SOLANO COUNTY LOCAL RULES EFFECTIVE JANUARY 1, 2013

FILING INSTRUCTIONS FOR REPLACEMENT PAGES

The Solano County Superior Court is pleased to offer replacement pages for revised rules effective January 1, 2013. These replacement pages are intended for those who already have a complete set of local rules and wish to update just those portions of the rules that have changed.

If you do not have a complete set of rules, a complete copy is available for download and printing on our website at http://www.solano.courts.ca.gov/LocalRulesofCourt.html. Paper copies are also available for purchase at any clerk's office.

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RULE	REMOVE OLD PAGES	INSERT NEW PAGES
Rule Adoption and Revision History; Local Rules Publication Information	Rule Adoption and Revision History (front) ; Local Rules Publication Information (back)	Rule Adoption and Revision History (front); Local Rules Publication Information (back)
Summary Table of Contents	Page 1	Page 1
Detailed Table of Contents	Pages 1 through 8	Pages 1 through 9
Rule 2	Page 2-1	Pages 2-1 through 2-5
Rule 3	Pages 3-1 through 3-11	Pages 3-1 through 3-11
Rule 4	Pages 4-3 through 4-6	Pages 4-3 through 4-6
Rule 5	Pages 5-1 through 5-64	Pages 5-1 through 5-33
Rule 6	Pages 6-17 through 6-60	Pages 6-17 through 6-59
Rule 7	Pages 7-3 through 7-8	Pages 7-3 through 7-8
	Pages 7-17 through 7-24	Pages 7-17 through 7-24
Rule 12	Page 12-1	Page 12-1
Rule 15	Pages 15-1 through 15-43	Pages 15-1 through 15-34
Rule 17	Page 17-1	Pages 17-1 through 17-2
Subject Matter Index	Pages 1 through 10	Pages 1 through 10
Local Forms List	Pages 1 through 8	Pages 1 through 8
Page List	July 2012 Page List	January 2013 Page List

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Superior Court of California
County of Solano

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Brian Taylor, Court Executive Officer, is the official publisher of the local rules for the Superior Court of California County of Solano. Comments or suggestions concerning the local rules may be sent to the court at CourtOutreach@solano.courts.ca.gov.

The complete local rules, as well as individual rules and filing instructions for replacement pages, and local forms are available in .pdf format at the court's website, www.solano.courts.ca.gov, by clicking on the hyperlink marked "Local Rules of Court."

Superior Court of California
County of Solano

Local Rules of Court

Summary Table of Contents

Rule 1	**General Provisions**
Rule 2	**Criminal and Traffic Infraction Cases**
Rule 3	**Civil Cases**
Rule 4	**Administration of Civil Litigation**
Rule 5	**Family Law**
Rule 6	**Juvenile Proceedings**
Rule 7	**Probate**
Rule 8	**Claims of Adults with Disabilities or Minors**
Rule 9	**Attorneys' Fees in Default Matters, Promissory Notes, Contracts, and Foreclosures**
Rule 10	**Administration**
Rule 11	**Jury Management (Reserved)**
Rule 12	**Mental Health Conservatorships (LPS) (Reserved)**
Rule 13	**Appeals**
Rule 14	**Unlawful Detainer**
Rule 15	**Guardianships and Conservatorships**
Rule 16	**Protective Orders**
Rule 17	**Miscellaneous**

Superior Court of California
County of Solano

Superior Court of California
County of Solano
Local Rules – Detailed Table of Contents

Number	Rule	Page
RULE 1	**GENERAL PROVISIONS**	
Rule 1.1	Adoption of Local Rules *(Amended eff. 1/1/10)*	1-1
Rule 1.2	Divisions Of The Court; Assignment of Supervising Judges *(Amended eff. 1/1/10)*	1-1
Rule 1.3	Direct Calendaring *(Amended eff. 1/1/10)*	1-1
Rule 1.4	Reassignment Upon Disqualification of Judicial Officer or for Other Cause *(Amended eff. 1/1/12)*	1-2
RULE 2	**CRIMINAL AND TRAFFIC INFRACTION CASES**	
	PART ONE: Rules Applicable to Misdemeanors and Felonies	
Rule 2.1	Application Of Rules *(Amended eff. 1/1/13)*	2-1
Rule 2.2	Direct Calendaring Of Criminal Cases *(Amended eff. 1/1/13)*	2-1
Rule 2.3	Procedure *(Eff. 1/1/13)*	2-1
Rule 2.4*	Peremptory Challenge Of Judge Assigned For All Purposes [REPEALED] *(Repealed eff. 1/1/13)*	2-2
	PART TWO: Felony Criminal Cases	
Rules 2.50 – 2.99	[RESERVED]	2-3
	PART THREE: Misdemeanor Cases	
Rules 2.100 – 2.149	[RESERVED]	2-4
	PART FOUR: Traffic Infraction Cases	
Rules 2.150 – 2.199	[RESERVED]	2-5
RULE 3	**CIVIL CASES**	
Rule 3.1	Application Of Rules *(Amended eff. 7/1/11)*	3-1
Rule 3.2	Direct Calendaring Of Civil Cases; Assignments and Reassignments *(Amended eff. 1/1/12)*	3-1
Rule 3.3	Notification Of Plaintiff Of Assignment To One Judge For All Purposes *(Amended eff. 7/1/10)*	3-2
Rule 3.4*	Designation Of Court [REPEALED] *(Repealed eff. 7/1/11).*	3-2
Rule 3.5	Calendaring of Hearings *(Eff. 7/1/11)*	3-2
Rule 3.6	Deposit Of Jury Fees *(Amended eff. 1/1/13)*	3-3
Rule 3.7	Forfeiture Of Jury Fees per CCP Section 631.3 *(Amended eff. 1/1/13)*	3-3
Rule 3.8	Notification to Court of Drops, Continuances and Stipulations *(Amended eff. 1/1/10)*	3-3
Rule 3.9	Tentative Rulings *(Amended eff. 1/1/12)*	3-4
Rule 3.10	[RESERVED]	3-5

** Denotes a rule that has been renumbered or repealed.*

Superior Court of California
County of Solano
Local Rules – Detailed Table of Contents

Number	Rule	Page
Rule 3.11	Failure To Notify Court When Attorney Cannot Be Present Shall Be Deemed Sufficient Cause To Order Off Calendar *(Amended eff. 1/1/10)*	3-5
Rule 3.12	Off Calendar *(Amended eff. 1/1/10)*	3-5
Rule 3.13	Ex Parte Matters *(Amended eff. 7/1/11)*	3-6
Rule 3.14*	Orders Regarding Orders To Show Cause, Temporary Restraining Orders, And Injunctions [REPEALED] *(Repealed eff. 7/1/10)*	3-6
Rule 3.15	Motions To Consolidate *(Amended eff. 7/1/10)*	3-6
Rule 3.16	Motions Papers *(Amended eff. 7/1/10)*	3-6
Rule 3.17	Mandate Actions Arising Under The California Environmental Quality Act (CEQA) *(Amended eff. 7/1/10)*	3-7
Rule 3.18	Filing Of Notices Of Unavailability *(Amended eff. 1/1/10)*	3-11
RULE 4	**ADMINISTRATION OF CIVIL LITIGATION**	
Rule 4.1	Scope And Policy *(Amended eff. 7/1/11)*	4-1
Rule 4.2	Case Designation *(Amended eff. 1/1/10)*	4-1
Rule 4.3	Time Requirements For Complaint *(Amended eff. 7/1/11)*	4-3
Rule 4.4	Time Requirements For Responsive Pleadings *(Amended eff. 7/1/11)*	4-3
Rule 4.5	Time Requirements For Cross-Complaints *(Amended eff. 7/1/11)*	4-3
Rule 4.6	Case Management Conferences *(Amended eff. 7/1/11)*	4-3
Rule 4.7	Diversion To Arbitration *(Amended eff. 1/1/12)*	4-7
Rule 4.8	Mediation *(Amended eff. 1/1/12)*	4-8
Rule 4.9	Mandatory Settlement Conferences *(Amended eff. 7/1/11)*	4-12
Rule 4.10	Trial Management Conferences *(Amended eff. 1/1/12)*	4-14
Rule 4.11	Dismissal Of Action Or Entry Of Judgment Following Settlement *(Amended eff. 7/1/11)*	4-16
Rule 4.12	Miscellaneous *(Amended eff. 7/1/11)*	4-17
Rule 4.13	Sanctions *(Amended eff. 1/1/10)*	4-18
Rule 4.14	Electronic Filing and Service of Pleadings and Documents (*Eff. 7/1/10*)	4-19
RULE 5	**FAMILY LAW**	
	PART ONE: Family Law Proceedings Generally	
Rule 5.1	Matters Assigned to the Family Law Division; Applicability of Rule *(Eff. 1/1/13)*	5-1
Rule 5.2	Direct Calendaring *(Eff. 1/1/13)*	5-2
Rule 5.3	Preparation and Filing of Forms and Pleadings *(Eff. 1/1/13)*	5-2
Rule 5.4	Applications for Emergency Orders (Ex Parte Orders) *(Eff. 1/1/13)*	5-4
Rule 5.5	Law and Motion Hearings (Hearings Other Than Case Management Conferences, Status Conferences, Settlement Conferences, and Trials) *(Eff. 1/1/13)*	5-5
Rule 5.6	Presence of Children in Courtroom *(Eff. 1/1/13)*	5-8

** Denotes a rule that has been renumbered or repealed.*

Superior Court of California
County of Solano
Local Rules – Detailed Table of Contents

Number	Rule	Page
Rule 5.7	Family Centered Case Resolution Process (CRC 5.83) *(Eff. 1/1/13)*	5-8
Rule 5.8	Status Conferences and Status Conference Reports *(Eff. 1/1/13)*	5-9
Rule 5.9	Court Reporter Fees *(Eff. 1/1/13)*	5-11
	PART TWO: Settlement Conferences and Trials	
Rule 5.10	Settlement Conferences *(Eff. 1/1/13)*	5-12
Rule 5.11	Evidentiary Hearings and Trials *(Eff. 1/1/13)*	5-16
Rule 5.12 – 5.19	[RESERVED]	5-17
	PART THREE: Child Custody and Visitation	
Rule 5.20	Child Custody Recommending Counseling *(Eff. 1/1/13)*	5-18
Rule 5.21	Child Custody and Visitation Evaluations *(Eff. 1/1/13)*	5-20
Rule 5.22 – 5.29	[RESERVED]	5-22
	PART FOUR: Support, Property Division, Attorney Fees, Costs, and Sanctions	
Rule 5.30	Calculation of Temporary Spousal or Partner Support *(Eff. 1/1/13)*	5-23
Rule 5.31 – 5.39	[RESERVED]	5-23
	PART FIVE: Judgments	
Rule 5.40	Calendaring Hearings for Default or Uncontested Judgments *(Eff. 1/1/13)*	5-24
Rule 5.41	Documents Needed for Judgments for Legal Separation or Dissolution of Marriage or Registered Domestic Partnership *(Eff. 1/1/13)*	5-24
Rule 5.42	Documents Needed for Judgment of Nullity *(Eff. 1/1/13)*	5-24
Rule 5.43	Documents Needed for Default or Uncontested Judgments for Establishment of Parental Relationship (UPA) or for Establishment of Custody and Support *(Eff. 1/1/13)*	5-25
	APPENDICES	
5-A	Documents Needed for Judgment of Nullity	5-26
5-B	Documents Needed for Default or Uncontested Judgments for Establishment of Parental Relationship (UPA) or for Establishment of Custody and Support per Family Code §3120	5-31
RULE 6	**RULES APPLICABLE TO JUVENILE PROCEEDINGS**	
	PART ONE: Rules for Juvenile Court in General	
Rule 6.1	Adoption, Construction, And Amendment Of Rules and Standing Orders *(Amended eff. 1/1/10)*	6-1
Rule 6.2	Juvenile Calendar *(Amended eff. 1/1/10)*	6-1
Rule 6.3	Access To Courtroom By Non-Parties *(Amended eff. 1/1/10)*	6-2
Rule 6.4	Confidentiality *(Amended eff. 1/1/10)*	6-2
Rule 6.5	Release Of Information Relating To Juveniles *(Amended eff. 1/1/10)*	6-2
Rule 6.6	Discovery *(Amended eff. 1/1/10)*	6-3

Superior Court of California
County of Solano
Local Rules – Detailed Table of Contents

Number	Rule	Page
Rule 6.7	Petitions, Pleadings & Motions *(Amended eff.1/1/10)*	6-4
Rule 6.8	Request For Transcripts by Non-Party *(Amended eff. 1/1/10)*	6-5
Rule 6.9	Welfare And Institutions Code Section 241.1 Assessments *(Amended eff. 1/1/10)*	6-5
Rule 6.10	Motion To Challenge Legal Sufficiency Of Petition *(Eff. 1/1/10)*	6-5
Rules 6.11 through 6.29	[RESERVED]	6-7
	PART TWO: Juvenile Dependency	
Rule 6.30	Appointed Counsel in Dependency Proceedings *(Amended eff. 1/1/10)*	6-8
Rule 6.31	Appointment of Private Counsel in Dependency Proceedings *(Amended eff. 1/1/10)*	6-9
Rule 6.32	Procedures For Reviewing And Resolving Complaints Regarding Representation In Dependency Proceedings *(Amended eff. 1/1/10)*	6-9
Rule 6.33	Procedures For Informing The Court Of The Interests Of A Dependent Child [CRC 5.660] *(Amended eff. 1/1/10)*	6-11
Rule 6.34	Motion to Challenge Legal Sufficiency of Petition *(Amended eff. 1/1/10)*	6-12
Rule 6.35	Access To Minors *(Amended eff. 1/1/10)*	6-13
Rule 6.36	Modifications of Orders *(Amended eff. 1/1/10)*	6-14
Rule 6.37	Court Appointed Special Advocate Program (CASA) *(Amended eff. 1/1/10)*	6-15
Rules 6.38 through 6.59	[RESERVED]	6-15
	PART THREE: Juvenile Delinquency	
Rule 6.60	Return On Bench Warrant *(Amended eff. 1/1/10)*	6-16
	APPENDICES	
2002-01	Medical Authorization – Juvenile Hall	6-19
2002-02	Community School Programs	6-22
2002-05	Release of Records, Absent Parents	6-23
2002-07	Release of Records – Financial Hearing Officer	6-24
2010-001	Release of Juvenile Case File Information for W&I 601 and 602 Proceedings	6-26
2011-001	Standing Order Authorizing Mental Health Evaluation and/or Treatment for Dependent Children or Minors Placed into Protective Custody by Child Welfare Services	6-37
2011-002	Order re: Release of Probation Files and Information Regarding Parents with Children Under the Jurisdiction of the Juvenile Court	6-39
2011-003	Standing Order to Facilitate Child Welfare Services Disaster Response Plan	6-42
2011-004	The Exchange of Information Pertaining to Juveniles Among Members of Multidisciplinary Team	6-44
2011-005	Exchange and Release of Information Between Child Welfare Services and the Solano County Court Investigator	6-46
2011-006	Exchange & Release of Juvenile Records to be Used in the Solano Countywide Foster Youth Services Program (Education Code § 488850 et seq., Welfare & Institutions Code § 827, Cal. Rules of Court, rule 5.552)	6-49

Superior Court of California
County of Solano
Local Rules – Detailed Table of Contents

Number	Rule	Page
2011-007	Release of School Records to Solano County Probation and Solano County Health and Social Services, Child Welfare Services Division (Education Code § 49077)	6-53
2011-008	Toxicology Testing for Drug Exposed Children Subject to Juvenile Laws (Welfare & Institutions Code § 369, subd. (d))	6-54
2012-001	Standing Order Authorizing Medical Evaluation and Treatment for Minors Placed into Protective Custody and Temporarily Detained in Out-of-Placement By Child Welfare Services	6-56
RULE 7	**PROBATE**	
	PART ONE: Probate Proceedings Generally	
Rule 7.1	Scope of Probate Rules; Direct Calendarings *(Amended eff. 1/1/12)*	7-1
Rule 7.2	Use of Judicial Council Forms; Format of Pleadings; Calendaring *(Amended eff. 1/1/12)*	7-1
Rule 7.3	Signatures and Verification of Pleadings *(Amended eff. 7/1/09)*	7-2
Rule 7.4	Bonding of Personal Representative *(Amended eff. 7/1/09)*	7-3
Rule 7.5	Declination of Nominated Executor *(Amended eff. 7/1/09)*	7-3
Rule 7.6	Notices *(Amended eff. 7/1/09)*	7-3
Rule 7.7	Continuances *(Amended eff. 1/1/13)*	7-4
Rule 7.8	Pregrants in Probate Matters *(Amended eff. 1/1/12)*	7-5
Rule 7.9	Appearances at Hearings *(Amended eff. 1/1/10)*	7-5
Rule 7.10	Ex Parte Applications *(Eff. 7/1/09)*	7-6
	PART TWO: Probate Proceedings Other Than Trusts	
Rule 7.11	Appointment of Special Administrator *(Amended eff. 7/1/09)*	7-8
Rule 7.12	Information to Be Contained in Petitions for Probate of Will and for Letters Testamentary; For Letters of Administration; or For Letters of Administration with Will Annexed (Probate Code Section 8000 et Seq.) *(Amended eff. 7/1/09)*	7-8
Rule 7.13	Preparation of Orders *(Amended eff. 7/1/09)*	7-9
Rule 7.14	Interest on Funeral and Interment Claims *(Amended eff. 7/1/09)*	7-10
Rule 7.15	Real Estate in Inventory and Appraisal *(Amended eff. 7/1/09)*	7-10
Rule 7.16	Cash Deposit *(Amended eff. 7/1/09)*	7-11
Rule 7.17	Second Deeds of Trust *(Amended eff. 7/1/09)*	7-11
Rule 7.18	Earnest Money Deposit by Overbidder *(Amended eff. 7/1/09)*	7-11
Rule 7.19	Appearances of Counsel *(Amended eff. 7/1/09)*	7-11
Rule 7.20	Conditional Sales of Real Property *(Amended eff. 7/1/09)*	7-12
Rule 7.21	Broker's Commissioners *(Amended eff. 7/1/09)*	7-12
Rule 7.22	Statutory Compensation for Personal Representative and Attorney Fees *(Amended eff. 7/1/09)*	7-13
Rule 7.23	Partial Allowance of Statutory Compensation or Attorney Fees *(Amended eff. 7/1/09)*	7-13
Rule 7.24	Apportionment of Statutory Compensation Between Two or More Personal Representatives *(Amended eff. 7/1/09)*	7-14

Superior Court of California
County of Solano
Local Rules – Detailed Table of Contents

Number	Rule	Page
Rule 7.25	Extraordinary Compensation for Personal Representative; Extraordinary Attorney Fees *(Amended eff. 7/1/09)*	7-14
Rule 7.26	Distributive Contingencies *(Amended eff. 7/1/09)*	7-15
Rule 7.27	Contents of Decree of Partial or Final Distribution *(Amended eff. 1/1/13)*	7-16
Rule 7.28	Distributions to Trusts *(Amended eff. 1/1/10)*	7-17
Rule 7.29	Joint Tenancy Assets *(Amended eff. 7/1/09)*	7-18
Rule 7.30	Personal Representative Compensation and Attorney Fees in Connection With Termination of a Joint Tenancy or Handling of Other Nonprobate Assets *(Amended eff. 7/1/09)*	7-18
Rule 7.31	Court Investigator Fees for Investigation of Petition for Particular Transaction *(Amended eff. 7/1/09)*	7-18
Rule 7.32	Receipt or Waiver of Account Signed by Attorney in Fact *(Eff. 7/1/10)*	7-19
Rule 7.33	Reimbursement of Expenses of Estate Administration *(Eff. 1/1/13)*	7-19
Rule 7.34 through 7.49	[RESERVED]	7-19
	PART THREE: Trusts	
Rule 7.50	Beneficiaries of Testamentary Trust to be Listed in Petition for Letters Testamentary *(Amended eff. 7/1/09)*	7-21
Rule 7.51	Trustee Fees *(Amended eff. 1/1/12)*	7-21
Rule 7.52	Information to be Included in Petitions Concerning Trusts *(Eff. 7/1/09)*	7-22
Rule 7.53	General Procedures for Special Needs Trusts *(Amended eff. 1/1/12)*	7-22
Rule 7.54	Accountings and Reports of Special Needs Trusts *(Eff. 7/1/09)*	7-23
Rule 7.55	Compensation of Conservator from Trust *(Amended eff. 1/1/12)*	7-24
Rule 7.56	Trust Accountings Filed with the Court *(Eff. 7/1/10)*	7-24
RULE 8	**CLAIMS OF ADULTS WITH DISABILITIES OR MINORS**	
Rule 8.1	Contents of Petition for Compromise Of Claim Of Adult with Disabilities or Minor *(Amended eff. 7/1/10)*	8-1
Rule 8.2	[RESERVED]	8-1
Rule 8.3	Establishment of Special Needs Trusts *(Amended eff. 7/1/10)*	8-1
RULE 9	**ATTORNEY FEES IN DEFAULT MATTERS, PROMISSORY NOTES, CONTRACTS, AND FORECLOSURES**	
Rule 9.1	Attorney Fees - Unlimited Civil Matters *(Amended eff.1/1/12)*	9-1
Rule 9.2	Attorney Fees - Limited Civil Matters *(Amended eff. 1/1/12)*	9-2
Rule 9.3	Open Book Accounts - Unlimited And Limited Civil *(Amended eff. 1/1/12)*	9-3
	APPENDICES	
9-A	Example of Attorney Fee Calculation per Rule 9.1	9-4

Superior Court of California
County of Solano
Local Rules – Detailed Table of Contents

Number	Rule	Page
RULE 10	**ADMINISTRATION**	
Rule 10.1	Executive Officer *(Amended eff. 1/1/10)*	10-1
Rule 10.2	Reservation Of Government Code 71620 Powers *(Amended eff. 1/1/10)*	10-1
RULE 11	**JURY MANAGEMENT**	
Rule 11.1 through 11.99	[RESERVED]	11-1
RULE 12	**MENTAL HEALTH CONSERVATORSHIPS (LPS)**	
Rule 12.1 through 12.99	[RESERVED]	12-1
RULE 13	**APPEALS**	
Rule 13.1	Fee Waiver Applications for Matters Being Appealed to the Court of Appeal *(Eff. 1/1/10)*	13-1
RULE 14	**UNLAWFUL DETAINER**	
Rule 14.1	Telephonic Appearances *(Amended eff. 1/1/10)*	14-1
Rule 14.2	Trial Management *(Eff. 1/1/10)*	14-1
Rule 14.3	Attorney Fees in Default Matters *(Amended eff. 1/1/12)*	14-1
RULE 15	**GUARDIANSHIPS AND CONSERVATORSHIPS**	
	PART ONE: Guardianships	
Rule 15.1	Applicability of Guardianship Rules; Terminology; Direct Calendaring *(Amended eff. 1/1/13)*	15-1
Rule 15.2	Forms to be Filed at Commencement of Proceeding *(Amended eff. 1/1/13)*	15-1
Rule 15.3	Notice *(Amended eff. 1/1/13)*	15-4
Rule 15.4	Appointment of Investigator *(Amended eff. 1/1/13)*	15-5
Rule 15.5	Court Investigator Fees *(Amended eff. 1/1/13)*	15-7
Rule 15.6	Temporary Guardianships *(Amended eff. 1/1/13)*	15-9
Rule 15.7*	Ex Parte Applications for Temporary Guardianship or Other Temporary Orders [REPEALED] *(Repealed eff. 1/1/13)*	15-9
Rule 15.8	Contested Guardianships *(Amended eff. 1/1/13)*	15-10
Rule 15.9	Orders for Visitation in Guardianships *(Amended eff. 1/1/13)*	15-10
Rule 15.10	Guardianships of the Estate *(Amended eff. 1/1/13)*	15-12
Rule 15.11	Guardianships of the Person *(Eff. 1/1/13)*	15-14
Rule 15.12*	Allowance of Fees in Guardianship Proceedings [REPEALED] *(Repealed eff. 1/1/13)*	15-14

