Representative

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

Date: _____ _____
Signature

I mailed the notice by enclosing it in an envelope and placing the envelope for collection and mailing following the court's procedure and practices. I am readily familiar with the court's procedure and practices for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. Said envelope was addressed to the attorney for the party, or the party, as shown below:

Name:

Law Firm:

Address:

Date:

Clerk of the Court
Superior Court of California, County of Solano

By: _____
Deputy Clerk

Superior Court of California, County of Solano 600 Union Avenue PO Caller 5000 Fairfield, CA 9455	
Petitioner: Respondent: Claimant:	
<p style="text-align: center;">ORDER FOR</p> <input type="checkbox"/> SUPERVISED VISITATION <input type="checkbox"/> SUPERVISED EXCHANGE	Case Number: _____

1. Pursuant to Family Code sections 3100 and 3200, the court finds that the best interest of the child(ren) requires that visitations and/or exchanges be supervised pending further hearing or trial, or until further order of the court, for the following reason(s):
- a. Evidence has been presented in support of a request that the contact of Father Mother Other _____ with the child(ren) should be supervised based upon allegations of
- Sexual Abuse Drug/Alcohol Abuse Domestic violence
 - Physical Abuse Neglect Mental Illness
 - Emotional Abuse Risk of Abduction Failure to Comply with Custody Orders
 - Other: _____

THE COURT ORDERS:

2. CHILD(REN) TO BE SUPERVISED

Name: _____ Birthdate: _____ Age: _____ Sex: _____

3. TYPE OF SUPERVISION

Visitation Exchange Therapeutic Visitation

3. SUPERVISED VISITATION PROVIDER

Professional Supervision Facility or Supervisor

Triad Family Services
733 Webster Street, Fairfield, CA 94533
(707) 396-6010

Safe Harbor:
Address and Phone number TBD

Visitation Care Center:
1201 Marshall Road, Vacaville, CA 95688
(707) 365-1636

Other: _____
Address: _____
Phone Number: _____

Stipulated Non-Professional Supervisor: (name)

Address: _____

Phone Number: _____

SUPERVISED VISITATION ORDER

4. DURATION AND FREQUENCY

Father Mother Other _____ shall have supervised visitation/exchange with the above named child(ren) on the following schedule:

- According to the availability of the Professional Facility and the schedules of the parties.
- According to the availability of the Non-Professional Supervisor and the schedules of the parties.

The court reserves jurisdiction to modify and/or set days and times in the event the parties are unable to agree.

5. PAYMENT RESPONSIBILITY

- Petitioner Entire cost 50% of cost Other: _____
- Respondent Entire cost 50% of cost Other: _____
- Claimant Entire cost 50% of cost Other: _____
- Access to Visitation Grant
- Safe Haven Grant

The court reserves jurisdiction to reallocate or reapportion any costs.

9. FURTHER ORDERS:

- a. The court and litigants shall be provided with a report of attendance, compliance with facility procedures, and/or assessment of supervised visitation/exchange by the Professional Supervisor or Supervised Visitation Facility.
- b. Failure to comply with the policies and procedures of the Supervisor or Supervised Visitation Facility is a basis for the Supervisor or Facility to suspend or terminate visitation or exchange services pending further court hearing.
- c. Intake: Each party shall contact the Supervisor or Supervised Visitation Facility within _____ calendar days of notice of this Order to initiate intake.
- d. Failure to initiate intake with the Supervisor or Supervised Visitation Facility within 30 calendar days of notice of this Order shall cause this Order to be suspended pending further court hearing.
- e. Failure by the supervised party to maintain contact or utilize supervised visitation or exchange for a period greater than 60 calendar days shall cause this Order to become suspended pending further hearing.
- f. Other: _____

10. Next court date: _____

Date: _____

Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS: 600 Union Avenue 321 Tuolumne Street MAILING ADDRESS: P.O. Caller 5000 321 Tuolumne Street CITY AND ZIP CODE: Fairfield, CA 94533 Vallejo, CA 94590	
IN RE THE GUARDIANSHIP OF:	
CONFIDENTIAL PRELIMINARY INVENTORY OF PROBATE GUARDIANSHIP ESTATE	CASE NUMBER: _____

INSTRUCTIONS

Please provide as much information as you can about the proposed ward's assets.
Complete a separate form for each child.