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Superior Court of California
County of Solano
Local Rules – Detailed Table of Contents

Number	Rule	Page
Rule 15.13*	Investments by Guardian of the Estate [REPEALED] *(Repealed eff. 1/1/13)*	15-14
Rule 15.14	Appointment of Counsel for Ward *(Eff. 7/1/09)*	15-14
Rule 15.15	Termination of Guardianship *(Amended eff. 1/1/13)*	15-15
Rule 15.16	Sanctions *(Eff. 7/1/09)*	15-16
Rule 15.17*	Guardianships of the Person – Status Report [REPEALED] *(Repealed eff. 1/1/13)*	15-16
Rule 15.18 – 15.49	[RESERVED]	15-16
	PART TWO: Conservatorships	
Rule 15.50	Conservatorship Matters to Which Rule 15 Applies *(Eff. 7/1/09)*	15-17
Rule 15.51	Continuance of Hearing Where Conservatee Not Served with Citation *(Eff. 7/1/09)*	15-17
Rule 15.52	Additional Requirements for Proposed Conservators Prior to Issuance of Letters *(Amended eff. 7/1/11)*	15-17
Rule 15.53	Court Investigator *(Amended eff. 1/1/12)*	15-18
Rule 15.54	Court Investigator Fees *(Eff. 7/1/09)*	15-20
Rule 15.55	Appointment of Counsel for Conservatee *(Eff. 7/1/09)*	15-21
Rule 15.56	Ex Parte Applications for Temporary Conservatorships and Other Orders *(Eff. 7/1/09)*	15-22
Rule 15.57	Independent Exercise of Powers *(Eff. 7/1/09)*	15-24
Rule 15.58	Conservatorship Inventories and Appraisals *(Eff. 7/1/09)*	15-24
Rule 15.59	Conservatorship Accountings *(Amended eff. 1/1/12)*	15-25
Rule 15.60	Allowance of Fees *(Amended eff. 1/1/12)*	15-27
Rule 15.61	Orders for Support and Substituted Judgment *(Eff. 7/1/09)*	15-28
Rule 15.62	Payments to Caregiver Spouse of Conservatee *(Eff. 7/1/09)*	15-28
Rule 15.63	Termination of Conservatorship *(Eff. 7/1/09)*	15-29
Rule 15.64	Conservatorships for Developmentally Disabled Individuals *(Eff. 7/1/09)*	15-30
Rule 15.65	Sanctions *(Eff. 7/1/09)*	15-30
Rule 15.66	Additional Provisions for Conservatorships of the Person (*Eff. 1/1/12*)	15-30
Rule 15.67 through 15.99	[RESERVED]	15-31
	PART THREE: Miscellaneous	
15.100	Complaints Concerning Court Investigators (*Eff. 1/1/12*)	15-32
	APPENDICES	
15-A	List of Service Addresses for Guardianships *(Amended eff. 1/1/13)*	15-33
RULE 16	**PROTECTIVE ORDERS**	
16.1	Domestic Violence (Family Code § 6200 et seq.) (*Eff. 1/1/12*)	16-1
16.2	Civil Harassment (CCP § 527.6) (*Eff. 1/1/12*)	16-2

** Denotes a rule that has been renumbered or repealed.*

Superior Court of California
County of Solano
Local Rules – Detailed Table of Contents

Number	Rule	Page
16.3	Workplace Violence (CCP § 527.8) (*Eff. 1/1/12*)	16-3
16.4	Postsecondary School Violence (CCP § 527.85) (*Eff. 1/1/12*)	16-4
16.5	Elder or Dependent Adult Abuse [RESERVED] (*Eff. 1/1/12*)	16-4
RULE 17	**MISCELLANEOUS**	
17.1	Photography, Videotaping, and Electronic Recordings (*Eff. 1/1/12*)	17-1
17.2	Court Reporter Transcripts *(Eff. 1/1/13)*	17-2

SUBJECT MATTER INDEX

INDEX OF LOCAL FORMS – BY FORM NUMBER

INDEX OF LOCAL FORMS – ALPHABETICAL

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 2 – Criminal and Traffic Infraction Cases
PART ONE: Rules Applicable to Misdemeanors and Felonies

2.1 APPLICATION OF RULES

The rules in Part One of Rule 2 apply to all felony and misdemeanor criminal cases pending on, or filed on or after, January 1, 1998.

(Rule 2.1 amended effective January 1, 2013; adopted effective January 1, 1998; previously amended effective January 1, 2010.)

2.2 DIRECT CALENDARING OF CRIMINAL CASES

When a criminal case is filed either by complaint or indictment, the matter shall be assigned, after arraignment, to one judicial officer for all purposes. All criminal cases shall be heard first in an arraignment department of the court and from that department the case shall be assigned to one of the judicial officers in the Criminal Division of the court and the parties shall be notified in open court and on the record of the name of the judicial officer so assigned. The assignment to the judicial officer shall be deemed for all purposes.

If the parties are not notified of the assignment to one judicial officer for all purposes in open court, then the Clerk of the Court, after a judicial officer is selected, shall send a written notification to all parties by first class mail and file in the court file a verification of mailing.

(Rule 2.2 amended effective January 1, 2013; adopted effective January 1, 1998; previously amended effective January 1, 2010.)

2.3 PROCEDURE

a. **PETITIONS PER PENAL CODE SECTION 1203.4 AND 1203.4a**
Any defendant wishing to file a petition for relief per Penal Code sections 1203.4 or 1203.4a and who wishes to have their costs waived shall file a completed financial declaration on a form designated by the court. The form shall be filed concurrently with the petition.
(Subd. (a) adopted effective January 1, 2013.)

(Rule 2.3 adopted effective January 1, 2013; prior Rule 2.3, adopted effective January 1, 1998, repealed effective January 1, 2013.)

2.4 PEREMPTORY CHALLENGE OF JUDGE ASSIGNED FOR ALL PURPOSES [Repealed]

(Rule 2.4 repealed effective January 1, 2013; adopted effective January 1, 1998.)

2.5 – 2.49 [Reserved]

Superior Court of California
County of Solano

Rule 2 – Criminal and Traffic Infraction Cases
PART TWO: Felony Criminal Cases

2.50 – 2.99 [Reserved]

Superior Court of California
County of Solano

Rule 2 – Criminal and Traffic Infraction Cases
PART THREE: Misdemeanor Cases

2.100 – 2.149 [Reserved]

Superior Court of California
County of Solano

Rule 2 – Criminal and Traffic Infraction Cases
PART FOUR: Traffic Infraction Cases

2.150 – 2.199 [Reserved]

Superior Court of California
County of Solano

Superior Court of California
County of Solano

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; adopted effective January 1, 1998; previously amended effective January 1, 2009, and July 1, 2011.)

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

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

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

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

3.4 DESIGNATION OF COURT [Repealed]

(Rule 3.4 repealed effective July 1, 2011; adopted effective January 1, 1998; amended effective October 1, 2002, and July 1, 2010.)

3.5 CALENDARING OF HEARINGS

With the exception of ex parte matters, all hearings shall be scheduled through the Civil Division calendar clerk.

(Rule 3.5 adopted effective July 1, 2011.)

3.6 DEPOSIT OF JURY FEES

Advance jury fees in the amount of one hundred and fifty dollars ($150.00) shall be deposited with the Clerk of the Court in compliance with Code of Civil Procedure section 631. Jury fees deposited after June 27, 2012, are nonrefundable. (Senate Bill 1021, chaptered on June 27, 2012 [Chapter 41, Statutes of 2012].)

(Rule 3.6 amended effective January 1, 2013; adopted as Rule 3.10 effective January 1, 1998; previously amended effective October 1, 2002; previously amended and renumbered effective January 1, 2010; amended effective July 1, 2011.)

3.7 FORFEITURE OF JURY FEES PER CCP SECTION 631.3

For purposes of Rule 3.6 and per Code of Civil Procedure section 631.3, it is deemed necessary for the court to have at least five court days notice of waiver of jury, continuance or settlement of the case in order to notify the jurors that the trial will not proceed at the time set. Failure to notify the court in writing of a waiver of jury, continuance of a jury trial date, or settlement of a case set for trial at least five court days prior to the assigned date of trial shall result in the forfeiture of the jury fee deposit.

Because jury fees deposited after June 27, 2012, are nonrefundable (see Senate Bill 1021, chaptered on June 27, 2012 [Chapter 41, Statutes of 2012]), this local rule shall apply only to cases where jury fees were deposited on or before June 27, 2012.

(Rule 3.7 amended effective January 1, 2013; adopted as Rule 3.11 effective January 1, 1998; amended and renumbered effective January 1, 2010; amended effective July 1, 2011.)

3.8 NOTIFICATION TO COURT OF DROPS, CONTINUANCES AND STIPULATIONS

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

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

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

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

3.9 TENTATIVE RULINGS

a. **AVAILABILITY OF TENTATIVE RULINGS**

Per California Rules of Court, rule 3.1308, the court has adopted a tentative rulings procedure for civil law and motion. A tentative ruling on a civil matter will be available after 2:00 p.m. on the court day immediately preceding the scheduled hearing on that matter by signing onto the court's web site at www.solano.courts.ca.gov and selecting "Tentative Rulings," or by telephoning (707) 207-7331. Tentative rulings will not be posted for unlawful detainer matters.

(Subd (a) amended effective 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 INCLUDED IN NOTICE OF MOTION**
All motions shall include notice of this local rule in substantially the following form: "Notice: The Superior Court in and for Solano County has adopted a tentative rulings system that is described in the court's local Rule 3.9. Failure to comply with Rule 3.9 may seriously affect parties' rights in this case."
(Subd. (d) adopted effective January 1, 2012.)

(Rule 3.9 amended effective January 1, 2012; 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 ORDERS AFTER HEARING [Repealed]

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

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

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

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

3.12 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 3.12 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 3.1200-3.1207, and shall be heard only upon presentation of a receipt demonstrating payment of the requisite filing fees.

(Rule 3.13 amended effective July 1, 2011; adopted as Rule 3.21 effective January 1, 1998; previously amended effective July 1, 2005; previously amended effective July 1, 2009; renumbered as Rule 3.13 effective January 1, 2010; amended effective July 1, 2010.)

3.14 ORDERS REGARDING ORDERS TO SHOW CAUSE, TEMPORARY RESTRAINING ORDERS, AND INJUNCTIONS [Repealed]

(Rule 3.14 repealed effective July 1, 2011; adopted as Rule 3.25 effective January 1, 1998; renumbered effective January 1, 2010.)

3.15 MOTIONS TO CONSOLIDATE

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

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

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

3.16 MOTIONS PAPERS

Motions papers must be received within three court days of reserving a law and motion date. If papers are not received within three court days, the date reserved will be canceled.

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

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

a. **WHERE FILED**

Mandamus actions challenging an agency decision under the California Environmental Quality Act (Public Resources Code §21000 et seq.) ("CEQA") shall be filed in the office of the Civil Clerk of the Court. Each action shall be accompanied by an initial filing form designating the action as Environmental Law – CEQA (Public Resources Code § 21167.1), and shall be assigned to the designated CEQA department for all purposes.
(Subd (a) amended effective July 1, 2010; adopted effective July 1, 2005.)

b. **MEDIATION**

In accordance with Government Code section 66031, within five (5) days after the deadline for respondent or defendant to file a response to the action, plaintiff or petitioner shall prepare and lodge with the designated CEQA department a notice form for the court's signature inviting mediation. The court shall then mail the notice of invitation to the parties.
(Subd (b) amended and relettered effective July 1, 2010; adopted as subd (c) effective July 1, 2005; prior subd (b), concerning ordering the administrative record, repealed effective July 1, 2010.)

c. **PREPARING THE ADMINISTRATIVE RECORD**

(1) **Preparation by the Public Agency**

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

documents are located or determined appropriate to be included in the record.
(Subd (a) relettered effective January 1, 2010; adopted as Subd (d)(1) effective July 1, 2005.)

(b) Upon receipt of this preliminary notification, petitioners may elect to prepare the record themselves provided they notify the agency within five (5) calendar days of such receipt. If petitioners so elect, then within forty (40) calendar days of service of the initial notice to prepare the administrative record, petitioners shall prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of this notification, the agency and/or other parties shall prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record. The agency shall promptly notify petitioners of any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record.
(Subd (b) relettered effective January 1, 2010; adopted as Subd (d)(2) effective July 1, 2005.)

(c) If petitioners do not so elect, then within forty (40) calendar days after service of the request to prepare the administrative record, the agency shall prepare and serve on the parties a detailed index listing the documents proposed by the agency to constitute the record and provide a supplemental estimated cost of preparation. Within seven (7) calendar days of receipt of this notification, petitioners and/or any other parties shall prepare and serve the agency and all parties with a document notifying the agency of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.
(Subd (c) relettered effective January 1, 2010; adopted as Subd (d)(3) effective July 1, 2005.)

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

(2) **Preparation by Petitioners**

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

agency responsible for certification of the record shall personally serve on petitioners a preliminary notification designating, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and the dates and times when those documents will be made available to petitioners or any party for their inspection and copying. This notice shall also state any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record. This notice shall be supplemented by the agency as additional documents are located or determined appropriate to be included in the record.
(Subd (a) adopted effective July 1, 2005.)

(b) Within forty (40) calendar days after service of petitioners' notice of election, petitioners shall prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of this notification, the agency and/or other parties shall prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.
(Subd (b) adopted effective July 1, 2005.)

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

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

d. **FORMAT OF ADMINISTRATIVE RECORD**

The format of the administrative record shall be governed by California Rules of Court, rules 3.1365 and either 3.1367 or 3.1368, as appropriate.
(Subd (d) amended and relettered effective July 1, 2010; adopted as subd (e) effective July 1, 2005.)

e. **LODGING THE ADMINISTRATIVE RECORD IN ELECTRONIC FORMAT**

Any party lodging the administrative record in an electronic format as permitted

by California Rules of Court, rule 3.1365 et seq. shall simultaneously file a declaration with the court affirming under penalty of perjury that the medium in which the record is contained and lodged with the court is free of computer viruses or other malware.
(Subd (e) amended and relettered effective July 1, 2010; adopted as subd (f) effective July 1, 2005.)

f. **DISPUTES REGARDING THE CONTENTS OF THE ADMINISTRATIVE RECORD**
Once the record has been filed, any disputes about its accuracy or scope should be resolved by appropriate noticed motion. For example, if the agency has prepared the record, petitioners may contend that it omits important documents or that it contains inappropriate documents; if the petitioners have prepared the record, the agency may have similar contentions. A motion to supplement the certified record with additional documents and/or to exclude certain documents from the record may be noticed by any party and should normally be filed concurrently with the filing of petitioners' opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should normally be filed with the opposition and memoranda, respectively, regarding the writ. The motion should normally be calendared for hearing concurrently with the hearing on the writ.
(Subd (f) relettered effective July 1, 2010; adopted as subd (g) effective July 1, 2005.)

g. **BRIEFING SCHEDULE AND LENGTH OF MEMORANDA**
Unless otherwise ordered by the court, the following briefing schedule shall be followed in all cases:

(1) Petitioners shall file directly in the designated CEQA department and serve personally, by overnight mail or, if previously agreed, by fax or electronic service, an opening memorandum of points and authorities in support of the petition within thirty (30) days from the date the administrative record is served.

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

(3) Petitioners shall have twenty (20) days from service of the opposition's points and authorities to file directly in the designated CEQA department

and serve personally, by overnight mail, or if previously agreed, by fax or electronic service, a reply memorandum of points and authorities.

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

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

h. **TRIAL NOTEBOOK**
Petitioner shall prepare a trial notebook which shall be filed with the designated CEQA Department fourteen (14) days before the date of the hearing. The trial notebook shall consist of the petition, the answer(s), the briefs, any motions set to be heard at trial, the statement of issues, and any other document(s) agreed upon by the parties or ordered by the court.
(Subd (h) amended and relettered effective July 1, 2010; adopted as subd (j) effective July 1, 2005; previous subd (h), concerning notice of hearing, repealed effective July 1, 2010.)

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

3.18 FILING OF NOTICES OF UNAVAILABILITY

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

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

Superior Court of California
County of Solano

4.3 TIME REQUIREMENTS FOR COMPLAINT

Time requirements for service of the complaint shall be as specified by California Rules of Court, rules 3.110 and 3.740, subdivision (c).

(Rule 4.3 amended effective July 1, 2011; adopted effective January 1, 1998; previously amended effective October 1, 2002, and January 1, 2009.)

4.4 TIME REQUIREMENTS FOR RESPONSIVE PLEADINGS

Time requirements for service of responsive pleadings shall be as specified by California Rules of Court, rules 3.110, 3.740, subdivision (c), and 3.1320.

(Rule 4.4 amended effective July 1, 2011; adopted effective January 1, 1998; previously amended effective October 1, 2002, January 1, 2009, and January 1, 2010.)

4.5 TIME REQUIREMENTS FOR CROSS-COMPLAINTS

Time requirements for service of cross-complaints shall be as specified by California Rules of Court, rules 3.110 and 3.1320.

(Rule 4.5 repealed effective July 1, 2011; adopted effective January 1, 1998; previously amended effective October 1, 2002, and January 1, 2010.)

4.6 CASE MANAGEMENT CONFERENCES

a. **SCHEDULING OF CASE MANAGEMENT CONFERENCE ONE**
In all cases subject to the case management rules in California Rules of Court, rule 3.720 et seq., the Clerk of the Court will schedule the first Case Management Conference approximately 120 days from the date of filing of the complaint. At the time of filing of the complaint, the Clerk of the Court shall provide the plaintiff with a Notice of Case Management Conference One, which shall indicate the date, time, and place that counsel, and any party not represented by counsel, shall appear for Case Management Conference One, and shall state the obligations of counsel, or any parties not represented by counsel, in regard to Case Management Conference One and Case Management Conference Two. Plaintiff is responsible for notifying all defendants of the initial or any continued Case Management Conference dates.
(Subd (a) amended effective July 1, 2011; adopted as unlettered portion of Rule 4.6 effective January 1, 1998; previously amended effective October 1, 2002, July

1, 2005, and January 1, 2009; amended and relettered effective January 1, 2010.)

b. **CASE MANAGEMENT CONFERENCES IN "UNINSURED MOTORIST" CASES**
An action for personal injury or property damage against an uninsured defendant may be designated as an "uninsured motorist case" upon application of the plaintiff filed concurrently with the petition or within thirty (30) days of the commencement of the action. Upon the filing of such an application, the court will set the first Case Management Conference approximately 180 days from the date of the designation.
(Subd (b) amended effective July 1, 2011; adopted as Subd (a) of Rule 4.6 effective January 1, 1998; previously amended effective October 1, 2002, July 1, 2005, and January 1, 2009; relettered effective January 1, 2010.)

c. **CASE MANAGEMENT CONFERENCES IN LIMITED JURISDICTION "COLLECTION" CASES**
The plaintiff may designate a limited jurisdiction case as a "collection" case by filing a Civil Case Cover Sheet describing the case as a "collections" matter. No case management conference will be scheduled unless and until a responsive pleading has been filed.
(Subd (c) relettered effective January 1, 2010; adopted as Subd (b) of Rule 4.6 effective January 1, 1998; previously amended effective October 1, 2002, July 1, 2005, and January 1, 2009.)

d. **SERVICE OF NOTICE OF CASE MANAGEMENT CONFERENCE**

(1) **Service of Notice with Complaint**
The plaintiff shall serve the Notice of Case Management Conference on all defendants with the complaint.
(Subd (1) renumbered effective January 1, 2010; previously adopted as portion of Subd (f) effective January 1, 1998.)

(2) **Service of Notice with Cross-Complaint**
Any plaintiff and any defendant serving a cross-complaint shall serve a copy of the Notice of Case Management Conference One provided by the Clerk, which sets the date and place for Case Management One, on each cross-defendant with the cross-complaint. In the event that any cross-complaint is served after Case Management Conference One has been held, the cross-complainant, at the time of service of the cross-complaint, shall serve each cross-defendant with Notice of Case Management Conference Two, which shall contain the date, time and place of Case

Management Conference Two and explain the obligations of the parties in regard to case management conferences under these rules.
(Subd (2) renumbered effective January 1, 2010; previously adopted as portion of Subd (f) effective January 1, 1998.)

(Subd (d) amended and relettered effective January 1, 2010; adopted as Subd (f) of Rule 4.6 effective January 1, 1998; previously amended effective October 1, 2002, July 1, 2005, and January 1, 2009; former Subd (d) repealed effective January 1, 2010.)

e. **TELEPHONIC APPEARANCE AT CASE MANAGEMENT CONFERENCES**
Litigants wishing to appear at a case management conference by telephone per California Rules of Court, rule 3.670, shall do so through CourtCall LLC, a private telephonic appearance provider with whom the court has contracted, or any other telephonic appearance provider as designated by the court. The telephone number of CourtCall is (888) 88-COURT or (310) 342-0888. Counsel wishing to avail themselves of this service shall note and follow the rules and schedule of the individual department concerning the use of CourtCall, and shall be solely responsible for all fees and costs charged by CourtCall for this service.
(Subd (e) amended effective January 1, 2010; adopted effective January 1, 1998; previously amended effective October 1, 2002, July 1, 2005, and January 1, 2009.)

f. **CASE MANAGEMENT CONFERENCE SETTING**

(1) For all cases subject to Rule 4.6, subdivision (a), Case Management Conference One shall be set during the calendar week that is 120 calendar days after the filing of the complaint, on the day of week and at the time designated by the judge to whom the case is assigned for all purposes. Case management conferences for other cases shall be set in a similar manner per the timelines applicable to those cases.
(Subd (1) amended effective July 1, 2011; adopted effective January 1, 1998.)

(2) At Case Management Conference One, the court shall refer the matter to arbitration or mediation, if deemed appropriate by the court, continue the matter for further Case Management Conference One or set the matter for a Case Management Conference Two.
(Subd (2) adopted effective January 1, 1998.)

(3) The court may, in its discretion, require additional case management conferences and additional Case Management Statements.
(Subd (3) adopted effective January 1, 2010; previously adopted as portion of Subd (h).)

(Subd (f) amended effective July 1, 2011; adopted as Subd (g) effective January 1, 1998; previously amended effective October 1, 2002, July 1, 2005, and January 1, 2009; amended and relettered effective January 1, 2010.)

g. **UPDATED CASE MANAGEMENT STATEMENTS FOR CONTINUED CASE MANAGEMENT CONFERENCES**
Unless otherwise ordered by the court, an updated Case Management Statement shall be filed by each counsel no later than the fifteenth (15th) calendar day before each continued Case Management Conference or any review set by the court.
(Subd (g) amended effective July 1, 2011; adopted as Subd (h) effective January 1, 1998; previously amended effective October 1, 2002, July 1, 2005, and January 1, 2009; amended and relettered effective January 1, 2010.)

h. **SANCTIONS**
Pursuant to Code of Civil Procedure section 575.2, the court may impose sanctions in the event that any of the following occur:
(1) A Case Management Statement is not timely filed and/or served;
(2) A Case Management Statement is not fully completed;
(3) The attorney who appears at a case management conference is not completely aware of all procedural, factual, and legal aspects of the case and does not have full authority to discuss and resolve any issues that arise at the conference, including the settlement of the case. This rule applies equally to counsel of record and special appearance counsel;
(4) Counsel and self-represented parties fail to meet and confer as required per California Rules of Court, rule 3.724 prior to the Case Management Conference concerning all issues before the court.
(Subd (h) amended and relettered effective January 1, 2010; adopted as Subd (i) effective January 1, 1998; previously amended effective October 1, 2002, July 1, 2005, and January 1, 2009.)

(Rule 4.6 amended effective July 1, 2011; adopted effective January 1, 1998; previously amended effective October 1, 2002, July 1, 2005, and January 1, 2009; amended effective January 1, 2010.)

Superior Court of California
County of Solano

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

RULE 5 AMENDED AND RENUMBERED IN ITS ENTIRETY EFFECTIVE JANUARY 1, 2013.

5.1 MATTERS ASSIGNED TO THE FAMILY LAW DIVISION; APPLICABILITY OF RULE

a. **ASSIGNMENT OF MATTERS TO THE FAMILY LAW DIVISION**
All family law matters will be heard principally in the Family Law Division as designated by the Presiding Judge and in such additional departments to which such matters may, from time to time, otherwise be assigned for trial or hearing by the Supervising Judge of the Family Law Division.
(Subd (a) adopted effective January 1, 2013.)

b. **MATTERS TO WHICH RULE 5 APPLIES**
Rule 5 applies to all family law matters, including:
(1) Proceedings under the Family Code for dissolution of marriage or registered domestic partnership, nullity of marriage or registered domestic partnership, legal separation, custody and support of minor children, termination of parental rights, adoptions, the Uniform Parentage Act, the Uniform Child Custody Jurisdiction and Enforcement Act, or the Uniform Interstate Family Support Act;
(2) Local child support agency actions under the Family Code; and,
(3) Contempt proceedings relating to family law or local child support agency actions.

Requests for protective orders under the Domestic Violence Prevention Act are governed by Rule 16, not Rule 5. However, ancillary issues (such as support, custody, and temporary possession of property) raised in such a request are governed by Rule 5.

Although heard in the Family Law Division, guardianships and conservatorships are governed by Rule 15, not Rule 5.
(Subd (b) adopted effective January 1, 2013.)

c. **APPLICABILITY OF RULES TO PARTIES AND COUNSEL**
Unless otherwise prohibited by law, Rule 5 applies to the parties, to the attorneys of represented parties, and to minor's counsel. References to a party's counsel or

attorney includes a self-represented party.
(Subd (c) adopted effective January 1, 2013.)

(Rule 5.1 adopted effective January 1, 2013.)

5.2 DIRECT CALENDARING

a. **ASSIGNMENT OF MATTER TO JUDICIAL OFFICER**
When a family law case is filed, or received and filed as a transfer from another jurisdiction, the Clerk of the Court shall assign the case to one judicial officer for all purposes, as directed by and subject to the approval of the supervising judge of the Family Law Division. The assignment shall be designed to fairly distribute the workload among the judicial officers of the Family Law Division and best serve the court.
(Subd (a) adopted effective January 1, 2013.)

b. **NOTIFICATION OF ASSIGNED JUDICIAL OFFICER**
The Clerk of the Court shall notify the parties of the initial assignment of the case to a judicial officer at the time the petitioner's initial pleading is filed.
(Subd (b) adopted effective January 1, 2013.)

c. **NOTIFICATION OF REASSIGNMENT**
Cases may be reassigned from time to time. Reassignments may be done on the record at a hearing or by written notification from the court.
(Subd (c) adopted effective January 1, 2013.)

(Rule 5.2 adopted effective January 1, 2013.)

5.3 PREPARATION AND FILING OF FORMS AND PLEADINGS

a. **USE OF SOLANO COUNTY COURT CASE NUMBER**
The case number shall have the following format on all pleadings and forms filed with the court:

(1) SF012345: All family law cases filed prior to December 8, 1999 (excepting adoptions and Uniform Parentage Act cases).

(2) FFL012345: All family law cases filed on or after December 8, 1999 or whose case number is equal to or higher than FFL050994 (excepting adoptions and Uniform Parentage Act cases).

(3)	SA001234:	All adoption cases filed prior to December 8, 1999.
(4)	FAD001234:	All adoption cases filed on or after December 8, 1999, or whose case number is equal to or higher than FAD005778.
(5)	SL012345:	All Uniform Parentage Act cases filed prior to December 8, 1999, including cases with case numbers formatted as "L012345".
(6)	FCS012345:	All Uniform Parentage Act cases filed between December 8, 1999, and September 30, 2002.
(7)	FFL012345:	All Uniform Parentage Act cases filed on or after October 1, 2002, or whose case number is equal to or higher than FFL069339.

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

b. **APPLICATIONS FOR ORDERS FOR PUBLICATION OF SUMMONS**

A petitioner seeking an order for publication of summons pursuant to Code of Civil Procedure section 415.50 may submit the request on either a local form made available for that purpose or in a pleading that contains the same substantive information required on the form.
(Subd (b) adopted effective January 1, 2013.)

c. **FORMS AND DOCUMENTS TO BE INCLUDED WITH MOVING PAPERS**

In addition to any forms required by the California Rules of Court, any *Request for Order* or other moving papers served on the other party shall include a copy of the court's local form *Meet and Confer Orders*.

A party seeking to modify a prior order or judgment shall attach a copy of the prior order or **pertinent** part of the prior judgment to his or her *Request for Order*. **A copy of the entire judgment need not be attached to the *Request for Order*.** If the *Findings and Order After Hearing* has not been filed, a copy of the minute order shall be attached instead.

A party filing an *Order to Show Cause and Affidavit for Contempt* (Judicial Council form FL-410) shall attach a copy of each order allegedly violated.
(Subd (c) adopted effective January 1, 2013.)

d. **FILING OF NOTICES OF UNAVAILABILITY**

The court shall not accept for filing a "Notice of Unavailability of Counsel" or other document or pleading whose sole purpose is to advise the court and/or other

parties of an attorney's or party's unavailability. (*Carl v. Superior Court of Orange County* (2007) 157 Cal.App.4th 73.)
(Subd (d) adopted effective January 1, 2013.)

(Rule 5.3 adopted effective January 1, 2013.)

5.4 APPLICATIONS FOR EMERGENCY ORDERS (EX PARTE ORDERS)

a. **APPLICABILITY**
All parties shall comply with the provisions in Chapter 7 of Division 1 of the California Rules of Court.
(*Subd (a) adopted effective January 1, 2013.*)

b. **PROCEDURES FOR REQUESTING EMERGENCY ORDERS**
All *Requests for Orders* shall be initially submitted to the Family Law Clerk's Office. No *Request for Order* shall be initially submitted directly to a judicial officer.

Upon submission of the *Request for Order* to the clerk, a party may request that the matter be considered for emergency hearing. Upon such request, the clerk shall collect all applicable fees, and then forward the *Request for Order* and the receipt for such payment to the judicial officer assigned to the matter, for review and determination by the judicial officer as to whether the motion sets forth facts showing the necessity for an emergency hearing to:

(1) Avoid an immediate danger or irreparable harm to a party or to the children involved in the matter;
(2) Help prevent the immediate loss or damage to property subject to disposition in the case; or
(3) Make orders concerning procedural matters as set forth in California Rules of Court, rule 5.170.

If the judicial officer determines that good cause for an emergency hearing exists, a date and time for such hearing will be set by that judicial department as may be appropriate, and the date and time shall appear on the face of the *Request for Order* along with the date and time established for the general hearing on the *Request for Order*.

Unless otherwise indicated by the judicial officer, notice of the ex parte hearing shall be given no later than 10:00 a.m. the court day prior to the hearing date, and a declaration setting forth how notice was given, including the date and time of

the notice and the actual content of the notice, shall be submitted. The adequacy of the notice given may be determined from the submittal of a completed declaration compliant with California Rules of Court, rule 5.151 et seq. The local form *Declaration re Notice for Ex Parte Hearing* may be used for this purpose.
The moving party shall use all reasonable diligence to serve the responding party with a copy of the *Request for Order* prior to the emergency hearing, and shall have a copy to provide to the responding party at the hearing in the event service could not be effected earlier.

The *Request for Order*, showing the date and time of both hearings, shall be filed by the court, and an endorsed-filed copy returned to the applicant. In no event shall the *Request for Order* not be filed.

Nothing in this rule shall prohibit any judicial officer from exercising his or her judicial discretion in conformity with the provisions in Chapter 7 of Division 1 of the California Rules of Court.
(*Subd (b) adopted effective January 1, 2013.*)

(Rule 5.4 adopted effective January 1, 2013.)

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

a. SETTING AN INITIAL HEARING

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

b. VACATING A SCHEDULED HEARING

(1) **By the Moving Party**

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

If the pleadings have been served on the responding party but no responsive pleadings have been filed, the moving party may take the matter off calendar but must give notice to both the court and the responding party so as to avoid unnecessary review by the court and appearances by the party. Notice to the court may be given by telephone to the appropriate department.
(Subd (1) adopted effective January 1, 2013.)

(2) **By Stipulation**
If responsive pleadings have been filed, the moving party may not take the matter off calendar without written stipulation or written or oral confirmation by the responding party. Confirmation may be by telephone to the appropriate department.

If both parties agree no hearing is needed, both parties shall so inform the department to which a matter has been assigned as soon as practicable.

A failure to appear without prior notification to the court may result in the imposition of sanctions against one or both parties and/or attorneys, in the court's discretion.
(Subd (2) adopted effective January 1, 2013.)

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

c. **REISSUANCE OF A REQUEST FOR ORDER**
If the moving party did not serve the responding party before the date set for the hearing, a new hearing date may be obtained from the calendar clerk and a *Request for Order* may be reissued. The request to reissue the *Request for Order* must be submitted to the court at least two court days before the scheduled hearing date; otherwise, the party must appear at the hearing and request the reissuance in open court.

If a moving party does not obtain a reissuance prior to the hearing and fails to appear at the scheduled hearing to request a reissuance, the court may take the matter off calendar.

If the moving party served the responding party but the service was untimely, the moving party must attend the scheduled hearing. The responding party shall be entitled to a continuance and the court may reissue the *Request for Order*. Any

temporary orders previously made may be extended upon a showing of good cause.
(Subd (c) adopted effective January 1, 2013.)

d. **DAY OF HEARING PROCEDURES**

(1) **Duty to Appear and to Advise Court of Settled Issues and Remaining Contested Issues**
All parties and their attorneys shall be punctual for all court appearances and shall check in with the courtroom clerk or bailiff upon arrival.

The parties or the attorneys for the parties shall be prepared to advise the court as to what issues have been settled by agreement and what issues remain contested.
(Subd (1) adopted effective January 1, 2013.)

(2) **Failure to Appear by Moving Party**
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 as a result of the moving party's nonappearance unnecessary fees are incurred.

If the responding party appears and has filed and served a responsive pleading seeking appropriate affirmative relief, the court may continue the matter or rule on the affirmative relief requested, at its discretion.
(Subd (2) adopted effective January 1, 2013.)

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

e. **TELEPHONIC APPEARANCES**
A party, an attorney, or a representative of a local child support agency or government agency who wishes to appear by telephone at a hearing must file a request with the court clerk at least 2 court days prior to the date of the hearing. The request shall be made on a Request for Telephone Appearance (Judicial Council form FL-679). The request must be served on all other parties, their attorneys, and the local child support agency through a means calculated to ensure delivery by the close of business on the next court day.

If the court permits the appearance by telephone, and unless the court specifically directs otherwise, the person being permitted to appear telephonically shall do so through CourtCall LLC, a private telephonic appearance provider with whom the court has contracted. The telephone number of CourtCall is (888) 88-COURT or (310) 342-0888. Those wishing to use CourtCall must follow the rules and schedule of the individual department concerning the use of CourtCall, and shall be solely responsible for all fees and costs charged by CourtCall for this service.

Absent prior court order, requests for telephonic appearances in trials, contempt hearings, orders of examination, and any other matters in which the person has been subpoenaed to appear will not be permitted. Rules for ex parte requests and orders shortening time shall apply.
(Subd (e) adopted effective January 1, 2013.)

(Rule 5.5 adopted effective January 1, 2013.)

5.6 PRESENCE OF CHILDREN IN COURTROOM

Unless a child whose custody or visitation is at issue has been given court permission to address the court or testify per Family Code section 3042, that child shall not be present in the assigned courtroom while the matter is being heard, unless the judicial officer has specifically given permission for the child to be present.

In the event a party or minor's counsel wants the child to be present, that party or minor's counsel may disclose to the court that the child is in the courthouse and request that the child be permitted into the courtroom.

(Rule 5.6 adopted effective January 1, 2013.)

5.7 FAMILY CENTERED CASE RESOLUTION PROCESS (CRC 5.83)

a. **APPLICABILITY**
The Family Centered Case Resolution process ("the FCCR process") shall apply to dissolution, legal separation, nullity, and parentage cases filed on or after January 1, 2013. A judicial officer may, in his or her sole discretion, elect to place an individual case other than a dissolution, legal separation, nullity, or parentage case in the FCCR process.
(Subd (a) adopted effective January 1, 2013.)

b. **CASE MANAGEMENT CONFERENCES**
At the time a dissolution, nullity, legal separation, or parentage case is filed, the case shall be automatically set for three case management conferences at six months, twelve months, and eighteen months.

If a Request for Order is set for hearing at a point in time close to a scheduled case management conference, the judicial officer may elect to conduct the case management conference concurrently with the hearing on the Request for Order.

Nothing in this rule prohibits a party from requesting a status conference earlier than a mandated case management conference. Nothing in this rule prohibits the setting of status conferences in addition to the three mandated case management conferences.
(Subd (b) adopted effective January 1, 2013.)

c. **NOTICE OF CASE MANAGEMENT CONFERENCES**
At the time the petition is filed, the court shall provide the petitioner with a Notice of Case Management Conferences. This notice shall give the date, time, and place that each party, or the party's attorney if represented, shall appear for the three required case management conferences.

A copy of the Notice of Case Management Conferences shall be served on the respondent at the same time as the petition and summons.
(Subd (c) adopted effective January 1, 2013.)

(Rule 5.7 adopted effective January 1, 2013.)

5.8 STATUS CONFERENCES AND STATUS CONFERENCE REPORTS

a. **APPLICABILITY OF RULE**
Rule 5.8 applies only to status conferences. It does not apply to case management conferences set per Rule 5.7.
(Subd (a) adopted effective January 1, 2013.)

b. **PROCEDURE FOR SETTING A STATUS CONFERENCE**
Status conferences may be used generally to assess the readiness of a case for meaningful settlement conference and/or trial. No party shall obtain a settlement conference or trial date except by court permission, which may be given at a status conference. Status conferences may be utilized at the court's discretion for any other purpose deemed appropriate, such as for setting trial management

conferences.

In dissolution of marriage, nullity of marriage, or legal separation matters, a status conference shall not be set at a party's request unless that party has filed his or her *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration* (Judicial Council form FL-141) showing that the moving party has complied with the disclosure requirements set forth in Family Code section 2104. Status conferences may be requested by filing a local form designated for that purpose, obtaining a date from the calendar clerk, and giving notice to the opposing party or counsel. Notice shall be consistent with Code of Civil Procedure section 1005 and proof of service of such notice shall be filed with the court.

Compliance with disclosure requirements is not required in Uniform Parentage Act cases or in proceedings to establish custody or support pursuant to Family Code section 3120. Thus, in cases brought per the Uniform Parentage Act or per Family Code section 3120, a party may request a status conference by filing a local form designated for that purpose, obtaining a date from the calendar clerk, and giving notice to the opposing party or counsel. Notice shall be consistent with Code of Civil Procedure section 1005 and proof of service of such notice shall be filed with the court.

The court may set a case on the status conference calendar at its discretion. No status conference may be continued or taken off calendar without court permission.
(Subd (b) adopted effective January 1, 2013.)

c. **FILING AND SERVICE OF STATUS CONFERENCE REPORT**
At least seven (7) calendar days before the scheduled status conference, each party (or their counsel) shall file with the court and serve on all other parties a completed status conference report on a local form designated for that purpose. The status conference report shall be printed on light blue paper. Proof of service of the status conference report shall be filed with the court at least seven (7) calendar days before the scheduled status conference.
(Subd (c) adopted effective January 1, 2013.)

d. **SANCTIONS**
The court may impose sanctions if:
(1) A status conference report is not timely filed and served;
(2) A status conference report is not fully completed;

(3) A party or his or her attorney fails to appear at the status conference. However, an attorney may appear on behalf of a party unless the court has ordered a party to personally appear; or,

(4) An attorney or a party is not substantially aware of all procedural, factual, and legal aspects of the case, or an attorney does not have full authority to discuss and resolve any issues that arise at the conference, including, but not limited to, resolving discovery and the setting of subsequent court dates.

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

(Rule 5.8 adopted effective January 1, 2013.)

5.9 COURT REPORTER FEES

The court will not provide court reporter services free of charge for hearings, evidentiary hearings, or trials. Unless the parties both waive a court reporter, each party shall be responsible for paying the applicable court reporter fees pursuant to Government Code section 68086 or the schedule approved by the Presiding Judge of the Superior Court of California, County of Solano. Fees are payable forthwith unless payment is specifically deferred until a later time by a judicial officer.

(Rule 5.9 adopted effective January 1, 2013.)

Superior Court of California
County of Solano

Rule 5 – Family Law
PART TWO: Settlement Conferences and Trials

5.10 SETTLEMENT CONFERENCES

a. **SETTLEMENT CONFERENCES GENERALLY**
Absent waiver for good cause shown, the court will require a mandatory settlement conference prior to that matter proceeding to trial. Each party and the attorney who will try the case for each party shall personally attend the settlement conference, unless the court excuses the party prior to the conference or has granted permission to appear telephonically.
(Subd (a) adopted effective January 1, 2013.)

b. **DUTY TO MEET AND CONFER**
The meet and confer requirements set forth in California Rules of Court, rule 5.98, shall also apply to settlement conferences.

Counsel and parties shall comply at all times with the policy of the law to promote settlement of litigation and, where possible, to reduce the costs of litigation by encouraging cooperation between the parties and attorneys (see Family Code section 271). Prior to the settlement conference, counsel and parties shall make good faith efforts to settle all or some of the issues. They must also cooperate so as to clearly outline and efficiently present the settled and unsettled issues to the court at the settlement conference.
(Subd (b) adopted effective January 1, 2013.)

c. **TIME FOR FILING AND SERVICE OF SETTLEMENT CONFERENCE STATEMENT AND OTHER REQUIRED DOCUMENTS**
Each party or attorney shall file and serve his or her settlement conference statement and any other documents required by this rule or by court order at least fourteen (14) calendar days prior to the settlement conference. Proof of service of the settlement conference statement shall be filed with the court at least seven (7) calendar days before the scheduled status conference.
(Subd (c) adopted effective January 1, 2013.)

d. **CONTENTS OF SETTLEMENT CONFERENCE STATEMENT**
A settlement conference statement shall state in the caption the date and time of the settlement conference.

Settlement conference statements submitted in an dissolution of marriage or registered domestic partnership, nullity, or legal separation action shall respond to each item set forth below. Settlement conference statements submitted in any other matter shall respond to each item set forth below, except for items (4), (5),

and (6). If a particular paragraph is not applicable, the statement shall indicate that fact.

(1) **Statistical Facts**

(a) **For Dissolutions, Nullities, and Legal Separations Only**

(i) The date of marriage or registration of registered domestic partnership, the date of separation, and the length of the marriage or registered domestic partnership in years and months; and,

(ii) If the date of separation or any other statistical fact is contested, the party shall provide all material facts in support of their position.

(b) **For All Cases:**

(i) The names and ages of minor children and any disabled adult children to whom a duty of support may be owed;

(ii) Ages of parties;

(iii) Whether there are any contested issues as to statistical facts, and if so, a statement setting forth all material facts concerning the contested issue(s); and,

(iv) The date service of process was completed, where it was made and how it was accomplished.

(2) **Child Custody and Visitation**

(a) A summary of the existing custody and visitation order or, if there is no existing order, the parties' current practice; and,

(b) The party's proposal for custody and visitation. If the proposal is to change the existing custody or visitation order, the statement shall include all material facts in support of the proposal.

(3) **Child Support**

(a) A summary of the existing child support order or, if there is no existing order, the parties' current practice;

(b) All material facts in support of any unusual circumstances regarding income, expenses or ability to earn income;

(c) A current calculation of the party's proposal for child support, pursuant to the relevant provisions of the Family Code, including a calculation of the percent of time share; and,

(d) A statement whether or not either party receives public assistance or services from the Department of Child Support Services in the instant or related cases.

(4) **Spousal or Partner Support (For Dissolutions, Nullities, and Legal Separations Only)**

(a) A summary of existing spousal or partner support order or, if there is no existing order, the parties' current practice;

(b) All material facts in support of any unusual circumstances regarding income, expenses or ability to earn income;

(c) The party's proposal for spousal or partner support; and,

(d) All relevant and material facts in support of the party's position, including facts concerning each of the factors in Family Code section 4320 in the case of establishing or modifying post-judgment support.

(5) **Contested Property Issues (For Dissolutions, Nullities, and Legal Separations Only)**

Each party shall list each contested asset or obligation, real or personal, and for each asset or obligation, furnish the following information, if relevant to the contested issue:

(a) The date it was acquired;

(b) If the asset has a formal title (e.g. house, vehicle, bank account, brokerage account, etc.), the manner in which title is vested;

(c) The party's position as to the property's character, e.g. as community property, separate property, or quasi-community or quasi-marital property;

(d) All material facts and law in support of the party's characterization of the property;

(e) The current fair market value of the property;

(f) The nature, extent and terms of any encumbrance against the property and the current net equity in the property;

(g) Whether the property has any community property interest through application of *Moore/Marsden* or *Pereira/Van Camp*, and if so, the factual and legal basis for apportionment, the formula for apportionment, and the value of each party's community and separate property interests; and,

(h) A detailed and complete proposal for the disposition of each item of property. If the proposed disposition is not substantially equal, the statement shall include a proposal for equalizing the disposition.