I, _____, declare as follows:

1. A petition is currently pending for appointment of a guardian of the estate for the minor child named below:

Name: _____

Date of birth: _____

2. Is the child receiving any assets because he or she is named in a person's will or because he or she is an heir by intestate succession? No Yes (*please provide the information indicated below*)

Name of court handling estate: _____

Court's address: _____

Case number: _____

3. LIFE INSURANCE

a. Is the child a named beneficiary of any life insurance policies? No Yes I don't know

b. If yes, how many life insurance policies? 1 2 3 4 or more

c. Please provide the following information about each life insurance policy:

Name of insurance company: _____

Address: _____

Name of insured: _____

Relationship of ward to insured: _____

Amount of anticipated benefit payable to ward: _____

Was this policy through the insured's employer? Yes No I don't know

If yes, what is the name of the insured's employer? _____

Information on additional policies is attached to this form. (*Please be sure to include the case name and case number at the top of each page.*)

CONFIDENTIAL PRELIMINARY INVENTORY OF GUARDIANSHIP ESTATE

IN RE GUARDIANSHIP OF:	CASE NUMBER:
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4. PENSIONS, ANNUITIES AND OTHER EMPLOYMENT-RELATED OR RETIREMENT PLAN BENEFITS

- a. Is the child a named beneficiary of any pension, annuity, retirement or other employment-related plans?
 Yes No I don't know
- b. If yes, how many? 1 2 3 4 or more
- c. Please identify the types of plans of which the child is a named beneficiary (*check all that apply*):
 401(k) SEP IRA Roth IRA Rollover IRA Traditional IRA 457
 California State Teachers Retirement System (CalSTRS)
 California Public Employees Retirement System (CalPERS)
 Federal Civil Service Retirement System (CSRS)
 Federal Employee Retirement System (FERS)
 Military
 Other public employer pension
 Private employer pension
- d. Please provide the following information about each plan or annuity of which the child is a named beneficiary:
 Name of plan: _____
 Address: _____
 Name of employee: _____
 Relationship of ward to employee: _____
 Amount of anticipated benefit payable to ward: _____
 Was this policy through the insured's employer? Yes No I don't know
 If yes, what is the name of the insured's employer? _____
 Information on additional plans is attached to this form. (*Please be sure to include the case name and case number at the top of each page.*)

5. SOCIAL SECURITY MINOR CHILD SURVIVOR'S BENEFITS

Note: Minor child survivor's benefits are benefits payable by Social Security on a minor child's behalf due to the death of a parent. These benefits are considered the child's asset even if the benefits are payable to the surviving parent or to the guardian of the child's estate. In estimating the amount of the child's benefit, do not include any "widow/widower's" benefits payable to the deceased parent's surviving spouse.

- a. Is the child currently receiving any Social Security survivor's benefits? No Yes (*please provide information indicated below*)
 Monthly benefit amount: _____
- b. If the child is currently receiving benefits, are you the named representative payee?
 No Yes
 If you are not the named representative payee, who is?
 Name: _____ Phone number: _____
 Address: _____

IN RE GUARDIANSHIP OF:	CASE NUMBER:
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c. Has the child received or will the child receive a lump sum benefit payment?
 Yes No I don't know
 If yes, what is the amount of the actual or anticipated lump sum payment? _____
 When was the payment received or when do you expect it? _____

Has Social Security required you (or will they require you) to place this payment in a dedicated account? Yes (*please provide the requested information below*) No
 Name of financial institution: _____
 Type of account: _____
 Account number: _____

d. If the child is not currently receiving Social Security survivor's benefits, have you applied for these benefits on the child's behalf? No Yes (*please provide information indicated below*)
 Date of application: _____
 Social Security office location (*address*): _____

e. If you have not applied for these survivor's benefits on the child's behalf, do you plan to apply?
 Yes No I don't know
 If yes, when do you plan to apply? Within _____ days Not sure

6. SOCIAL SECURITY SSI AND SSDI

Note: A child may be eligible for SSI or SSDI benefits if the child is disabled and/or comes within Social Security's income guidelines. Contact the Social Security Administration for more information about whether the child is eligible for benefits.

a. Is the child currently receiving Social Security Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) benefits? No Yes I don't know
 If yes, what type of benefits is the child receiving? SSI SSDI Both
 What is the monthly benefit amount?: _____

b. Has the child received or will the child receive a lump sum SSI or SSDI benefit payment?
 Yes No I don't know
 If yes, what is the amount of the actual or anticipated lump sum payment? _____
 When was the payment received or when do you expect it? _____
 Has Social Security required you (or will they require you) to place this payment in a dedicated account? Yes (*please provide the requested information below*) No
 Name of financial institution: _____
 Type of account: _____
 Account number: _____

c. If the child is not currently receiving SSI or SSDI benefits, is the child eligible for these benefits?
 No Yes I don't know