(6) **Reimbursements and Credits (For Dissolutions, Nullities, and Legal Separations Only)**

(a) If a party is claiming *Epstein* credits, *Watts/Jeffries* credits, Family Code section 2640 reimbursements, or other claims for

reimbursement or credits, the party shall include a complete statement setting forth the factual and legal basis for the credit or reimbursement claimed and the formula used (if any) to calculate the credit or reimbursement.

(7) **Attorney Fees, Expert Fees, and Costs**

(a) Amounts paid by a party on account of his or her own attorney fees, expert fees, and costs, and any balances due for such fees and costs;

(b) Amounts paid by a party on account of the other party's attorney fees, expert fees, and costs, and any balances due for such fees and costs; and,

(c) If a party is requesting that his or her attorney fees, expert witness fees, or costs be paid in part or in full by the other party, state the additional amounts requested and the legal and factual basis for the request.

(8) **Documents, Schedules, and Summaries**

(a) If property is to be characterized and/or divided, attach copies of all appraisals, expert reports, and other documentary evidence of an asset's value or amount of debt to be offered at the time of trial; and,

(b) List and describe all documents, schedules or summaries, and/or other evidence to be offered at the time of trial. However, evidence intended for use only for impeachment purposes is not required to be listed.

(9) **Witnesses and Reports**

(a) Give the name, address and telephone number of each witness the party plans to call at trial;

(b) Attach a copy of each document schedule, summary, expert report or appraisal about which the witness will testify unless a copy is attached elsewhere in the settlement conference statement; and,

(c) Provide a brief statement setting forth the substance of the witnesses' testimony.

(10) **Points and Authorities**

With respect to disputed matters, each party shall list the points and authorities or legal arguments upon which that party intends to rely, so far as is known at the time the statement is prepared.

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

e. **INCOME AND EXPENSE DECLARATION; TAX RETURNS**
If child support, spousal support, attorney fees and costs, or sanctions are at issue and unless a current *Income and Expense Declaration* (Judicial Council form FL-150) is already on file, an updated *Income and Expense Declaration* shall be filed concurrently with the party's settlement conference statement. "Current" shall have the same definition as California Rules of Court, rule 5.260(a)(3). Each party shall also be prepared to provide the court with a complete copy of that party's two most recent federal personal tax returns. This shall include all schedules and attachments. If either party files a separate tax return for a business, a complete copy of the two most recent federal tax returns for that business shall also be made available. Except for Taxpayer Identification Numbers (TIN) or Social Security Numbers, no information on any tax returns provided to the court may be redacted.
(Subd (e) adopted effective January 1, 2013.)

f. **TRIAL JUDGE AS SETTLEMENT CONFERENCE JUDGE**
The settlement conference will be conducted by the trial judge. If any party objects to the trial judge acting as the settlement conference judge, the objecting party must do as follows:
(1) Orally object at the hearing if the party is present at the hearing at which the settlement conference date is set; or,
(2) Object in writing if the party is not present at the hearing at which the settlement conference date is set. The written objections must be filed no later than ten (10) calendar days after receiving notice of the settlement conference date.
(Subd (d) adopted effective January 1, 2013.)

(Rule 5.10 adopted effective January 1, 2013.)

5.11 EVIDENTIARY HEARINGS AND TRIALS

a. **MEET AND CONFER REQUIREMENTS**
The meet and confer requirements set forth in California Rules of Court, rule 5.98, shall also apply to all evidentiary hearings and trials.
(Subd (a) adopted effective January 1, 2013.)

b. **VACATING OR CONTINUING AN EVIDENTIARY HEARING OR TRIAL DATE**
An evidentiary hearing or trial may be vacated or continued only by court permission obtained pursuant to stipulation by the parties, by order after a noticed request, or upon the court's own motion.

If the evidentiary hearing or trial is continued at a party's request or by stipulation, the current fee charged for such continuances shall be paid prior to or concurrently with the filing of the order continuing the trial or evidentiary hearing.
(Subd (b) adopted effective January 1, 2013.)

c. **DOCUMENTARY EVIDENCE**
The parties shall bring to trial a sufficient number of copies of all evidence such that a copy can be provided to all opposing parties and the court. Except for evidence to be used solely for impeachment (e.g. to directly attack the credibility of a party or witness), copies of all evidence shall be exchanged with all other parties prior to the commencement of the trial.

So far as is practicable, all parties must have their respective exhibits (except those to be used solely for impeachment) marked by the courtroom clerk before the time scheduled for trial to start, unless excused by the assigned judicial officer.
(Subd (c) adopted effective January 1, 2013.)

(Rule 5.11 adopted effective January 1, 2013.)

5.12 – 5.19 [RESERVED]

5.20 CHILD CUSTODY RECOMMENDING COUNSELING

a. **PARTIES' DUTIES**

In all proceedings and actions where there is an initial contested issue regarding the custody of or visitation with a minor child, the matter shall be set for child custody recommending counseling through Family Court Services. The custody counseling shall be completed and a report issued by the child custody recommending counselor before the court hears the matter. Emergency hearings for temporary orders pending the hearing are exempt from this rule.

If a party does not appear for the hearing and there is satisfactory proof in the court file that the non-appearing party has notice of the hearing, the counseling session may proceed without the party's participation or may be excused in the court's discretion.
(Subd (a) adopted effective January 1, 2013.)

b. **REPORT – FULL AGREEMENT**

Where a full agreement has been reached in the counseling session between the parties regarding the issues of custody and visitation, the child custody recommending counselor shall prepare and forward to the court a written summary of such agreement.
(Subd (b) adopted effective January 1, 2013.)

c. **REPORT – PARTIAL OR NO AGREEMENT**

Where there is not a full agreement between the parties regarding the issues of custody and/or visitation, the child custody recommending counselor shall submit a recommendation to the court regarding custody of and/or visitation with the minor child(ren), per Family Code section 3183. The counselor's recommendation shall state the factual basis for the recommendation, which may include matters communicated to the counselor by the parties or the minor child(ren). The court may consider the written recommendation of the counselor and the basis for that recommendation in determining the issues before the court at the time of hearing.
(Subd (c) adopted effective January 1, 2013.)

d. **DISCLOSURE OF CHILD CUSTODY RECOMMENDING COUNSELING REPORT PROHIBITED**

Any written report or recommendation from a child custody recommending counselor 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.

Dissemination of the report to persons other than those identified above is strictly prohibited.
(Subd (d) adopted effective January 1, 2013.)

e. **CALLING THE CHILD CUSTODY RECOMMENDING COUNSELOR AS A WITNESS**
The child custody recommending counselor may be called as a witness by either party, minor's counsel, or the court, and may testify regarding his or her recommendation and the basis therefore. A party or attorney calling the counselor as a witness at any hearing must comply with all statutory requirements for compelling a witness' attendance at a hearing or trial, including the payment of witness fees.
(Subd (e) adopted effective January 1, 2013.)

f. **GRIEVANCE PROCEDURE**
The procedure for processing a complaint concerning a Family Court Services child custody recommending counselor shall be as follows:

(1) Complaints are only accepted from the following individuals:
   (a) A party to the action;
   (b) A party's attorney; or
   (c) The court-appointed attorney for the minor child.

(2) The complainant must submit his or her complaint in writing with the Court Services Program Manager for the Family Law Division.

(3) The written complaint must include the following information:
   (a) The names of the parties in the case and their attorneys;
   (b) The family law case number;
   (c) The most recent court date and the date(s) on which the parties met with the counselor;
   (d) The name(s) of any Family Court Services personnel (i.e. child custody recommending counselors) with whom the complainant had contact; and,
   (e) A statement explaining the reasons for the complaint. Mere disagreement with a child custody recommending counselor's recommendation(s) or stated reasons for a recommendation 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 dismissed without further investigation or action.

(4) Persons making complaints should be aware that all information contained in the complaint will be made available to all parties and the counselor(s) involved in the case.

(5) The program manager will conduct an investigation of the matter, which will include consultation with the child custody recommending counselor. The complainant will be informed in writing of the results of the program manager's investigation within 30 days of the submission of the complaint.

(6) Nothing precludes the complainant from bringing his or her concerns to the court through a noticed motion.

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

g. **PEREMPTORY CHALLENGE AGAINST FAMILY COURT SERVICES CHILD CUSTODY RECOMMENDING COUNSELOR**

There shall be no "peremptory challenges" of the assigned Family Court Services child custody recommending counselor.

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

h. **EX PARTE COMMUNICATIONS WITH CHILD CUSTODY RECOMMENDING COUNSELOR**

Ex parte communication between any party or any attorney and the Family Court Services child custody recommending counselor is prohibited, unless authorized by the court or unless the child's or a party's physical safety is subject to imminent risk of harm or danger.

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

(Rule 5.20 adopted effective January 1, 2013.)

5.21 CHILD CUSTODY AND VISITATION EVALUATIONS

a. **CONTACT WITH EVALUATOR IN CHILD CUSTODY PROCEEDINGS**

All ex parte communications between court-appointed or court-connected evaluators and parties or their attorneys are prohibited, except as provided by law or court order. (A "court-connected evaluator" is a superior court employee or a person under contract with a superior court who conducts child custody evaluations. CRC 5.225(b)(7).) 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 report and the

conduct of a new evaluation or investigation at the sole expense of the offending party.
(Subd (a) adopted effective January 1, 2013.)

b. **SANCTIONS FOR UNAUTHORIZED ACCESS TO EVALUATOR'S REPORT**
Disclosure of the report is governed by Family Code section 3111. If any person entitled by law or court order to have access to the report discloses the report to unauthorized individuals or the minor child, the court may impose sanctions against that person.
(Subd (b) adopted effective January 1, 2013.)

c. **GRIEVANCE PROCEDURE – EVALUATORS**
The procedure for processing a complaint concerning a court-appointed or court-connected evaluator 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. 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 (c) adopted effective January 1, 2013.)

d. **PEREMPTORY CHALLENGE AGAINST EVALUATOR**

There shall be no "peremptory challenges" of the appointed evaluator.

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

e. **EVALUATOR'S PETITION FOR WITHDRAWAL FROM A CASE**

A private evaluator 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. The petition shall be filed and served in compliance with Code of Civil Procedure section 1005.

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

(Rule 5.21 adopted effective January 1, 2013.)

5.22 – 5.29 [RESERVED]

5.30 CALCULATION OF TEMPORARY SPOUSAL OR PARTNER SUPPORT

The court has adopted the Santa Clara guideline for temporary spousal or partner support.

(Rule 5.30 adopted effective January 1, 2013.)

5.31 – 5.39 [RESERVED]

5.40 CALENDARING HEARINGS FOR DEFAULT OR UNCONTESTED JUDGMENTS

Whenever permitted by law, parties are strongly encouraged to submit judgments by affidavit instead of requesting a hearing.

To obtain an uncontested or default judgment through a hearing, the requesting party shall submit a request for a hearing date in writing to the Family Law Clerk's Office. That request will then be submitted to the assigned judicial officer for calendaring. If the request is granted, a notice of hearing will then be sent to the requesting party.

(Rule 5.40 adopted effective January 1, 2013.)

5.41 DOCUMENTS NEEDED FOR JUDGMENTS FOR LEGAL SEPARATION OR DISSOLUTION OF MARRIAGE OR REGISTERED DOMESTIC PARTNERSHIP

To obtain a judgment of dissolution or legal separation by declaration (without a hearing in court) pursuant to Family Code section 2336, the petitioner shall provide the forms listed in *Judgment Checklist – Dissolution/Legal Separation* (Judicial Council form FL-182) for the situation that pertains to that case (e.g. default without agreement, default with agreement, or uncontested). Documents that have already been filed do not need to be resubmitted.

To obtain a judgment of dissolution of marriage or registered domestic partnership or legal separation through a hearing, the requesting party must submit to the court **at the time the hearing is requested** the documents identified in *Judgment Checklist – Dissolution/Legal Separation* (Judicial Council form FL-182) for the situation that pertains to that case (e.g. default without agreement, default with agreement, or uncontested). Documents that have already been filed do not need to be resubmitted.

(Rule 5.41 adopted effective January 1, 2013.)

5.42 DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

Judgments for nullity of marriage or registered domestic partnership must be set for hearing. They may not be requested by affidavit.

To obtain a judgment of nullity of marriage or registered domestic partnership, the requesting party must submit to the court the documents identified in Appendix 5-A for

the situation that pertains to that case (e.g. default without agreement, default with agreement, or uncontested). Documents that have already been filed do not need to be resubmitted.

(Rule 5.42 adopted effective January 1, 2013.)

5.43 DOCUMENTS NEEDED FOR DEFAULT OR UNCONTESTED JUDGMENTS FOR ESTABLISHMENT OF PARENTAL RELATIONSHIP (UPA) OR FOR ESTABLISHMENT OF CUSTODY AND SUPPORT

To obtain a uncontested or default judgment that either establishes the existence or non-existence of a parental relationship or establishes custody and support per Family Code section 3120, the requesting party must submit to the court the documents identified in Appendix 5-B for the situation that pertains to that case (e.g. default without agreement, default with agreement, or uncontested). Documents that have already been filed do not need to be resubmitted.

(Rule 5.43 adopted effective January 1, 2013.)

Superior Court of California
County of Solano

Rule 5 – Family Law
APPENDIX 5-A

DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

A. DEFAULT WITH NO AGREEMENT (*NO APPEARANCE AND NO AGREEMENT*)

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- The petitioner's *Declaration regarding Service of Declaration of Disclosure and Income and Expense Declarati* FL-141)
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- **If there are children of the relationship,** submit the following:
  1. The petitioner's *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105)
- **If any financial relief is requested (e.g. child support, spousal/partner support, attorney fees)**, submit the following:
  - The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)
  - For attorney fees:
    - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
    - Either a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form

The following documents shall be submitted to the court **prior to or at the hearing**:

- *Judgment* (form FL-180), to which is attached:
  1. If child custody is requested:
     - *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. If spousal or partner support is requested:
     - *Spousal, Partner, or Family Support Order Attachment* (form FL-343) or other proposed written order
  4. If attorney fees are requested:
     - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
  5. If property division is requested:
     - *Property Order Attachment to Judgment* (form FL-345) or other proposed written order
- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

Superior Court of California
County of Solano

Rule 5 – Family Law
APPENDIX 5-A

DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

B. DEFAULT WITH AGREEMENT (*NO RESPONSE AND A WRITTEN AGREEMENT*)

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- *Declaration regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form FL-141) from both the petitioner and respondent (each party must file a separate form)
- One of the following:
  1. *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form FL-141) from both the petitioner and respondent (each party must file a separate form)
  2. *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144)
  3. Separately filed waiver or waiver included in a written agreement under Family Code section 2105(d)
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- **If there are children of the relationship,** submit the following:
  1. The petitioner's *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105)
- **If any financial relief is requested (e.g. child support, spousal/partner support, attorney fees)**, submit the following:
  1. The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)
  2. The respondent's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)
  3. For attorney fees:
     - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
     - A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form

The following documents shall be submitted to the court **prior to or at the hearing**:

- *Judgment* (form FL-180), to which is attached:
  1. If child custody is requested:
     - *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. If spousal or partner support is requested:
     - *Spousal, Partner, or Family Support Order Attachment* (form FL-343) or other proposed written order

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DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

4. If attorney fees are requested:
   - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
5. If property division is requested:
   - *Property Order Attachment to Judgment* (form FL-345) or other proposed written order

- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

Superior Court of California
County of Solano

Rule 5 – Family Law
APPENDIX 5-A

DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

C. UNCONTESTED CASE *(APPEARANCE BY RESPONDENT AND A WRITTEN AGREEMENT)*

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- *Declaration regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form FL-141) from both the petitioner and respondent (each party must file a separate form)
- One of the following:
  1. *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form FL 141) from both the petitioner and respondent (each party must file a separate form)
  2. *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144)
  3. Separately filed waiver or waiver included in a written agreement under Family Code section 2105(d)
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- **If there are children of the relationship,** submit the following:
  1. The petitioner's *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105)
- **If any financial relief is requested (e.g. child support, spousal/partner support, attorney fees)**, submit the following:
  1. The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)
  2. The respondent's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)
  3. For attorney fees:
     - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
     - A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form

The following documents shall be submitted to the court **prior to or at the hearing**:

- *Judgment* (form FL-180), to which is attached:
  1. If child custody is requested:
     - *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. If spousal or partner support is requested:
     - *Spousal, Partner, or Family Support Order Attachment* (form FL-343) or other proposed written order

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DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

4. If attorney fees are requested:
   - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
5. If property division is requested:
   - *Property Order Attachment to Judgment* (form FL-345) or other proposed written order

- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

Superior Court of California
County of Solano

Rule 5 – Family Law
APPENDIX 5-B

DOCUMENTS NEEDED FOR DEFAULT OR UNCONTESTED JUDGMENTS FOR ESTABLISHMENT OF PARENTAL RELATIONSHIP (UPA) OR FOR ESTABLISHMENT OF CUSTODY AND SUPPORT PER FAMILY CODE §3120

A. DEFAULT WITH NO AGREEMENT (*NO RESPONSE AND NO AGREEMENT*)

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested or at the time the judgment by declaration is submitted**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- The petitioner's *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105)
- **If proceeding without a hearing**, submit a *Declaration for Default or Uncontested Judgment* (form FL-230), to which is attached:
  1. The petitioner's *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235)
  2. If attorney fees are requested:
     - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
     - Either a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form
- **If either child support or attorney fees are requested**, submit the following:
  1. The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)

The following documents shall be submitted to the court **prior to or at the hearing or at the time the judgment by declaration is submitted**:

- *Judgment* (form FL-250), to which is attached:
  1. *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. **If attorney fees are requested:**
     - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

Superior Court of California
County of Solano

Rule 5 – Family Law
APPENDIX 5-B

DOCUMENTS NEEDED FOR DEFAULT OR UNCONTESTED JUDGMENTS FOR ESTABLISHMENT OF PARENTAL RELATIONSHIP (UPA) OR FOR ESTABLISHMENT OF CUSTODY AND SUPPORT PER FAMILY CODE §3120

B. DEFAULT WITH AGREEMENT (*NO RESPONSE AND A WRITTEN AGREEMENT*)

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested or at the time the judgment by declaration is submitted**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- The petitioner's *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105)
- **If proceeding without a hearing,** submit a *Declaration for Default or Uncontested Judgment* (form FL-230), to which is attached:
  1. The petitioner's *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235)
  2. The respondent's *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235)
  3. If attorney fees are requested:
     - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
     - Either a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form
- **If either child support or attorney fees are requested**, submit the following:
  1. The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)

The following documents shall be submitted to the court **prior to or at the hearing or at the time the judgment by declaration is submitted**:

- *Judgment* (form FL-250), to which is attached:
  1. *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. *If attorney fees are requested:*
     - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

Superior Court of California
County of Solano

Rule 5 – Family Law
APPENDIX 5-B

DOCUMENTS NEEDED FOR DEFAULT OR UNCONTESTED JUDGMENTS FOR ESTABLISHMENT OF PARENTAL RELATIONSHIP (UPA) OR FOR ESTABLISHMENT OF CUSTODY AND SUPPORT PER FAMILY CODE §3120

C. UNCONTESTED (APPEARANCE BY THE RESPONDENT AND A WRITTEN AGREEMENT)

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested or at the time the judgment by declaration is submitted**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) from both the petitioner and respondent (a separate form must be filed by each party)
- *Stipulation for Entry of Judgment Re: Establishment of Parental Relationship* (form FL-240)
- **If proceeding without a hearing,** submit a *Declaration for Default or Uncontested Judgment* (form FL-230), to which is attached:
  1. *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235) from both the petitioner and the respondent (a separate form must be signed by each party)
  2. If attorney fees are requested:
     - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
     - Either a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form
- **If either child support or attorney fees are requested**, submit the following:
  1. The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)

The following documents shall be submitted to the court **prior to or at the hearing or at the time the judgment by declaration is submitted**:

- *Judgment* (form FL-250), to which is attached:
  1. *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. *If attorney fees are requested:*
     - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 6 – Juvenile Proceedings

APPENDIX – Standing Orders of the Juvenile Court

Standing Order	Title
2002-01	Medical Authorization – Juvenile Hall
2002-02	Community School Programs
2002-05	Release of Records, Absent Parents
2002-07	Release of Records – Financial Hearing Officer
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
2011-003	Standing Order to Facilitate Child Welfare Services Disaster Response Plan
2011-004	The Exchange of Information Pertaining to Juveniles Among Members of Multidisciplinary Teams
2011-005	Exchange and Release of Information Between Child Welfare Services and the Solano County Court Investigator
2011-006	Exchange & Release of Juvenile Records to be Used in the Solano Countywide Foster Youth Services Program (Education Code § 488850 et seq., Welfare & Institutions Code § 827, Cal. Rules of Court, rule 5.552)
2011-007	Release of School Records to Solano County Probation and Solano County Health and Social Services, Child Welfare Services Division (Education Code § 49077)
2011-008	Toxicology Testing for Drug Exposed Children Subject to Juvenile Laws (Welfare & Institutions Code § 369, subd. (d))
2012-001	Standing Order Authorizing Medical Evaluation and Treatment for Minors Placed into Protective Custody and Temporarily Detained in Out-of-Placement by Child Welfare Services

Superior Court of California
County of Solano

Rule 6 – Juvenile Proceedings

APPENDIX – Standing Orders of the Juvenile Court

FILED
SOLANO COUNTY COURTS

02 AUG -2 PM 3:50

CHARLES D. RAMEY
By Patty Worcester
DEPUTY CLERK

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

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

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

I. HEALTH APPRAISAL AT CONFINEMENT

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

1. A complete medical history and physical examination, including laboratory and diagnostic testing.

2. A mental health status evaluation.

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

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

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

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

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

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

II. CONTINUING TREATMENT AFTER DETENTION

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

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

Dated: 8/2/02

DAVID EDWIN POWER
Judge of the Superior Court, Juvenile Division

FILED
SOLANO COUNTY COURTS
02 AUG -2 PM 4:04
CHARLES D. RAMEY
By Patsy Winchester
DEPUTY CLERK

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

IN THE MATTER OF: DESIGNATION OF CHIEF PROBATION OFFICER/DESIGNEE AS REPRESENTATIVE OF COURT FOR PURPOSES OF REFERRING STUDENTS TO THE COMMUNITY SCHOOL PROGRAMS (Welfare and Institutions Code Section 654 and Education Code Section 42238.18(c).)	**STANDING ORDER** **2002-** 2

The Juvenile Standing Order Misc J 430 issued on February 7, 2000, is hereby vacated and reissued *nunc pro tunc* as Standing Order 2002- 2 effective August 1, 2002.

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

Dated: 8/2/02

DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

FILED
SOLANO COUNTY COURTS
02 AUG -2 PM 4:05
CHARLES D. RAMEY
By D. E. Brothers
DEPUTY CLERK

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

IN THE MATTER OF: **RELEASE OF ABSENT PARENTS NAMES AND ADDRESS BY SOLANO COUNTY DEPARTMENT OF CHLD SUPPORT SERVICES TO CPS**	**STANDING ORDER** **2002-** 5

The Juvenile Standing Order Misc J 572 issued on July 24, 2001, is hereby vacated and reissued *nunc pro tunc* as Standing Order 2002- 5 effective August 1, 2002.

IT IS HEREBY ORDERED THAT:

The Solano County Department of Child Support Services [SCDCSS] (formerly the Solano County District Attorney's Family Support Division) shall provide the name and address of absent parents, if known, to Solano County Child Protective Services. The information shall be provided upon written request by C.P.S. to SCDCSS and a determination by SCDCSS that providing the name and address of the absent parent will not violate the provisions of Family Code Section 17212(b)(2).

Dated: 8/2/02

DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

Standing Order 2002- 5
Re:Release of Parent Information by Solano County Department of Child Support Services to CPS

FILED
SOL- . COUNTY COURTS
02 AUG 2 PM 4:03
CHARLES D. RAMEY
By D. Q. Brown
DEPUTY CLERK

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

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

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

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

THE COURT THEREFORE ISSUES THE FOLLOWING STANDING ORDER:

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

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

//

from Welfare and Institutions Code section 300 case files.

Dated: 8/2/02

DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

FILED
Clerk of the Superior Court
JUN 23 2010
By DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE COUNTY OF SOLANO

IN SESSION AS A JUVENILE COURT

IN THE MATTER OF: RELEASE OF JUVENILE DELINQUENCY RECORDS	STANDING ORDER NO. 2010-001_____ RE: RELEASE OF JUVENILE CASE FILE INFORMATION FOR W&I 601 AND 602 PROCEEDINGS

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

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

I. GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

F. **Minor Permitted to Review and Receive His/Her Own Medical and Mental Health Information.** Notwithstanding any other provision of this Standing Order, an individual seeking psychiatric evaluations, medical records and/or mental health records from his or her own Juvenile Case File may receive such records following execution of a release that is compliant with the federal Health Information Privacy and Accountability Act ("HIPAA") and the California Confidentiality of Medical Information Act (Cal. Civil Code §56 et seq.). The release shall be on a form adopted by the Probation Department and must be either notarized or signed in the presence of a Probation Department or other law enforcement official designated by the Chief Probation Officer.

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

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

II. VIEWING JUVENILE CASE FILES

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

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

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

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

III. OBTAINING DOCUMENTS FROM JUVENILE CASE FILES

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

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

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

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

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

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

IV. OBTAINING VERBAL INFORMATION CONTAINED IN JUVENILE CASE FILES

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

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

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

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

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

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

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

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

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

V. RELEASE OF INFORMATION TO THE MEDIA.

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

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

1. Whether or not an arrest has been made.

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

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

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

VI. PROTECTIVE ORDER

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

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

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

c. District Attorneys, City Attorneys authorized to prosecute criminal cases, and Public Defenders or other private defense counsel may disseminate records or disclose information in compliance with their discovery obligations under statutory and case law.

d. Records and information may be disclosed to a judicial officer of Solano County Superior Court for any purpose associated with that judicial officer's obligation to render any type of decision concerning that individual.

e. In cooperation with federal authorities consistent with California Penal Code section 834b.

B. Any violation of this Protective Order is punishable as a misdemeanor.

C. Any production or dissemination of juvenile records shall be accompanied by a copy of the Protective Order made herein. A true and correct copy of the Protective Order is attached and made a part of this Standing Order.

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

Dated: April 8, 2010

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

SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE COUNTY OF SOLANO

IN SESSION AS A JUVENILE COURT

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

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

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

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

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

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

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

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

D. Any violation of this Protective Order is punishable as a misdemeanor.

Dated: April 8, 2010

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

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

In the Matter of STANDING ORDER AUTHORIZING MENTAL HEALTH EVALUATION AND/OR TREATMENT FOR DEPENDENT CHILDREN OR MINORS PLACED INTO PROTECTIVE CUSTODY BY CHILD WELFARE SERVICES	STANDING ORDER 2011-001

To expedite the assessment and treatment of mental health needs of minors who are in need of crisis mental health services after being taken into protective custody and prior to any juvenile court intervention, it is hereby ordered that the Child Welfare Services Division of Solano County Health and Social Services, may authorize mental health treatment for minors as specified in this order. Nothing in this Standing Order shall allow Child Welfare Services to consent to placement of a minor in an inpatient psychiatric facility, or to the prescription or administration of psychotropic medications for a minor, absent the written consent of the minor's parent or guardian when permitted by law, or a specific order of this Court.

This authority is given in all cases in which the minor's parent or guardian is unavailable, unable or unwilling to execute such documents.

At the time a minor is taken into protective custody, all reasonable efforts shall be made to obtain the consent of the parent or legal guardian for ongoing mental health care while the minor is detained. Child Welfare Services shall maintain records of its efforts to obtain consent for treatment. If consent cannot be obtained with

reasonable efforts, Child Welfare Services is authorized to consent on behalf of the minor to any routine, ongoing or emergency mental health care which will protect and promote the minor's mental well being. Child Welfare Services shall have the authority to execute any documents required by the treating provider which are consistent with the scope of this order, including specific consents required by the provider for:

(1) assessment;

(2) treatment;

(3) sharing of information;

(4) determination and eligibility; and

(5) provision of payment of services.

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By _____ DEPUTY CLERK

In the Matter of ORDER RE: RELEASE OF PROBATION FILES AND INFORMATION REGARDING PARENTS WITH CHILDREN UNDER THE JURISDICTION OF THE JUVENILE COURT	)	STANDING ORDER 2011-002

Pursuant to the provisions of California Penal Code section 1203.10 and the holdings in *McGuire v. Superior Court* (1993) 12 Cal.App.4th 1685 and *People v. Gayton* (2006) 137 Cal.App.4th 96, the Court finds good cause to issue the following order regarding access to Probation Department files regarding adults who have children under the jurisdiction of the Solano County Juvenile Court. ON GOOD CAUSE APPEARING, IT IS ORDERED THAT:

1. The Solano County Department of Health and Social Services, Child Welfare Services Division, is authorized to obtain verbal information from the Probation Department and/or view the Probation Department's file concerning the parent, and may make photocopies of documents contained in the file that are relevant to the pending juvenile court proceeding as determined by the reviewing Child Welfare Services worker.

2. A separate court order upon motion and a showing of good cause must be obtained for disclosure of documents in the Probation Department's file which contain:

(a) information regarding victims that is not already included in a probation report,

(b) statements made in confidence to a probation officer by a non-party to the pending proceeding,

(c) medical and mental health records, including psychological/psychiatric evaluations, and

(d) medical records concerning the defendant. For purposes of this Standing Order, the Probation Department File means the physical file maintained in the Probation Department and any notes maintained in the automated case management system.

3. All file reviews shall be conducted in the presence of a probation officer, by appointment made at least 48 hours in advance, at the Probation Department office or at another mutually agreeable location.

4. No original documents may be removed from the Probation Department's file by Child Welfare Services Division staff.

5. The use of the information contained in the Probation Department's file is limited to the Juvenile Court proceedings involving the parent's minor child(ren). No information obtained pursuant to this Standing Order shall be used for any other purpose without further Court orders.

6. The Probation Department may, in its sole discretion, require proof that the person requesting to obtain information or view and copy a Probation Department file is an authorized representative of the Department of Health and Social Services,

Child Welfare Services Division and that there are pending Juvenile Court proceedings involving the individual(s) minor child(ren).

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

In re: STANDING ORDER TO FACILITATE CHILD WELFARE SERVICES DISASTER RESPONSE PLAN	)	STANDING ORDER 2011-003

It is ordered that in the event that Solano County is declared a disaster area by the Governor of the State of California and the Presiding Judge of the Juvenile Court or his designee is not available to conduct regular court business; Solano County Child Welfare Services is authorized to take the action listed below pursuant to this standing order to ensure the safety and protection of the children within Solano County:

1. **Authorization to Place in Temporary Custody:** Child Welfare Services may place into temporary protective custody any minor in need of services.
2. **Personal Identification of Minor Children:** Child Welfare Services may release a minor's personal identifying information, including but not limited to name, age, gender, birth date and photograph to assist in locating or placing a minor.
3. **Placement of Minor Children:** Child Welfare Services may place minors in emergency housing in or outside of the county and state and may temporarily place minors with relatives and non-relatives who have not been live-scanned.

4. **Authorization to Consent to Medical Care:** Child Welfare Services may give consent for medical treatment for any minor in the temporary physical custody and control of Child Welfare Services, even if the minor is not currently under the supervision of the Juvenile Court.

This standing order shall cease to be effective when the Presiding Judge of the Juvenile Court or his designee is again available to conduct regular court business and issues an order terminating the applicability of the standing order to the declared disaster or the declaration of disaster has been rescinded.

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

In the Matter of THE EXCHANGE OF INFORMATION PERTAINING TO JUVENILES AMONG MEMBERS OF MULTIDISCIPLINARY TEAMS.	STANDING ORDER 2011-004

The Juvenile Standing order Misc. 2002-4 issued on August 1, 2002, is hereby vacated and reissued *nun pro tunc* as Standing Order 2011-004 effective July 1, 2011.

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

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

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

1. Each member of the MDT is hereby authorized to share medical, mental health, social service and education information regarding the minor in order to provide services to the minor, pursuant to the terms of the MOU.

2. No information shared among members of the MDT may be disclosed to anyone other than members of the MDT and collateral service providers as defined by Welfare and Institutions Code section 18986.40.

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

In the Matter of EXCHANGE AND RELEASE OF INFORMATION BETWEEN CHILD WELFARE SERVICES AND THE SOLANO COUNTY COURT INVESIGATOR	STANDING ORDER 2011-005

The Juvenile Court Standing order 2002-6 effective August 1, 2002, is vacated and reissued as Standing Order 2011-005 effective July 1, 2011, as follows:

In order for the Solano County Superior Court to fully evaluate and consider the establishment or continuance of guardianships over minors who come before the Probate Court and to make custodial and placement decisions regarding minors who come before the juvenile court, it is necessary for the Presiding Court to receive a comprehensive investigative report of each minor's circumstances.

In order for the Presiding Court to have complete and accurate information, it is necessary for the Solano County Court Investigators and the Solano County Department of Health and Social Services, Child Welfare Services division, to receive any and all information regarding the custody and care of minor children who have come before the Probate Court or the attention of the Solano County Child Welfare Services.

Therefore, pursuant to Welfare and Institutions Code sections 827, 827.10 and

10850, each and every Solano County Superior Court Investigator or Child Welfare Services worker, upon verification of employment and assignment to investigate the guardianship or dependency matter under the jurisdiction of the Solano County Superior Court, shall be given access to information pertaining to the minor, minor's family of origin, the minor's guardian or prospective guardian as follows:

1. Any and all records maintained by the Solano County Health and Social Services, Child Welfare Division, including but not limited to referrals, emergency response investigative reports, court reports, evaluation, etc., pertaining to the minor, the guardian or prospective guardian.

2. Any reports, recommendations, assessments prepared by a multi-disciplinary team convened for the purpose of assessing and making recommendations regarding a family or family group which includes the minor who is the subject of the guardianship investigation.

3. Any and all school records pertaining to the minor who is the subject of the guardianship investigation.

4. Any and all health records pertaining to the minor who is the subject of the guardianship investigation.

5. Any and all mental health records pertaining to the minor who is the subject of the guardianship investigation.

6. Any and all substance abuse records pertaining to the minor who is the subject of the guardianship investigation.

7. Any and all court documents contained in a Solano County Superior Court Probate Guardianship file on a minor who is subject to the jurisdiction every representative of the Solano County Superior Court Dependency action Department of Health and Social Services, Child Welfare Services Division, upon showing proof of

employment and verification of an open juvenile dependency case, shall be entitled to receive copies of all court documents, including any Court Investigator's reports submitted on behalf of the minor, regarding a guardianship of any minor child regarding whom a Juvenile Dependency case has been filed.

8. Each party shall maintain the confidentiality of the records reviewed, inspected or copied pursuant to this order. Any information obtained from these records shall not be disseminated except in the court proceedings for which they were obtained. Any copies or records obtained by the Court Investigator shall be destroyed upon termination of the proceedings for which they were obtained. .

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

In the Matter of EXCHANGE & RELEASE OF JUVENILE RECORDS TO BE USED IN THE SOLANO COUNTYWIDE FOSTER YOUTH SERVICES PROGRAM (Education Code section 488850 et seq, Welfare & Institutions Code 827, California Rules of Court, rule 5.552)	STANDING ORDER 2011-006

Juvenile Court Standing Order 2002-9 issued on August 1, 2002, is hereby vacated and reissued as Standing Order No. 2011-006 effective July 1, 2011.

WHEREAS, the Solano County Office of Education Foster Youth Services Program (FYS) is intended to make foster youth educational services more readily available to foster children and youth that are under the jurisdiction of the County of Solano in compliance with the requirements established under AB 490; and

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

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

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

IT IS ORDERED AS FOLLOWS:

1. Educational records and any other records necessary to ensure that the educational needs of children and youth taken into protective custody by Child Welfare Services or who come under the jurisdiction of the juvenile court; may be exchanged between schools, school districts, community colleges, community college districts, Solano County Office of Education and Child Welfare Services.

2. Records and information regarding foster children and youth under the jurisdiction of the County of Solano and maintained by any agency for the purpose of the delivery of educational services to the foster children under the jurisdiction of the County of Solano shall be released to the representatives of FYS.

3. The records subject to this Order shall consist of health and education records as described in Welfare and Institutions Code section 16010(a).

4. Copies of this Order shall be distributed to:

a. County of Solano, Health and Social Services Department, Child Welfare Services, Mental Health, and Public Health,

b. County of Solano, Probation Department,

c. County of Solano, Office of Education,

d. All school districts in the County of Solano,

e. All Directors of Special Education Local Plan Areas (SELPAs) in the County of Solano,

f. All private and charter schools in the County of Solano,

g. Any community college district or community college.

h All other educational institutions serving foster youth in the County, of Solano County,

i. All foster care providers and foster family agencies in the County of Solano County,

j. All Regional Centers for the Developmentally Disabled in the County of Solano County,

k. CASA of Solano County,

l. All attorneys representing clients in Juvenile Court matters;

m. ICWA Tribal Advocates,

n. All out-of-county Foster Youth Services Coordinators; and

o. All out-of-county providers who serve Solano County wards and dependents.

5. FYS representative may share information with the persons and agencies listed in the preceding paragraph if: (1) such disclosure will be in the best interest of the minor whose records are sought and (2) the information contained in those records is necessary and relevant to the provision of services to the foster youth.

6. The records or information subject to this order may be transmitted electronically if the transmitting party establishes a method of transmission that ensures the confidentiality of the record or information.

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

8. The Solano County Office of Education shall be responsible to ensure that all persons and agencies involved with FYS are provided with a copy of this Order.

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

In the Matter of RELEASE OF SCHOOL RECORDS TO SOLANO COUNTY PROBATION AND SOLANO COUNTY HEALTH AND SOCIAL SERVICES, CHILD WELFARE SERVICES DIVISION (Education Code section 49077)	STANDING ORDER 2011-007

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

Juvenile Court Standing Order 2002-10 issued August 1, 2002 is hereby vacated and reissued as Juvenile Court Standing Order 2011-007, effective July 1, 2011.

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

1. The Solano County Probation Department or the Solano County Department of Health and Social Services, Child Welfare Services division employee is authorized to access student education records pertaining to a minor who has been taken into protective custody, detained by the juvenile authorities or the Court or declared a juvenile court ward or dependent in order for the department to(s) perform the investigative and supervisory functions mandated by the above-entitled court .

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

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court
JUN 17 2011
By DEPUTY CLERK

In the Matter of TOXICOLOGY TESTING FOR DRUG EXPOSED CHILDREN SUBJECT TO JUVENILE LAWS (Welfare & Institutions Code section 369(d)	STANDING ORDER 2011-008

Juvenile Court Standing Order 2002-11 issued August 1, 2002 is hereby vacated and reissued as Juvenile Court Standing Order 2011-008, effective July 1, 2011.

The Juvenile Court of the County of Solano finds that when children are taken into protective custody by law enforcement officials or Solano County Health and Social Services Child Welfare Division social workers due to alleged child endangerment through the child's exposure to the illegal manufacturing, distribution or use of methamphetamine or other illegal substance, it is important to determine the extent of each child's toxic exposure to the chemicals used in the production of the methamphetamine or illegal drug or to the methamphetamine or illegal drug itself to ensure that each child's medical needs are met.

THEREFORE, IT IS ORDERED that

1. When a child is placed into protective custody by Solano County law enforcement officials or Child Welfare Services Division, due to alleged child endangerment through exposure or suspected exposure to the manufacture, production or use of methamphetamine or other illegal substance, or the chemicals involved in the

manufacture or production of methamphetamine or other illegal substance; at the discretion of Solano County Health and Social Services, Child Welfare Division that child may be immediately tested by trained medical personnel to assess the minor for the ingestion or assimilation of chemicals and drugs. Follow-up medical treatment and care shall be obtained as directed by the medical personnel.

2. The testing may consist of the analysis of urine, blood, or hair, with the least invasive testing method to be used to secure medically accurate and timely results.

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

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

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

FILED
Clerk of the Superior Court
JUN - 4 2012
By DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SOLANO

JUVENILE COURT DIVISION

In the Matter of	STANDING ORDER
STANDING ORDER AUTHORIZING MEDICAL EVALUATION AND TREATMENT FOR MINORS PLACED INTO PROTECTIVE CUSTODY AND TEMPORARILY DETAINED IN OUT-OF-PLACEMENT BY CHILD WELFARE SERVICES	No. 2012-001

1. To ensure the assessment and treatment of the medical needs of minors after they are taken into protective custody and temporarily detained in out-of-home placement and prior to any juvenile court intervention, it is hereby ordered that effective July 1, 2012, the Child Welfare Services Division of Solano County Health and Social Services may authorize medical evaluation and treatment for such minors as specified in this order.

2. Nothing in this Standing Order shall allow Child Welfare Services to consent to invasive medical procedures absent the consent of the minor's parent or legal guardian or a specific order of this Court.

3. This authority is given in all cases in which consent to a medical or dental procedure must be given by a minor's parent or legal guardian and the minor's parent

or legal guardian is unavailable or unable to provide written consent or verbal consent to the medical or dental facility or provider consistent with the facility's or provider's policies and procedures. This authority is also given if a parent refuses to give consent and Child Welfare Services determines, upon consultation with appropriate medical personnel, that the parent's refusal to give consent would (1) place the child at imminent risk of serious physical harm or illness, (2) expose others to a communicable disease that could pose a significant risk, or (3) pose a hazard to the minor or to others if a health condition is left untreated during the period of temporary custody. Nothing in this Standing Order shall allow Child Welfare Services to override a minor's consent or refusal to give consent to a medical or dental procedure for which the minor has capacity to consent per Family Code section 6920 et seq.

4. At the time a minor is taken into protective custody, Child Welfare Services shall make all reasonable efforts to obtain the consent of the parent or legal guardian for ongoing medical and dental evaluation and treatment for the minor while the minor is detained. Child Welfare Services shall maintain records of its efforts to obtain consent for evaluation and treatment. If consent cannot be obtained with reasonable efforts, Child Welfare Services is authorized to consent on behalf of the minor to secure the following medical and dental services to protect and promote the minor's physical well-being consistent with the services recommended in the Statement of the Committee on Adolescents of the American Academy of Pediatrics, Health Care for Children and Adolescents in Detention Centers, Jail, Lock-ups and other Court Sponsored Residential Facilities:

A. A comprehensive health assessment and physical examination.

B. Any clinical laboratory tests the physician determines are necessary for the evaluation of the minor's health status.

C. Any immunization necessary to bring a minor's immunizations up to date, if immunizations are recommended by the American Academy of Pediatrics for that minor's age.

D. Any routine medical care or procedures required based on the results of the comprehensive health assessment and any routine medical required for the care of illnesses and injury, including the use of standard X-rays or imaging. Routine medical procedures exclude any medical procedure requiring local or general anesthesia. Routine medical care or procedures as referred to above includes:

1. First aid care for conditions which require immediate assistance from a person trained in basic first aid as defined by the American Red Cross or its equivalent;

2. Clinic care for ambulatory minors with health care complaints which are evaluated and treated on an out-patient basis;

3. Inpatient bed care for illness or injury which requires limited observation and/or management and does not require admission to a licensed hospital. Routine medical care does not include blood transfusions or inpatient care for illness or diagnosis which requires optimal observation and/or management in a licensed hospital.

E. A dental assessment, including X-rays when appropriate, and any routine dental treatment required based on the results of the dental assessment. Routine dental treatment does include the use of local anesthesia but excludes any procedure requiring general anesthesia.

5. Child Welfare Services shall have the authority to execute any documents required by the treating facility or provider to secure the medical and dental

assessments, treatments and/or procedures which are consistent with the scope of this order, including specific consents required for assessment, treatment, sharing of information, determination of eligibility and provision for the payment of the services.

Dated: 6/4/12

PRESIDING JUDGE OF THE
JUVENILE COURT

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 7 – Probate

PART ONE: Probate Proceedings Generally

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.)

Superior Court of California
County of Solano

Rule 7 – Probate

PART ONE: Probate Proceedings Generally

7.7 CONTINUANCES

a. **PROCEDURE TO OBTAIN CONTINUANCE**
No matter shall be continued unless the department of the court to which the matter is assigned approves of the continuance date.

If the proposed continuance is by stipulation, the stipulation shall be submitted to the court for review and approval of the proposed continuance date. If the proposed continuance date is approved, an amended *Notice of Hearing* (Judicial Council form DE-120) with the new hearing date may thereafter be submitted for filing. A copy of the stipulation shall be submitted to the calendar clerk concurrently with the amended *Notice of Hearing*, along with all appropriate filing fees.

If the proposed continuance is not by stipulation, the continuance shall be requested either through a notice of motion or through the ex parte process as set forth in local rule 7.10. If the proposed continuance date is approved, an amended *Notice of Hearing* (Judicial Council form DE-120) with the new hearing date may thereafter be submitted for filing. A copy of the court's order granting the continuance shall be submitted to the calendar clerk concurrently with the amended *Notice of Hearing*, along with all appropriate filing fees.

Unless the continuance was ordered by the court on its own motion, a *Notice of Hearing* is not sufficient, in and of itself, to cause the recalendaring of a hearing.
(Subd (a) amended effective January 1, 2013; 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 amended effective January 1, 2013; adopted effective July 1, 2009.)

Superior Court of California
County of Solano

Rule 7 – Probate

PART ONE: Probate Proceedings Generally

7.8 PREGRANTS IN PROBATE MATTERS

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

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

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.

(4) Any non-routine matter which by law requires the personal appearance of any person.

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

c. **TELEPHONIC APPEARANCE**

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

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

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

7.10 EX PARTE APPLICATIONS

a. **NOTICE ON EX PARTE PETITIONS**

(1) Unless otherwise ordered by the court, a party seeking ex parte relief shall provide notice of the petition to all individuals entitled to notice of a petition by 10:00 a.m. on the court day prior to the ex parte appearance.

(2) All applications for ex parte orders must contain a statement on special notices. The statement shall recite that no request for special notice is on file and in effect or shall list the parties requesting special notice and have attached to the petition the specific waivers of notice by such parties or proof of service on parties requesting special notice.