IN RE GUARDIANSHIP OF:	CASE NUMBER:
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d. If the child is or might be eligible for SSI or SSDI benefits, have you applied for these benefits on the child's behalf? No Not yet, but I will apply Yes (*please provide information indicated below*)

Date of application: _____

Social Security office location (*address*): _____

7. REAL PROPERTY

a. Does the child own any real estate anywhere **within** the United States?
 Yes (*please provide information indicated below*) No I don't know

Type of property (*check all that apply*):

- House Land (e.g. ranch, farmland, etc.) Commercial building
- Timeshare Other: _____

Property address: _____

Most recent owner: _____

Has an appraisal been done on this property within the last 12 months? Yes No I don't know

If yes, what was the appraised value? _____

Information on additional properties is attached to this form. (*Please be sure to include the case name and case number at the top of each page.*)

b. Does the child own any real estate **outside** the United States?
 Yes (*please provide information indicated below*) No I don't know

Type of property (*check all that apply*):

- House Land (e.g. ranch, farmland, etc.) Commercial building
- Timeshare Other: _____

Property address: _____

Most recent owner: _____

Has an appraisal been done on this property within the last 12 months? Yes No I don't know

If yes, what was the appraised value? _____

Information on additional properties is attached to this form. (*Please be sure to include the case name and case number at the top of each page.*)

IN RE GUARDIANSHIP OF:	CASE NUMBER:
-------------------------------	---------------------

8. BANK ACCOUNTS

- a. Is the child a beneficiary or owner of any bank accounts? Yes No I don't know
- b. If yes, how many accounts? 1 2 3 4 or more
- c. Please provide the following information about each bank account:

Financial institution: _____
 Name(s) on account: _____
 Type of account: _____
 Balance on account: _____ as of (date): _____

Information on additional bank accounts is attached to this form. *(Please be sure to include the case name and case number at the top of each page.)*

9. STOCKS, BONDS, AND OTHER INVESTMENT ACCOUNTS

- a. Is the child an owner or beneficiary of any publicly-traded stocks? Yes No I don't know
- If yes, please provide the following information about each stock:

Name of stock : _____
 Shareholder name: _____
 Number of shares owned: _____

Information on additional stocks is attached to this form. *(Please be sure to include the case name and case number at the top of each page.)*

- b. Is the child an owner or beneficiary of any United States Savings Bonds?

Yes No I don't know

If yes, please provide the following information about each bond:

Date of issue : _____ Series: _____
 Face value: _____

Child is: Owner Named beneficiary

Information on additional bonds is attached to this form. *(Please be sure to include the case name and case number at the top of each page.)*

- c. Is the child an owner or beneficiary of any other type of investment account?

Yes No I don't know

If yes, please provide the following information about each account:

Financial institution: _____
 Name(s) on account: _____
 Type of account: _____
 Account balance or value: _____ as of (date): _____

Information on additional accounts is attached to this form. *(Please be sure to include the case name and case number at the top of each page.)*

IN RE GUARDIANSHIP OF:	CASE NUMBER:
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10. PERSONAL PROPERTY

- a. Does the child own any personal property other than what is listed above? *(For the purposes of this inventory, personal property includes furniture, artwork, antiques, and other personal items with a value of \$1,000 or more.)* Yes No I don't know

If yes, please provide as much information as you can about those assets:

Information on additional assets is attached to this form. *(Please be sure to include the case name and case number at the top of each page.)*

11. OTHER ASSETS

- a. Does the child own any other assets other than the ones already listed on this form?

Yes No I don't know

If yes, please provide as much information as you can about those assets:

Information on additional assets is attached to this form. *(Please be sure to include the case name and case number at the top of each page.)*

Number of pages attached: _____

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

(Type or print name)

(Signature of Declarant)

Response Form

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

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

Comments: _____

Name: _____

Address: _____

City, State, ZIP code: _____

To SUBMIT COMMENTS:

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

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

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

FAX: (707) 426-1631

DEADLINE FOR COMMENT: 5:00 p.m. on Tuesday, November 15, 2011
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