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

b. **WAIVER OF NOTICE**

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

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

c. **EX PARTE PROCEDURE**

(1) Ex parte hearings are scheduled by each department individually. A party wishing to set an ex parte hearing shall contact the department to which the case is assigned by noon on the court day prior to the desired ex parte appearance. The moving papers and the proposed order shall be faxed to the department as directed by the judicial assistant.

(2) On the day of the ex parte appearance, the party seeking ex parte relief shall file the original petition or motion seeking ex parte relief with the Clerk of the Court and pay the applicable filing fees. The party shall provide a copy of the receipt showing the payment of fees to the court at the time of the ex parte appearance; otherwise, the hearing shall not take place.

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

(Rule 7.10 adopted effective July 1, 2009.)

7.11 APPOINTMENT OF SPECIAL ADMINISTRATOR

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

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

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

a. **INFORMATION TO BE INCLUDED WITH THE PETITION**
Any petition for probate of a will and for letters testamentary, for letters of administration, or for letters of administration with will annexed shall contain the following information:

(1) If the heir is a minor, the heir's date of birth.

(2) The name of any and all nominated trustees of a trust created by the will.

(3) The name of any and all trustees and beneficiaries of an inter vivos trust created by the decedent and that is in existence at the time of the decedent's death.

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

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

b. **INFORMATION CONCERNING A DECEASED BENEFICIARY**
In addition to the information required in Rule 7.12(a), information concerning a deceased beneficiary shall be included in the petition as follows:

(2) If distribution will not be made directly to the beneficiary, the name, address and fiduciary capacity of the recipient must be stated in the petition and the decree for distribution. If distribution is to be made to an assignee of an heir or devisee, a copy of the assignment and the terms thereof must be on file.
(Subd (2) amended effective January 1, 2013; adopted effective January 1, 2010.)

(3) If a reserve is sought, the petition for final distribution must specifically set forth the proposed use for the retained funds (e.g., income taxes, closing costs, property tax assessments, etc.).
(Subd (3) adopted effective January 1, 2013.)

(Subd (d) amended effective January 1, 2013; adopted effective January 1, 2010.)

(Rule 7.27 amended effective January 1, 2013; adopted as Rule 7.42 effective July 1, 1988; previously amended effective July 1, 1989; amended and renumbered effective July 1, 2009; amended effective January 1, 2010.)

7.28 DISTRIBUTIONS TO TRUSTS

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

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

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

7.29 JOINT TENANCY ASSETS

In the absence of prior court determination or authorization, joint tenancy assets of the decedent and a person other than the decedent's spouse should not be inventoried as assets of the probate estate. However, an asset held in joint tenancy between the decedent and the decedent's spouse, or former spouse in appropriate cases, shall be inventoried if there is an unadjudicated allegation that the asset is in fact community property. A notation concerning the allegation shall be included in all inventory and appraisals until the asset's characterization is determined.

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

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

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

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

7.31 COURT INVESTIGATOR FEES FOR INVESTIGATION OF PETITION FOR PARTICULAR TRANSACTION

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

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

(Rule 7.31 adopted effective July 1, 2009.)

7.32 RECEIPT OR WAIVER OF ACCOUNT SIGNED BY ATTORNEY IN FACT

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

(Rule 7.32 adopted effective July 1, 2010.)

7.33 REIMBURSEMENT OF EXPENSES OF ESTATE ADMINISTRATION

a. **EXPENSES THAT MAY BE REIMBURSED**

The following may be reimbursed to a personal representative and/or a personal representative's counsel as expenses of administration:

(1) Court filing fees;
(2) Newspaper publication fees;
(3) Surety bond premium;
(4) Probate referee appraisal fees; and,
(5) Other expenses specifically approved by the court.

b. **EXPENSES THAT MAY NOT BE REIMBURSED**

Unless the requesting party demonstrates extraordinary circumstances, the following will not ordinarily be reimbursed to a personal representative and/or a personal representative's counsel as expenses of administration:

(1) Secretarial and word processing time;
(2) Computer time, including expenses incurred in performing computerized legal research;
(3) Local telephone calls;
(4) Facsimile transmissions;
(5) Local mileage and parking; and,
(6) Postage and photocopies.

PART TWO: Probate Proceedings Other Than Trusts

(Rule 7.33 adopted effective January 1, 2013.)

7.34 – 7.49 [RESERVED]

PART THREE: Trusts

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

Superior Court of California
County of Solano

Rule 7 – Probate

PART THREE: Trusts

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, 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.)

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.
(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. The petition shall include a declaration by the trustee as to whether there are sufficient funds in the trust to allow for the compensation sought. If the conservatorship of the estate has sufficient funds to pay for the requested compensation, the conservator shall explain why compensation is sought from the trust and not the estate. A trustee shall not pay a conservator's compensation without a court order approving said compensation by the judge assigned to hear the conservatorship matter.

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

7.56 TRUST ACCOUNTINGS FILED WITH THE COURT

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

(Rule 7.56 adopted effective July 1, 2010.)

Superior Court of California
County of Solano

Rule 12 – Mental Health Conservatorships (LPS)

12.1 – 12.99 [Reserved]

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART ONE: Guardianships

15.1 APPLICABILITY OF GUARDIANSHIP RULES; TERMINOLOGY; DIRECT CALENDARING

a. **APPLICABILITY**
These guardianship rules apply to all guardianships of the person, the estate, or both, which are filed pursuant to the Probate Code. These guardianship rules do not apply to guardianships under the Welfare and Institutions Code.
(Subd (a) amended effective January 1, 2013; adopted effective July 1, 2009; amended effective January 1, 2012.)

b. **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 (b) relettered effective January 1, 2013; adopted as subd (c) effective July 1, 2009; previous subd (b) repealed effective January 1, 2013.)

c. **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 and subject to the approval of the Supervising Judge of the Family Law Division. The assignment to a judge shall be deemed to be for all purposes.
(Subd (c) relettered effective January 1, 2013; adopted as subd (d) 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**
In addition to any required Judicial Council forms, a petitioner seeking the appointment of a guardian of the person only must file the following local forms with the clerk of the court:

(1) *Declaration Regarding Venue*, or a declaration contained within the petition that is in substantial compliance with rule 15.2(c);

(2) *Court Investigator's Information and Referral Form*; and,

(3) *Order Appointing Investigator.*

(Subd (a) amended effective January 1, 2013; adopted effective July 1, 2009.)

b. **FORMS AND DECLARATIONS FOR GENERAL GUARDIANSHIP OF THE PERSON AND THE ESTATE OR OF THE ESTATE ONLY**

In addition to any required Judicial Council forms, a petitioner seeking the appointment of a guardian of the person and the estate, or of the estate only, must file the following local forms and declarations with the clerk of the court:

(1) *Declaration Regarding Venue*, or a declaration contained within the petition that is in substantial compliance with rule 15.2(c);

(2) *Preliminary Inventory of Guardianship Estate*;

(3) *Court Investigator's Information and Referral Form*; and,

(4) *Order Appointing Investigator*.

(Subd (b) amended effective January 1, 2013; adopted effective July 1, 2009.)

c. **DECLARATION REGARDING VENUE**

(1) **Proposed Wards who are Residents of California**

In order to ensure compliance with Probate Code section 2200 et seq., in all petitions for guardianship of the person and/or the estate where the proposed ward is a resident of the State of California, the petitioner shall include a declaration indicating whether the proposed ward is a resident of Solano County at the time the petition is filed. If the proposed ward is not a resident of Solano County, the declaration shall state why it is in the proposed ward's best interests to have the guardianship proceeding heard in Solano County. The declaration may be filed on a local form designated for that purpose or in a declaration in substantial compliance with this rule, or may be included in the body of the petition for guardianship.

(Subd (1) amended effective January 1, 2013; adopted effective July 1, 2009.)

(2) **Proposed Wards who are Not Residents of California – Guardianships of the Person**
In order to ensure compliance with Probate Code section 2200 et seq., in all petitions for guardianship of the person where the proposed ward is not a resident of the State of California, the petitioner shall include a declaration indicating whether the proposed ward is temporarily living in Solano County at the time the petition is filed. If the proposed ward is not temporarily living in Solano County, the declaration shall state why it is in the proposed ward's best interests to have the guardianship proceeding heard in Solano County. The declaration may be filed on a local form designated for that purpose or in a declaration in substantial compliance with this rule, or may be included in the body of the petition for guardianship.
(Subd (2) amended effective January 1, 2013; adopted effective July 1, 2009.)

(3) **Proposed Wards who are Not Residents of California – Guardianships of the Estate**
In order to ensure compliance with Probate Code section 2200 et seq., in all petitions for guardianship of the estate where the proposed ward is not a resident of the State of California, the petitioner shall include a declaration indicating whether the proposed ward is temporarily living in Solano County at the time the petition is filed or whether the proposed ward has property in Solano County. If the proposed ward is not temporarily living in Solano County and does not have property in Solano County, the declaration shall state why it is in the proposed ward's best interests to have the guardianship proceeding heard in Solano County. The declaration may be filed on a local form designated for that purpose or in a declaration in substantial compliance with this rule, or may be included in the body of the petition for guardianship.
(Subd (3) amended effective January 1, 2013; adopted effective July 1, 2009.)

(Subd (c) relettered and amended effective January 1, 2013; adopted as subd (e) effective July 1, 2009; prior subd (c) repealed effective January 1, 2013.)

d. **FORMS FOR TEMPORARY GUARDIANSHIP OF THE PERSON AND/OR THE ESTATE [Repealed]**
(Subd (d) repealed effective January 1, 2013; adopted effective July 1, 2009.)

(Rule 15.2 amended effective January 1, 2013; previously adopted as Rule 7.53 effective July 1, 2008; adopted effective July 1, 2009.)

15.3 NOTICE

a. ADDRESSES FOR SOLANO COUNTY AGENCIES ENTITLED TO NOTICE

The addresses for the Solano County Superior Court Investigator, the Director of Social Services, and the Solano County Health and Social Services Department are listed in Appendix 15-A.
(Subd (a) amended and relettered effective January 1, 2013; adopted as subd (b) effective July 1, 2009; previous subd (a) repealed effective January 1, 2013.)

b. DECLARATION OF DUE DILIGENCE

If a petitioner cannot serve or locate a person for whom notice is required, the petitioner shall file a local form designated for that purpose or a substantially equivalent declaration which complies with this rule. The declaration must specify the name of the person whose whereabouts are unknown, the last known address of the person, the approximate date when the person was last known to reside at that address, all efforts undertaken to identify and serve or locate the person, and any facts that explain why the person cannot be located. To the extent appropriate, the petitioner shall make the following efforts and state the results in the declaration:

(1) Search the public records in any county where the person was last known or believed to reside, including real and personal property indexes in the recorder's and assessor's offices, the local telephone directory and directory assistance, the county's voter registration, the county's vital statistics office, and any non-confidential court files concerning or involving the person;
(2) Search all appropriate Internet search engines;
(3) Inquiry of the person's current or former employer(s);
(4) Inquiry of the person's current or former landlord(s) and neighbors;
(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 (b) amended and relettered effective January 1, 2013; adopted as subd (f) adopted effective July 1, 2009.)

c. **DOCUMENTS TO BE SERVED [Repealed]**
(Subd (c) repealed effective January 1, 2013; adopted effective July 1, 2009.)

d. **PROOF OF PERSONAL SERVICE [Repealed]**
(Subd (d) repealed effective January 1, 2013; adopted effective July 1, 2009.)

e. **PROOF OF SERVICE BY MAIL [Repealed]**
(Subd (e) repealed effective January 1, 2013; adopted effective July 1, 2009.)

g. **ORDER DISPENSING WITH NOTICE [Repealed]**
(Subd (g) repealed effective January 1, 2013; adopted effective July 1, 2009.)

h. **NOTICE IN TEMPORARY GUARDIANSHIPS [Repealed]**
(Subd (h) repealed effective January 1, 2013; adopted effective July 1, 2008.)

(Rule 15.3 amended effective January 1, 2013; previously adopted as Rule 7.52 effective July 1, 1989; adopted effective July 1, 2009.)

15.4 APPOINTMENT OF 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, 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 Guardianship* (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 the address listed in Appendix 15-A.
(Subd (c) amended effective January 1, 2013; 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,

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

The documents shall be delivered or mailed to the address listed in Appendix 15-A.
(Subd (d) amended effective January 1, 2013; 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, the proposed or appointed guardian, the 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) amended effective January 1, 2013; 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 or service deemed complete.

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 (g) amended effective January 1, 2013; adopted effective January 1, 2012.)

(Rule 15.4 amended effective January 1, 2013; adopted as Rule 7.55 effective July 1, 2008; adopted as Rule 15.4 effective July 1, 2009; amended effective January 1, 2012.)

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.
(Subd (a) amended effective January 1, 2013; adopted effective July 1, 2009; amended effective January 1, 2010.)

b. **PAYMENT OF COURT INVESTIGATOR FEES**
Any and all assessments not waived by the court or county shall be paid to the court.

If an investigation is required because a petition has been filed, the investigation shall not be undertaken unless and until the applicable investigation fee is paid, unless otherwise ordered by the court. This includes, but is not limited to, investigations necessitated by a petition for appointment of a temporary guardian, appointment of a guardian, removal of a guardian, or termination of a guardianship.

For other court investigator services not triggered by the filing of a petition but still required by law or court order, the assessed fee is payable within 30 days after the *Assessment and Order for Payment* is mailed by the court. This includes, but is not limited to, investigations necessitated by the mandatory periodic reviews in guardianships.
(Subd (b) amended effective January 1, 2013; adopted effective July 1, 2009.)

c. **DEFERMENT OR WAIVER OF COURT INVESTIGATOR FEES**
Upon application by a guardian, a parent, or a 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) amended effective January 1, 2013; adopted effective July 1, 2009.)

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

15.6 TEMPORARY GUARDIANSHIPS

a. **SETTING HEARING ON TEMPORARY GUARDIANSHIPS**
Unless otherwise ordered by the court, hearings on temporary guardianships shall normally be set six to eight court days from the date the petition for a temporary guardianship is filed.
(Subd (a) adopted effective January 1, 2013; previous subd (a) adopted effective July 1, 2009; previous subd (a) repealed effective January 1, 2013.)

b. **EX PARTE APPLICATIONS FOR ORDERS WAIVING OR SHORTENING NOTICE, OR MODIFYING THE METHOD OF NOTICE**
In addition to the Judicial Council and local forms required for temporary guardianships, a petitioner seeking an ex parte order waiving or shortening notice or modifying the method of notice of the hearing on the temporary guardianship shall be required to file an *Ex Parte Application to Waive or Shorten Notice of Hearing on Temporary Guardianship or Conservatorship* (Solano County Local Form no. 3710).

The emergency order procedure set forth in Local Rule 5.4 shall apply to all applications to waive or shorten notice, or to modify the method of notice, filed in guardianships.
(Subd (b) adopted effective January 1, 2013; previous subd (b) repealed effective January 1, 2013.)

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

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

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

15.8 CONTESTED GUARDIANSHIPS

a. **OBJECTIONS TO THE APPOINTMENT OF GUARDIAN**
A person objecting to the appointment of a temporary or general guardian of the person and/or estate are strongly encouraged to file and serve their objection on a local form designated for that purpose as far in advance as possible of the appropriate guardianship hearing date. If filing and service of the objection is not possible prior to the hearing date, the objecting party shall appear at the hearing either personally or through counsel to state their objection(s) on the record; however, unless otherwise ordered by the court, appearance at the hearing does not excuse the objecting party from filing his or her written objection and complying with the service requirements in this rule.
(Subd (a) relettered and amended effective January 1, 2013; adopted as subd (b) effective July 1, 2009; previous subd (a) repealed effective January 1, 2013.)

b. **OBJECTOR'S NOMINATION OF ALTERNATE GUARDIAN**
A person's nomination of an alternate guardian for a proposed ward shall not be considered unless and until a petition naming the alternate proposed guardian is filed and the alternate proposed guardian indicates in writing that he or she consents to the nomination. A petition filed under this rule shall be filed in the same case number as the original petition. A petition filed pursuant to this rule is subject to the same service and notice requirements as the original petition for guardianship.
(Subd (b) amended and relettered effective January 1, 2013; adopted as subd (c) effective July 1, 2009.)

(Rule 15.8 amended effective January 1, 2013; adopted as Rule 7.56 effective July 1, 1988; renumbered as Rule 7.59 effective July 1, 2008; adopted as Rule 15.8 effective July 1, 2009.)

15.9 ORDERS FOR VISITATION IN GUARDIANSHIPS

a. **REQUEST FOR VISITATION ORDERS**
A person seeking orders granting that person visitation with a ward shall file a petition seeking visitation orders. The petition may be filed in pleading format or may be filed on a *Request for Order* form (Judicial Council form FL-300). No filing fee shall be charged for the *Request for Order* if it is filed in a guardianship of the person only. (Gov. C. 70657(e).) Unless otherwise ordered by the court

upon proper application, the person shall provide notice of his or her petition as required by Probate Code section 1511.
(Subd (a) amended effective January 1, 2013; adopted effective July 1, 2009.)

b. **DOCUMENTS TO BE SERVED**
A person requesting visitation orders must have the following documents served on any person who is entitled to notice of the petition for guardianship per Probate Code section 1511 or by order of the court:

(1) A copy of the filed petition or *Request for Order* for visitation with any and all attachments; and,

(2) *Notice of Hearing – Guardianship or Conservatorship* (Judicial Council form GC-020).

(Subd (b) amended effective January 1, 2013; adopted effective July 1, 2009.)

c. **PROOFS OF SERVICE; DECLARATIONS OF DUE DILIGENCE**
A person requesting visitation shall file one or more proofs of service demonstrating that all persons entitled to notice have been served as required. A person who cannot locate or provide notice to a particular individual shall file a declaration with the court explaining the person's efforts to locate the individual.
(Subd (c) amended effective January 1, 2013; adopted effective July 1, 2009.)

d. **MEDIATION**
If a dispute exists as to the request for visitation, the matter shall be referred to mediation with Family Court Services. Mediations ordered as a result of this local rule shall be subject to all provisions found in Chapter 11 (commencing with Family Code section 3160) of Part 3 of Division 8 of the Family Code, all applicable provisions in the California Rules of Court, and Solano County Local Rules, rule 5.20.
(Subd (d) amended effective January 1, 2013; adopted effective July 1, 2009.)

e. **ORDERS FOR VISITATION**
Stipulations between the parties for visitation between a ward and another individual shall be prepared as a pleading or on a form designated by the court for use in guardianship matters. All other court orders concerning visitation with a ward shall be prepared and filed as a pleading or on a form designated by the court for use in guardianship matters.
(Subd (e) adopted effective July 1, 2009.)

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART ONE: Guardianships

(Rule 15.9 amended effective January 1, 2013; adopted as Rule 7.60 effective July 1, 2008; adopted as Rule 15.9 effective July 1, 2009.)

15.10 GUARDIANSHIPS OF THE ESTATE

a. **INVENTORIES AND APPRAISALS**

In order to ensure compliance with the guardian's obligation to file an inventory and appraisal, the court will ordinarily set a review hearing to take place four (4) months after the date of appointment of a guardian of the estate or a guardian of the person and estate. The date of the initial compliance review hearing shall be listed as part of the order appointing the guardian. For good cause shown, the court may dispense with setting this review hearing.

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 concerning that inventory and appraisal. The guardian shall 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.

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 (a) amended effective January 1, 2013; adopted effective July 1, 2009.)

b. **ACCOUNTINGS**

In order to ensure compliance with the guardian's obligation to file an accounting, the court will ordinarily set a review hearing to take place fifteen (15) months after the date of appointment of a guardian of the estate or a guardian of the person and estate. The date of the compliance review hearing shall be listed as part of the order appointing the guardian. For good cause shown, the court may dispense with setting this review hearing in individual cases. The court may set additional review hearings as needed for the initial and any subsequent accounts.

The guardian shall file the accounting at least thirty (30) days prior to the date of the review hearing concerning that accounting. The guardian shall serve an exact copy of the accounting on the Court Investigators Office, if the accounting is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the accounting is in a non-relative guardianship of the estate. Absent a court order to the contrary, any subsequent accountings shall likewise be filed and served at least 30 days prior to any subsequent compliance review hearings.
(Subd (b) adopted effective January 1, 2013; previous subd (b) repealed effective January 1, 2013.)

c. **INVESTMENTS**
If a request for special notice has not been filed, a petition seeking court authorization to invest may be heard without notice. The emergency order procedure set out in Local Rule 5.4 shall apply.
(Subd (c) amended effective January 1, 2013; adopted effective July 1, 2009.)

(Rule 15.10 amended effective January 1, 2013; adopted as Rule 7.59 effective July 1, 1992; renumbered as Rule 7.61 effective July 1, 2008; adopted as Rule 15.10 effective July 1, 2009.)

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART ONE: Guardianships

15.11 GUARDIANSHIPS OF THE PERSON

a. **ANNUAL STATUS REPORT**
The court may order on a case-by-case basis that a guardian of the person or a guardian of the person and estate shall comply with the annual status report requirement per Probate Code section 1513.2.
(Subd (a) relettered effective January 1, 2013.)

(Rule 15.11 renumbered effective January 1, 2013; adopted as Rule 15.17 effective January 1, 2010; previous Rule 15.11 repealed effective January 1, 2013.)

15.12 ALLOWANCE OF FEES IN GUARDIANSHIP PROCEEDINGS [Repealed]

(Rule 15.12 repealed effective January 1, 2013; adopted as Rule 7.63 effective July 1, 1989; adopted as Rule 15.12 effective July 1, 2009.)

15.13 INVESTMENTS BY GUARDIAN OF THE ESTATE [Repealed]

(Rule 15.13 repealed effective January 1, 2013; adopted as Rule 7.64 effective July 1, 1988; adopted as Rule 15.13 effective July 1, 2009.)

15.14 APPOINTMENT OF COUNSEL FOR WARD

a. **ELIGIBILITY FOR INITIAL APPOINTMENT**
An attorney wishing to be considered for appointment on any guardianship case on or after January 1, 2008, must comply with California Rules of Court, rule 7.1101, and submit a request to the court to be placed on the panel of appointed attorneys in guardianship cases. The request must be accompanied by a *Certification of Attorney Concerning Qualifications For Court Appointment in Conservatorships or Guardianships* (Judicial Council form GC-010). An attorney whose request is approved by the court is thereafter eligible for appointment in guardianship cases.
(Subd (a) adopted effective July 1, 2009.)

b. **RENEWAL OF ELIGIBILITY FOR APPOINTMENT**
An attorney who is eligible for appointment in guardianship cases pursuant to rule 15.14, subdivision (a), shall certify to the court by March 31 of each year following the attorney's initial approval that he or she has completed the education requirements set forth in California Rules of Court, rule 7.1101. The

certification shall be on the *Annual Certification of Court-Appointed Attorney* form (Judicial Council form GC-011). Failure to timely comply with the certification requirements or with the education requirements in rule 7.1101 shall result in the removal of the attorney from the approved panel of appointed attorneys; however, the court may reinstate the attorney upon the prompt filing of an affidavit to the court demonstrating good cause why the certification was not timely submitted to the court.
(Subd (b) adopted effective July 1, 2009.)

c. STANDARDS GOVERNING COUNSEL FOR WARD
Counsel appointed to represent a ward in a guardianship proceeding shall be subject to, and shall have all applicable rights and responsibilities found in, California Rules of Court, rule 5.242.
(Subd (c) adopted effective July 1, 2009.)

d. **COMPENSATION OF COUNSEL FOR WARD**
Compensation of counsel appointed to represent a ward shall be governed by Probate Code section 1470. All orders appointing minor's counsel in guardianship proceedings, including orders setting compensation, shall be on an Order Appointing Minor's Counsel form (Solano County Local Form no. 3750).
(Subd (d) adopted effective July 1, 2009.)

(Rule 15.14 adopted effective July 1, 2009; adopted as Rule 7.65 effective July 1, 2008.)

15.15 TERMINATION OF GUARDIANSHIP

a. **FORMS TO BE FILED FOR TERMINATION OF GUARDIANSHIP**
A party wishing to terminate a guardianship for a ward who is not deceased or emancipated must file the following forms:

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

(2) *Petition for Termination of Guardianship* (Judicial Council form GC-255); and,

(3) Order Terminating Guardianship (Judicial Council form GC-260).

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

b. **NOTICE OF THE PETITION TO TERMINATE**
In addition to complying with the service and notice requirements set by law, a person filing a petition to terminate the guardianship shall also serve a copy of the petition and the *Notice of Hearing* on the Court Investigators Office, if the guardianship to be terminated is a relative guardianship, or on the Solano County Department of Health & Social Services, if the guardianship to be terminated is a non-relative guardianship.
(Subd (b) amended effective January 1, 2013; adopted effective July 1, 2009.)

c. **LODGING OF ORDER TERMINATING GUARDIANSHIP**
In the event the court makes custody orders as part of an order terminating a guardianship pursuant to Probate Code section 1601, a copy of the custody order shall be filed in any pending or subsequently commenced proceeding concerning custody of the child. The custody order shall be prepared as a pleading or on a form designated by the court for use pursuant to this rule.
(Subd (c) adopted effective July 1, 2009.)

(Rule 15.15 amended effective January 1, 2013; adopted as Rule 7.81 effective July 1, 1988; renumbered as Rule 7.66 effective July 1, 2008; adopted as Rule 15.15 effective July 1, 2009.)

15.16 SANCTIONS

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

(Rule 15.16 adopted effective July 1, 2009.)

15.17 GUARDIANSHIPS OF THE PERSON – STATUS REPORT [REPEALED]

(Rule 15.17 repealed effective January 1, 2013; adopted effective January 1, 2010.)

15.18 – 15.49 [RESERVED]

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

15.50 CONSERVATORSHIP MATTERS TO WHICH RULE 15 APPLIES

Unless otherwise stated in an individual rule, Rule 15 shall apply to all conservatorship matters brought pursuant to the Probate Code. It does not apply to LPS conservatorships brought pursuant to Welfare & Institutions Code section 5000 et seq.

(Rule 15.50 adopted effective July 1, 2009.)

15.51 CONTINUANCE OF HEARING WHERE CONSERVATEE NOT SERVED WITH CITATION

If the proposed conservatee has not been served with the citation as required by Probate Code section 1824, the petitioner shall notify the court and all persons entitled to notice at least 15 days prior to the hearing and request a new hearing date. The original citation shall be filed showing no service and an amended citation shall be issued with the new hearing date. The petitioner shall also serve a notice to all interested persons of the new hearing date.

(Rule 15.51 adopted effective July 1, 2009; previously adopted as portion of Rule 7.69 effective July 1, 1988.)

15.52 ADDITIONAL REQUIREMENTS FOR PROPOSED CONSERVATORS PRIOR TO ISSUANCE OF LETTERS

a. Pursuant to Probate Code section 1834, subsection (b), Solano County requires that a conservator provide the court with the conservator's Social Security number and driver's license numbers. A conservator shall be deemed to have complied with this requirement by submitting a fully completed and signed Confidential Conservator Screening Form (Judicial Council form GC-314) to the Court Investigators Office as part of the initial conservatorship investigation process. This requirement shall not apply to the Public Guardian.
(Subd. (a) relettered and amended effective July 1, 2011.)

b. All proposed conservators shall view the video *With Heart: Understanding Conservatorships,* prior to the initial hearing on the petition, and shall file an affidavit under penalty of perjury stating they have complied with this requirement. This requirement shall not apply to the Public Guardian.
(Subd. (b) adopted effective July 1, 2011.)

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

(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.)

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.)

(Rule 15.53 amended effective January 1, 2012; 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.)

(Rule 15.54 amended effective January 1, 2010; adopted effective July 1, 2009.)

15.55 APPOINTMENT OF COUNSEL FOR CONSERVATEE

a. **ELIGIBILITY FOR INITIAL APPOINTMENT**
An attorney wishing to be considered for appointment on any conservatorship case on or after January 1, 2008, must comply with California Rules of Court, rule 7.1101, and submit a request to the court to be placed on the panel of appointed attorneys in conservatorship cases. The request must be accompanied by a Certification of Attorney Concerning Qualifications For Court Appointment in Conservatorships or Guardianships (Judicial Council form GC-010). An attorney whose application is approved by the court is thereafter eligible for appointment in conservatorship cases.
(Subd (a) adopted effective July 1, 2009.)

b. **RENEWAL OF ELIGIBILITY FOR APPOINTMENT**
An attorney who is eligible for appointment in conservatorship cases pursuant to rule 15.55, subdivision (a), shall certify to the court by March 31 of each year following the attorney's initial approval that he or she has completed the education requirements set forth in California Rules of Court, rule 7.1101. The certification shall be on the Annual Certification of Court-Appointed Attorney form (Judicial Council form GC-011). Failure to timely comply with the certification requirements or with the education requirements in rule 7.1101 shall result in the removal of the attorney from the approved panel of appointed attorneys; however, the court may reinstate the attorney upon the prompt filing of an affidavit to the court demonstrating good cause why the certification was not timely submitted to the court.
(Subd (b) adopted effective July 1, 2009.)

c. **COMPENSATION OF COUNSEL**
Compensation of counsel appointed to represent a conservatee shall be governed by Probate Code section 1470.
(Subd (c) adopted effective July 1, 2009.)

(Rule 15.55 adopted effective July 1, 2009.)

15.56 EX PARTE APPLICATIONS FOR TEMPORARY CONSERVATORSHIP AND OTHER ORDERS

a. **EX PARTE APPLICATIONS GENERALLY**

Ex parte applications are extraordinary remedies. Except as set forth in an individual rule, ex parte applications for a temporary conservatorship of either the estate or the person, or for temporary orders pertaining to an existing conservatorship, are appropriate only where the applicant makes a showing per California Rules of Court, rule 7.1062 that an exception to the notice requirements is necessary to protect the conservatee or the proposed conservatee or his or her estate from immediate and substantial harm.
(Subd (a) adopted effective July 1, 2009.)

b. **EX PARTE PETITION FOR APPOINTMENT OF A TEMPORARY CONSERVATOR**

Unless the petitioner makes a showing of immediate and substantial harm or other good cause for an ex parte granting of a temporary conservatorship per California Rules of Court, rule 7.1062, the court ordinarily will not entertain an ex parte application for appointment of a temporary conservator, even where all those entitled to notice have joined in the petition. In cases where the court determines that immediate appointment of a temporary conservator is necessary, said appointment shall be governed by the provisions of Probate Code section 2250.
(Subd (b) adopted effective July 1, 2009.)

c. **EX PARTE NOTICE REQUIREMENTS**

(1) Before submitting an ex parte application for the court's consideration, the applicant shall comply with the procedures in Probate Code section 1051, California Rules of Court, rule 7.55, and all applicable local rules. 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 all required persons 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 – Conservatorships (Solano County Local Form no. 1070-C) or a declaration in substantial compliance therewith, shall accompany all applications for ex parte orders 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 (1) adopted effective July 1, 2009.)

(2) Unless otherwise ordered by the court, notice of the ex parte application for temporary orders shall be given by the petitioner to all those who are entitled to notice per Probate Code section 2250, subsection (e). The 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 be served in a prescribed manner upon another party, interested person, or his or her attorney, at a specified time before the ex parte hearing. Notice may be excused pursuant to these rules.
(Subd (2) adopted effective July 1, 2009.)

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

d. **DECLARATION OF DUE DILIGENCE**

If a petitioner cannot locate a relative or other person for whom notice is required, the petitioner shall file a Declaration of Due Diligence (Solano County Local Form no. 3705) or a substantially equivalent declaration which complies with this rule. The declaration must specify the name of the relative or other person whose whereabouts are unknown, the last known address of the person, the approximate date when the person was last known to reside at that address, all efforts undertaken to identify and locate the person, and any facts that explain why the person cannot be located. At a minimum, the petitioner shall make all of the following efforts and state the results in the declaration:

(1) Search the public records in any county where the person was last known or believed to reside, including real and personal property indexes in the recorder's and assessor's offices, the local telephone directory and directory assistance, the county's voter registration, the county's vital statistics office, and any non-confidential court files concerning or involving the person;
(2) Search all appropriate Internet search engines;
(3) Inquiry of the person's current or former employer(s);
(4) Inquiry of the person's current or former landlord(s) and neighbors;
(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 (d) adopted effective July 1, 2009.)

e. **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 conservatorship. 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 15.56, subdivision (d).

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

(Rule 15.56 adopted effective July 1, 2009; previously adopted as Rule 7.71 effective July 1, 1988.

15.57 INDEPENDENT EXERCISE OF POWERS

No powers specified in Probate Code Section 2591 will be granted in the absence of a clear and convincing factual showing that the grant of each power requested is needed to administer the estate, and that the grant of such power is for the advantage, benefit and best interest of the estate.

(Rule 15.57 adopted effective July 1, 2009; previously adopted as Rule 7.73 effective July 1, 1988.)

15.58 CONSERVATORSHIP INVENTORIES AND APPRAISALS

a. **INVENTORIES AND APPRAISALS GENERALLY**

Inventories and appraisals 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 inventories and appraisals.

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

b. **REVIEW HEARING FOR INVENTORIES AND APPRAISALS**
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 four (4) months after the date of appointment. 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 for the initial and any subsequent inventories and appraisals.
(Subd (b) adopted effective July 1, 2009.)

c. **FILING OF INVENTORIES AND APPRAISALS**
The conservator 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 15.58, subsection (b).
(Subd (c) adopted effective July 1, 2009.)

d. **SERVICE OF INVENTORIES AND APPRAISALS**
At the time that the conservator 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 conservator shall also serve an exact copy of the inventory and appraisal on the Court Investigators Office.
(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 or appraisal 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 (e) adopted effective July 1, 2009.)

(Rule 15.58 adopted effective July 1, 2009; previously adopted as Rule 7.75 effective July 1, 1988.)

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 (15) 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.
(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; 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;
(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 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; previously adopted as Rule 7.78 effective July 1, 1988; adopted effective July 1, 2009.)

15.61 ORDERS FOR SUPPORT AND SUBSTITUTED JUDGMENT

a. **SUBSTITUTED JUDGMENT**

(1) Prior court approval is required for any action specified in Probate Code Section 2580, et seq., such as making gifts or establishing trusts.

(2) A clear factual showing as required by Probate Code Section 2583 must be presented to the court before the matter will be considered.

(3) Notice must be given under Probate Code Section 2581, and such notice may require a prior order dispensing with notice to some persons.

(Rule 15.61 adopted effective July 1, 2009; previously adopted as Rule 7.79 effective July 1, 1988.)

15.62 PAYMENTS TO CAREGIVER SPOUSE OF CONSERVATEE

In an account or report indicating that a conservatee's spouse was hired to provide caregiver services to conservatee, the conservator shall provide the following information:

(1) A description of the services rendered by the spouse that are above and beyond the care normally provided by one spouse to another.
(2) A description of the special skills possessed by the spouse enabling him or her to perform these services.
(3) The benefit to the conservatee of having his or her spouse perform the services instead of a professional caregiver.
(4) The hours worked by the spouse.
(5) The hourly rate being paid to the spouse 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 spouse in case of injury and if so, the amount of the periodic premium being paid by the spouse or the conservator.

(Rule 15.62 adopted effective July 1, 2009.)

15.63 TERMINATION OF CONSERVATORSHIP

a. **NOTIFICATION OF CONSERVATEE'S DEATH**

The conservator shall file a declaration with the court within 30 days of the conservatee's death, indicating the date of death, place of death and whether the conservatee died testate or intestate. If the conservatee died testate, the conservator shall notify the conservatee's nominated executor within 30 days of the conservatee's death, unless the will fails to nominate an executor or the conservator is the nominated executor.

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

b. **TERMINATION OF CONSERVATORSHIP FOR REASONS OTHER THAN DEATH OF CONSERVATEE**

Termination of a conservatorship for reasons other than the death of the conservatee shall be by noticed petition pursuant to Probate Code sections 1580 et seq., 1860 et seq., or 2626. The filing of a certification of competency issued by the superintendent of a state hospital pursuant to Welfare and Institutions Code Section 7357, or other provisions of law, does not by itself terminate a conservatorship.

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

c. **HEARING ON PETITION TO TERMINATE**
A hearing on a petition to terminate a conservatorship shall be set out a minimum of sixty (60) days in order to allow time for the court investigator's investigation and report.
(Subd (c) adopted effective July 1, 2009.)

(Rule 15.63 adopted effective July 1, 2009; previously adopted as Rule 7.81 effective July 1, 1988.)

15.64 CONSERVATORSHIPS FOR DEVELOPMENTALLY DISABLED INDIVIDUALS

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.)

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

15.67 – 15.99 [RESERVED]

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

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.

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

APPENDIX

Appendix 15-A: **Service Addresses for Guardianships**
(Revised effective January 1, 2013)

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

APPENDIX

APPENDIX 15-A: SERVICE ADDRESSES FOR GUARDIANSHIPS

Revised effective January 1, 2013

For Relative Guardianships:

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

For Non-Relative Guardianships:

Director
Department of Social Services
744 P Street
Sacramento, CA 95814

Supervisor – Court Unit, Children's Bureau
Solano County Department of Health and Social Services
275 Beck Avenue MS5-230
Fairfield, CA 94533

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.)

17.2 COURT REPORTER TRANSCRIPTS

a. **MINIMUM TRANSCRIPT FORMAT STANDARDS**

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

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

Failure to comply with the standards, as noted above, constitutes grounds for corrective action, up to and including termination and filing a report with the Court Reporters Board of California.
(*Subd. (a) adopted effective January 1, 2013.*)

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

Any non-party requesting a reporter's transcript of a juvenile proceeding must file a *Petition for Disclosure* (Judicial Council form no. 570).
(*Subd. (b) adopted effective January 1, 2013.*)

(Rule 17.2 adopted effective January 1, 2013.)

Superior Court of California
County of Solano

Local Rules
Subject Matter Index

Rule	Rule Number	Page
Access To Courtroom By Non-Parties (*Juvenile Proceedings*)	Rule 6.3	6-2
Access To Minors (*Juvenile Proceedings – Dependency*)	Rule 6.35	6-13
Accountings and Reports of Special Needs Trusts (*Probate*)	Rule 7.54	7-23
Additional Requirements for Proposed Conservators Prior to Issuance of Letters (*Conservatorships*)	Rule 15.52	15-17
Administration	Rule 10	
Administration of Civil Litigation	Rule 4	
Adoption of Local Rules (*General Provisions*)	Rule 1.1	1-1
Adoption, Construction and Amendment of Rules and Standing Orders (*Juvenile Proceedings*)	Rule 6.1	6-1
Allowance of Fees (*Conservatorships*)	Rule 15.60	15-27
Appeals	Rule 13	
Appearances at Hearings (*Probate*)	Rule 7.9	7-5
Appearances of Counsel (*Probate*)	Rule 7.19	7-11
Appendices (*Attorney Fees in Default Matters, Promissory Notes, Contracts, and Foreclosures*)	Rule 9	9-4
Appendices (*Family Law*)	Rule 5	5-26
Appendices (*Guardianships and Conservatorships*)	Rule 15	15-33
Appendices (*Juvenile Proceedings*)	Rule 6	6-17
Applicability of Guardianship Rules; Terminology; Direct Calendaring (*Guardianships*)	Rule 15.1	15-1
Application of Rules (*Civil Cases*)	Rule 3.1	3-1
Application Of Rules (*Criminal and Traffic Infraction Cases*)	Rule 2.1	2-1
Applications for Emergency Orders (Ex Parte Orders) *(Family Law)*	Rule 5.4	5-4
Appointed Counsel in Dependency Proceedings (*Juvenile Proceedings – Dependency*)	Rule 6.30	6-8
Appointment of Counsel for Conservatee (*Conservatorships*)	Rule 15.55	15-21
Appointment of Counsel for Ward (*Guardianships*)	Rule 15.14	15-14
Appointment Of Investigator (*Guardianships*)	Rule 15.4	15-5

Superior Court of California
County of Solano

Local Rules
Subject Matter Index

Appointment of Private Counsel in Dependency Proceedings (*Juvenile Proceedings – Dependency*)	Rule 6.31	6-9
Appointment Of Special Administrator (*Probate*)	Rule 7.11	7-8
Apportionment of Statutory Compensation Between Two or More Personal Representatives (*Probate*)	Rule 7.24	7-14
Attorney Fees - Limited Civil Matters (*Attorney's Fees In Default Matters, Promissory Notes, Contracts, And Foreclosures*)	Rule 9.2	9-2
Attorney Fees - Unlimited Civil Matters (*Attorney's Fees In Default Matters, Promissory Notes, Contracts, And Foreclosures*)	Rule 9.1	9-1
Attorney Fees in Default Matters (*Unlawful Detainer*)	Rule 14.3	14-1
Attorney's Fees In Default Matters, Promissory Notes, Contracts, And Foreclosures	Rule 9	
Beneficiaries of Testamentary Trust to be Listed in Petition for Letters Testamentary (*Probate*)	Rule 7.50	7-21
Bonding Of Personal Representative (*Probate*)	Rule 7.4	7-3
Broker's Commissions (*Probate*)	Rule 7.21	7-12
Calculation of Temporary Spousal Or Partner Support (*Family Law*)	Rule 5.30	5-23
Calendaring Hearings for Default or Uncontested Judgments (*Family Law*)	Rule 5.40	5-24
Calendaring of Hearings (*Civil Cases*)	Rule 3.5	3-2
Case Designation (*Administration of Civil Litigation*)	Rule 4.2	4-1
Case Management Conferences (*Administration of Civil Litigation*)	Rule 4.6	4-3
Cash Deposit (*Probate*)	Rule 7.16	7-11
Child Custody and Visitation Evaluations (*Family Law*)	Rule 5.21	5-20
Child Custody Recommending Counseling (*Family Law*)	Rule 5.20	5-18
Civil Cases	Rule 3	
Civil Harassment (CCP § 527.6) *(Protective Orders)*	Rule 16.2	16-2
Claims Of Minors or Adults with Disabilities	Rule 8	
Compensation of Conservator from Trust (*Probate*)	Rule 7.55	7-24
Conditional Sales Of Real Property (*Probate*)	Rule 7.20	7-12

Superior Court of California
County of Solano

Local Rules
Subject Matter Index

Confidentiality (*Juvenile Proceedings*)	Rule 6.4	6-2
Conservatorship Accountings (*Conservatorships*)	Rule 15.59	15-25
Conservatorship Inventories and Appraisals (*Conservatorships*)	Rule 15.58	15-24
Conservatorship Matters to Which Rule 15 Applies (*Conservatorships*)	Rule 15.50	15-17
Conservatorships	Rule 15	
Conservatorships for Developmentally Disabled Individuals (*Conservatorships*)	Rule 15.64	15-30
Contents of Petition and Decree of Partial or Final Distribution (*Probate*)	Rule 7.27	7-16
Contents of Petition for Compromise Of Claim Of Minor Or Adult with Disabilities (*Claims Of Minors or Adults with Disabilities*)	Rule 8.1	8-1
Contested Guardianships (*Guardianships*)	Rule 15.8	15-10
Continuance of Hearing Where Conservatee Not Served With Citation (*Conservatorships*)	Rule 15.51	15-17
Court Appointed Special Advocate Program (CASA) (*Juvenile Proceedings – Dependency*)	Rule 6.37	6-15
Court Investigator (*Conservatorships*)	Rule 15.53	15-18
Court Investigator Fees (*Conservatorships*)	Rule 15.54	15-20
Court Investigator Fees (*Guardianships*)	Rule 15.5	15-7
Court Investigator Fees for Investigation of Petition for Particular Transaction (*Probate*)	Rule 7.31	7-18
Court Reporter Fee (*Family Law*)	Rule 5.9	5-11
Court Reporter Transcripts *(Miscellaneous)*	Rule 17.2	17-2
Criminal and Traffic Infraction Cases	Rule 2	
Declination of Nominated Executor (*Probate*)	Rule 7.5	7-3
Deposit of Jury Fees (*Civil Cases*)	Rule 3.6	3-3
Direct Calendaring (*Family Law*)	Rule 5.2	5-2
Direct Calendaring (*General Provisions*)	Rule 1.3	1-1
Direct Calendaring Of Civil Cases; Assignments and Reassignments (*Civil Cases*)	Rule 3.2	3-1

Superior Court of California
County of Solano

Local Rules
Subject Matter Index

Direct Calendaring Of Criminal Cases (*Criminal and Traffic Infraction Cases*)	Rule 2.2	2-1
Discovery (*Juvenile Proceedings*)	Rule 6.6	6-3
Dismissal Of Action Or Entry Of Judgment Following Settlement (*Administration of Civil Litigation*)	Rule 4.11	4-16
Distributions to Trusts (*Probate*)	Rule 7.28	7-17
Distributive Contingencies (*Probate*)	Rule 7.26	7-15
Diversion To Arbitration (*Administration of Civil Litigation*)	Rule 4.7	4-7
Divisions Of The Court; Assignment of Supervising Judges (*General Provisions*)	Rule 1.2	1-1
Documents Needed for Default or Uncontested Judgments for Establishment of Parental Relationship (UPA) or for Establishment of Custody and Support (*Family Law*)	Rule 5.43	5-25
Documents Needed for Judgment of Nullity (*Family Law*)	Rule 5.42	5-24
Documents Needed for Judgments for Legal Separation or Dissolution of Marriage or Registered Domestic Partnership (*Family Law*)	Rule 5.41	5-24
Domestic Violence (Family Code § 6200 et seq.) *(Protective Orders)*	Rule 16.1	16-1
Earnest Money Deposit by Overbidder (*Probate*)	Rule 7.18	7-11
Elder or Dependent Adult Abuse [Reserved] *(Protective Orders)*	Rule 16.5	16-4
Electronic Filing and Service of Pleadings and Documents (*Administration of Civil Litigation*)	Rule 4.14	4-19
Establishment of Special Needs Trusts (*Claims Of Minors or Adults with Disabilities*)	Rule 8.3	8-1
Evidentiary Hearings and Trials (*Family Law*)	Rule 5.11	5-16
Ex Parte Applications (*Probate*)	Rule 7.10	7-6
Ex Parte Applications for Temporary Conservatorship and Other Orders (*Conservatorships*)	Rule 15.56	15-22
Ex Parte Matters (*Civil Cases*)	Rule 3.13	3-6
Executive Officer (*Administration*)	Rule 10.1	10-1
Extraordinary Compensation for Personal Representative; Extraordinary Attorney Fees (*Probate*)	Rule 7.25	7-14

Superior Court of California
County of Solano

Local Rules
Subject Matter Index

Failure To Notify Court When Attorney Cannot Be Present Shall Be Deemed Sufficient Cause To Order Off Calendar (*Civil Cases*)	Rule 3.11	3-5
Family Centered Case Resolution Process (CRC 5.83) (*Family Law*)	Rule 5.7	5-8
Family Law	Rule 5	
Fee Waiver Applications for Matters Being Appealed to the Court of Appeal (*Appeals*)	Rule 13.1	13-1
Filing of Notices of Unavailability (*Civil Cases*)	Rule 3.18	3-11
Forfeiture of Jury Fees (*Civil Cases*)	Rule 3.7	3-3
Forms to be Filed at Commencement of Proceeding (*Guardianships*)	Rule 15.2	15-1
General Procedures for Special Needs Trusts (*Probate*)	Rule 7.53	7-22
General Provisions	Rule 1	
Guardianships	Rule 15	
Guardianships of the Estate (*Guardianships*)	Rule 15.10	15-12
Guardianships of the Person (*Guardianships*)	Rule 15.11	15-14
Independent Exercise of Powers (*Conservatorships*)	Rule 15.57	15-24
Information to be Contained in Petitions For Probate Of Will And For Letters Testamentary; For Letters Of Administration; Or For Letters Of Administration With Will Annexed (Probate Code Section 8000 et seq.) (*Probate*)	Rule 7.12	7-8
Information to be Included in Petitions Concerning Trusts (*Probate*)	Rule 7.52	7-22
Interest on Funeral and Interment Claims (*Probate*)	Rule 7.14	7-10
Joint Tenancy Assets (*Probate*)	Rule 7.29	7-18
Jury Management	Rule 11	
Juvenile Calendar (*Juvenile Proceedings*)	Rule 6.2	6-1
Juvenile Proceedings	Rule 6	
Law and Motion Hearings (Hearings Other Than Case Management Conferences, Status Conferences, Settlement Conferences, and Trials *(Family Law)*	Rule 5.5	5-5
Mandate Actions Arising Under the California Environmental Quality Act (CEQA) (*Civil Cases*)	Rule 3.17	3-7

Superior Court of California
County of Solano

Local Rules
Subject Matter Index

Mandatory Settlement Conferences (*Administration of Civil Litigation*)	Rule 4.9	4-12
Matters Assigned to the Family Law Division; Applicability of Rule (*Family Law*)	Rule 5.1	5-1
Mediation (*Administration of Civil Litigation*)	Rule 4.8	4-8
Mental Health Conservatorships (LPS)	Rule 12	
Miscellaneous	Rule 17	
Miscellaneous (*Administration of Civil Litigation*)	Rule 4.12	4-17
Modifications Of Orders (*Juvenile Proceedings – Dependency*)	Rule 6.36	6-14
Motion To Challenge Legal Sufficiency Of Petition (*Juvenile Proceedings*)	Rule 6.10	6-5
Motion To Challenge Legal Sufficiency Of Petition (*Juvenile Proceedings – Dependency*)	Rule 6.34	6-12
Motions Papers (*Civil Cases*)	Rule 3.16	3-6
Motions to Consolidate (*Civil Cases*)	Rule 3.15	3-6
Notice (*Guardianships*)	Rule 15.3	15-4
Notices (*Probate*)	Rule 7.6	7-3
Notification Of Plaintiff Of Assignment To One Judge For All Purposes (*Civil Cases*)	Rule 3.3	3-2
Notification to Court of Continuances, Drops or Stipulations (*Probate*)	Rule 7.7	7-4
Notification to Court of Drops, Continuances and Stipulations (*Civil Cases*)	Rule 3.8	3-3
Off Calendar (*Civil Cases*)	Rule 3.12	3-5
Open Book Accounts - Unlimited And Limited Civil (*Attorney's Fees In Default Matters, Promissory Notes, Contracts, And Foreclosures*)	Rule 9.3	9-3
Orders for Support and Substituted Judgment (*Conservatorships*)	Rule 15.61	15-28
Orders for Visitation in Guardianships (*Guardianships*)	Rule 15.9	15-10
Partial Allowance of Statutory Compensation or Attorney Fees (*Probate*)	Rule 7.23	7-13
Payments to Caregiver Spouse of Conservatee (*Conservatorships*)	Rule 15.62	15-28

Superior Court of California
County of Solano

Local Rules
Subject Matter Index

Personal Representative Compensation and Attorney Fees in Connection with Termination of a Joint Tenancy or Handling of Other Nonprobate Assets (*Probate*)	Rule 7.30	7-18
Petitions, Pleadings & Motions (*Juvenile Proceedings*)	Rule 6.7	6-4
Photography, Videotaping, and Electronic Recordings *(Miscellaneous)*	Rule 17.1	17-1
Postsecondary School Violence (CCP § 527.85) *(Protective Orders)*	Rule 16.4	16-4
Pregrants in Probate Matters (*Probate*)	Rule 7.8	7-5
Preparation and Filing of Forms and Pleadings *(Family Law)*	Rule 5.3	5-2
Preparation of Orders (*Probate*)	Rule 7.13	7-9
Presence of Children in Courtroom *(Family Law)*	Rule 5.6	5-8
Probate	Rule 7	
Procedure (*Criminal and Traffic Infraction Cases*)	Rule 2.3	2-1
Procedures For Informing The Court Of The Interests Of A Dependent Child [CRC 5.660] (*Juvenile Proceedings – Dependency*)	Rule 6.33	6-11
Procedures For Reviewing And Resolving Complaints Regarding Representation In Dependency Proceedings (*Juvenile Proceedings – Dependency*)	Rule 6.32	6-9
Protective Orders	Rule 16	
Real Estate in Inventory and Appraisal (*Probate*)	Rule 7.15	7-10
Reassignment Upon Disqualification of Judicial Officer (*General Provisions*)	Rule 1.4	1-2
Receipt or Waiver of Account Signed by Attorney in Fact (*Probate*)	Rule 7.32	7-19
Release Of Information Relating To Juveniles (*Juvenile Proceedings*)	Rule 6.5	6-2
Request For Transcripts by Non-Party (*Juvenile Proceedings*)	Rule 6.8	6-5
Reservation of Government Code §71620 Powers (*Administration*)	Rule 10.2	10-1
Return On Bench Warrant (*Juvenile Proceedings – Delinquency*)	Rule 6.60	6-16
Sanctions (*Administration of Civil Litigation*)	Rule 4.13	4-18
Sanctions (*Conservatorships*)	Rule 15.65	15-30
Sanctions (*Guardianships*)	Rule 15.16	15-16

Superior Court of California
County of Solano

Local Rules
Subject Matter Index

Scope And Policy (*Administration of Civil Litigation*)	Rule 4.1	4-1
Scope of Probate Rules (*Probate*)	Rule 7.1	7-1
Second Deeds of Trust (*Probate*)	Rule 7.17	7-11
Settlement Conferences (*Family Law*)	Rule 5.10	5-12
Signatures and Verifications of Pleadings (*Probate*)	Rule 7.3	7-2
Standing Order 2002-01: Medical Authorization – Juvenile Hall (*Juvenile Proceedings*)	Rule 6	6-19
Standing Order 2002-02: Community School Programs (*Juvenile Proceedings*)	Rule 6	6-22
Standing Order 2002-05: Release of Records, Absent Parents (*Juvenile Proceedings*)	Rule 6	6-23
Standing Order 2002-07: Release of Records – Financial Hearing Officer (*Juvenile Proceedings*)	Rule 6	6-24
Standing Order 2010-01: Release of Juvenile Case File Information for W&I 601 and 602 Proceedings (*Juvenile Proceedings*)	Rule 6	6-26
Standing Order 2011-01: Standing Order Authorizing Mental Health Evaluation and/or Treatment for Dependent Children or Minors Placed into Protective Custody by Child Welfare Services (*Juvenile Proceedings*)	Rule 6	6-37
Standing Order 2011-02: Order re: Release of Probation Files and Information Regarding Parents with Children Under the Jurisdiction of the Juvenile Court (*Juvenile Proceedings*)	Rule 6	6-39
Standing Order 2011-03: Standing Order to Facilitate Child Welfare Services Disaster Response Plan (*Juvenile Proceedings*)	Rule 6	6-42
Standing Order 2011-04: The Exchange of Information Pertaining to Juveniles Among Members of Multidisciplinary Team (*Juvenile Proceedings*)	Rule 6	6-44
Standing Order 2011-05: Exchange and Release of Information Between Child Welfare Services and the Solano County Court Investigator (*Juvenile Proceedings*)	Rule 6	6-46
Standing Order 2011-06: Exchange & Release of Juvenile Records to be Used in the Solano Countywide Foster Youth Services Program (Education Code § 488850 et seq., Welfare & Institutions Code § 827, Cal. Rules of Court, rule 5.552) (*Juvenile Proceedings*)	Rule 6	6-49

Superior Court of California
County of Solano

Local Rules
Subject Matter Index

Standing Order 2011-07: Release of School Records to Solano County Probation and Solano County Health and Social Services, Child Welfare Services Division (Education Code § 49077) (*Juvenile Proceedings*)	Rule 6	6-53
Standing Order 2011-08: Toxicology Testing for Drug Exposed Children Subject to Juvenile Laws (Welfare & Institutions Code § 369, subd. (d)) (*Juvenile Proceedings*)	Rule 6	6-54
Standing Order 2012-001: Standing Order Authorizing Medical Evaluation and Treatment for Minors Placed into Protective Custody and Temporarily Detained in Out-of-Placement by Child Welfare Services (*Juvenile Proceedings*)	Rule 6	6-56
Status Conferences And Status Conference Reports (*Family Law*)	Rule 5.8	5-9
Statutory Compensation for Personal Representative and Attorney Fees (*Probate*)	Rule 7.22	7-13
Telephonic Appearances (*Unlawful Detainer*)	Rule 14.1	14-1
Temporary Guardianships (*Guardianships*)	Rule 15.6	15-9
Tentative Rulings (*Civil Cases*)	Rule 3.9	3-4
Termination of Conservatorship (*Conservatorships*)	Rule 15.63	15-29
Termination of Guardianship (*Guardianships*)	Rule 15.15	15-15
Time Requirements For Complaint (*Administration of Civil Litigation*)	Rule 4.3	4-3
Time Requirements For Cross Complaints (*Administration of Civil Litigation*)	Rule 4.5	4-3
Time Requirements For Responsive Pleadings (*Administration of Civil Litigation*)	Rule 4.4	4-3
Trial Management (*Unlawful Detainer*)	Rule 14.2	14-1
Trial Management Conferences (*Administration of Civil Litigation*)	Rule 4.10	4-14
Trust Accountings Filed with the Court (*Probate*)	Rule 7.56	7-24
Trustee Fees (*Probate*)	Rule 7.51	7-21
Unlawful Detainer	Rule 14	
Use Of Judicial Council Forms; Format Of Pleadings (*Probate*)	Rule 7.2	7-1
Welfare And Institutions Code Section 241.1 Assessments (*Juvenile Proceedings*)	Rule 6.9	6-5

Workplace Violence (CCP § 527.8) *(Protective Orders)*	Rule 16.3	16-3

Superior Court of California
County of Solano

Index of Local Forms – By Form Number

FORM NUMBER	DIVISION	FORM NAME	REVISION DATE	MANDATORY OR OPTIONAL
010	Family	Meet and Confer Orders	March 2008	Mandatory
165	Civil	Judgment (Default by Clerk)	September 1998	Optional
166	Civil	Judgment (Default by Court)	December 2007	Optional
168	Civil	Judgment (Trial)	October 2000	Optional
300	Family	Order After Hearing/Stipulation and Order	December 2006	Optional
303	Family	Stipulation & Order re: Partial Child Custody Evaluation	March 2000	Optional
304	Family	Parenting Orders Attachment	September 2007	Optional
306	Family	Supervised Visitation/Supervised Exchange Order	August 2002	Optional
309	Probate	Order Appointing Regional Center to Evaluate Proposed Ward or Conservatee	July 2008	Mandatory
314	Family	Time Sharing Arrangement Table	October 2007	Optional
320	Family	Order Appointing Counsel for Minors	November 2000	Optional
322	Family	Application and Order for Publication of Summons	September 2008	Mandatory
323	Family	Declaration in Support of Application for Order for Publication of Summons	September 2008	Mandatory
327	Family	Attachment to FL-327	March 2007	Mandatory

Superior Court of California
County of Solano

Index of Local Forms – By Form Number

FORM NUMBER	DIVISION	FORM NAME	REVISION DATE	MANDATORY OR OPTIONAL
345	Family	Order re: Testing for Alcohol or Illegal Use of Controlled Substances	July 2008	Mandatory
392	Family	Form of Papers	April 2007	N/A
397	Family	Attorney's Declaration re Mediation Video	January 2007	Optional
399	Family	Notice of Continued Hearing	April 2007	Optional
890	Family	Status Conference Report – Family Law (Marriage/RDP)	July 2009	Mandatory (blue paper)
890-UPA	Family	Status Conference Report – Family Law (Uniform Parentage Act)	July 2009	Mandatory (blue paper)
910	Civil	Request for Extension of Time (re Proof of Service of Summons)	December 2000	Optional
920	Civil	Request for Extension of Time (re Filing Response)	December 2000	Optional
1070	Family	Declaration re Notice Upon Ex Parte Application for Orders	December 2006	Mandatory
1070-G	Probate	Declaration re Notice Upon Ex Parte Application for Orders (*Guardianship*)	July 2008	Mandatory
1320	Family	Declaration in Support of Request for Separate Mediation Sessions	June 1998	Optional
1325	Family	Request for Separate Mediation or Support Person	June 1998	Optional
3006	Civil	Trial Management Conference Report	January 2010	Optional
3455	Probate	Objection to Appointment of Guardian	January 2007	Mandatory
3490	Probate	Confidential Court Investigators' Information and Referral Form (*Guardianship*)	January 2010	Mandatory

Superior Court of California
County of Solano

Index of Local Forms – By Form Number

FORM NUMBER	DIVISION	FORM NAME	REVISION DATE	MANDATORY OR OPTIONAL
3500	Probate	Assessment and Order for Payment	January 2013	Mandatory
3500-P	Probate	Assessment and Order for Payment – Probate Code §3100 Petitions	July 2009	Mandatory
3510	Probate	Order Appointing Court Investigator (Guardianships)	July 2008	Mandatory
3515	Probate	Order Appointing Investigator and Notice of Investigation Costs	July 2009	Mandatory
3700	Probate	Declaration re: Venue (Guardianships)	July 2008	Optional
3705	Probate	Declaration of Due Diligence (Guardianships and Conservatorships)	July 2009	Optional
3710	Probate	Ex Parte Application to Waive or Shorten Notice of Hearing on Temporary Guardianship or Conservatorship; Order re: Notice	January 2013	Optional
3720	Probate	Petition for Visitation Orders	July 2009	Optional
3740	Probate	Application to Practice as Minor's Counsel (Guardianship)	July 2008	Mandatory
3800	Probate	Preliminary Inventory of Guardianship Estate	July 2008	Mandatory
5000	Adoption	Confidential Court Investigator's Information and Referral Form (*Stepparent Adoption*)	August 2008	Mandatory
5005	Adoption	Reference for Stepparent Adoption	August 2008	Mandatory
5010	Adoption	Consent of Child to be Adopted (*Stepparent Adoption*)	August 2008	Mandatory
5113	Family	Notice of Case Management Conferences and Assignment of Judicial Officer for All Purposes	January 2013	Mandatory

Superior Court of California
County of Solano

Index of Local Forms – By Form Number

FORM NUMBER	DIVISION	FORM NAME	REVISION DATE	MANDATORY OR OPTIONAL
7000	Small Claims	Judgment Debtor's Statement re: Request to Enter Satisfaction of Judgment	November 2000	Optional
7020	Probate	Verification of Viewing of Conservatorship Video	July 2011	Mandatory
7023	Small Claims	Request for Dismissal	September 1999	Optional
7040	Civil	Judgment After Trial by Court (Unlawful Detainer)	May 2000	Optional
7060	Small Claims	Declaration re: Default in Payments & Order Setting Aside Order Providing Payment of Judgment in Installments	November 2000	Optional
7090	Small Claims	Amendment to Claim Prior to Judgment (*Small Claims*)	March 2000	Optional
7500	Probate	Placement and Level of Care Assessment for Conservatee (Probate Code §2352.5)	January 2010	Mandatory

Superior Court of California
County of Solano

Index of Local Forms – Alphabetical

FORM NUMBER	DIVISION	FORM NAME	REVISION DATE	MANDATORY OR OPTIONAL
7090	Small Claims	Amendment to Claim Prior to Judgment (*Small Claims*)	March 2000	Optional
322	Family	Application and Order for Publication of Summons	September 2008	Mandatory
3740	Probate	Application to Practice as Minor's Counsel (Guardianship)	July 2008	Mandatory
3500	Probate	Assessment and Order for Payment	January 2013	Mandatory
3500-P	Probate	Assessment and Order for Payment – Probate Code §3100 Petitions	July 2009	Mandatory
327	Family	Attachment to FL-327	March 2007	Mandatory
397	Family	Attorney's Declaration re Mediation Video	January 2007	Optional
3490	Probate	Confidential Court Investigators' Information and Referral Form (*Guardianship*)	January 2010	Mandatory
5000	Adoption	Confidential Court Investigator's Information and Referral Form (*Stepparent Adoption*)	August 2008	Mandatory
5010	Adoption	Consent of Child to be Adopted (*Stepparent Adoption*)	August 2008	Mandatory
323	Family	Declaration in Support of Application for Order for Publication of Summons	September 2008	Mandatory
1320	Family	Declaration in Support of Request for Separate Mediation Sessions	June 1998	Optional
3705	Probate	Declaration of Due Diligence (Guardianships and Conservatorships)	July 2009	Optional
1070	Family	Declaration re Notice Upon Ex Parte Application for Orders	December 2006	Mandatory

Superior Court of California
County of Solano

Index of Local Forms – Alphabetical

FORM NUMBER	DIVISION	FORM NAME	REVISION DATE	MANDATORY OR OPTIONAL
1070-G	Probate	Declaration re Notice Upon Ex Parte Application for Orders (Guardianships)	July 2008	Mandatory
7060	Small Claims	Declaration re: Default in Payments & Order Setting Aside Order Providing Payment of Judgment in Installments	November 2000	Optional
3700	Probate	Declaration re: Venue (Guardianships)	July 2008	Optional
3710	Probate	Ex Parte Application to Waive or Shorten Notice of Hearing on Temporary Guardianship or Conservatorship; Order re: Notice	January 2013	Optional
392	Family	Form of Papers	April 2007	N/A
165	Civil	Judgment (Default by Clerk)	September 1998	Optional
166	Civil	Judgment (Default by Court)	December 2007	Optional
168	Civil	Judgment (Trial)	October 2000	Optional
7040	Civil	Judgment After Trial by Court (Unlawful Detainer)	May 2000	Optional
7000	Small Claims	Judgment Debtor's Statement re: Request to Enter Satisfaction of Judgment	November 2000	Optional
010	Family	Meet and Confer Orders	March 2008	Mandatory
5113	Family	Notice of Case Management Conferences and Assignment of Judicial Officer for All Purposes	January 2013	Mandatory
399	Family	Notice of Continued Hearing	April 2007	Optional

Superior Court of California
County of Solano

Index of Local Forms – Alphabetical

FORM NUMBER	DIVISION	FORM NAME	REVISION DATE	MANDATORY OR OPTIONAL
3455	Probate	Objection to Appointment of Guardian	January 2007	Mandatory
300	Family	Order After Hearing/Stipulation and Order	December 2006	Optional
320	Family	Order Appointing Counsel for Minors	November 2000	Optional
3510	Probate	Order Appointing Court Investigator (Guardianships)	July 2008	Mandatory
3515	Probate	Order Appointing Investigator and Notice of Investigation Costs	July 2009	Mandatory
309	Probate	Order Appointing Regional Center to Evaluate Proposed Ward or Conservatee	July 2008	Mandatory
345	Family	Order re: Testing for Alcohol or Illegal Use of Controlled Substances	July 2008	Mandatory
304	Family	Parenting Orders Attachment	September 2007	Optional
3720	Probate	Petition for Visitation Orders	July 2009	Optional
7500	Probate	Placement and Level of Care Assessment for Conservatee (Probate Code §2352.5)	January 2010	Mandatory
3800	Probate	Preliminary Inventory of Guardianship Estate	July 2008	Mandatory
5005	Adoption	Reference for Stepparent Adoption	August 2008	Mandatory
7023	Small Claims	Request for Dismissal	September 1999	Optional
920	Civil	Request for Extension of Time (re Filing Response)	December 2000	Optional
910	Civil	Request for Extension of Time (re Proof of Service of Summons)	December 2000	Optional

Superior Court of California
County of Solano

Index of Local Forms – Alphabetical

FORM NUMBER	DIVISION	FORM NAME	REVISION DATE	MANDATORY OR OPTIONAL
1325	Family	Request for Separate Mediation or Support Person	June 1998	Optional
890	Family	Status Conference Report – Family Law (Marriage/RDP)	July 2009	Mandatory (blue paper)
890-UPA	Family	Status Conference Report – Family Law (Uniform Parentage Act)	July 2009	Mandatory (blue paper)
303	Family	Stipulation & Order re: Partial Child Custody Evaluation	March 2000	Optional
306	Family	Supervised Visitation/Supervised Exchange Order	August 2002	Optional
314	Family	Time Sharing Arrangement Table	October 2007	Optional
3006	Civil	Trial Management Conference Report	January 2010	Optional
7020	Probate	Verification of Viewing of Conservatorship Video	July 2011	Mandatory

Superior Court of California, County of Solano

Local Rules Page List as of January 1, 2013

The chart below provides a complete list of all the pages and their revision dates as of January 1, 2013.

Rule/Pages	Revision Date
Rule Adoption and Revision History; Local Rules Publication Information	January 2013
Summary Table of Contents	January 2013
Detailed Table of Contents	
Pages 1 – 8	January 2013
Rule 1	
Pages 1-1 – 1-2	January 2012
Rule 2	
Pages 2-1 – 2-5	January 2013
Rule 3	
Pages 3-1 – 3-11	January 2013
Rule 4	
Pages 4-1 – 4-2	July 2011
Pages 4-3 – 4-6	January 2013
Pages 4-7 – 4-21	January 2012
Rule 5	
Pages 5-1 – 5-33	January 2013
Rule 6	
Pages 6-1 – 6-16	July 2012
Pages 6-17 – 6-59	January 2013
Rule 7	
Pages 7-1 – 7-2	January 2012
Pages 7-3 – 7-8	January 2013
Pages 7-9 – 7-16	January 2012
Pages 7-17 – 7-24	January 2013
Rule 8	
Page 8-1	July 2011
Rule 9	
Pages 9-1 – 9-4	January 2012
Rule 10	
Page 10-1	January 2011
Rule 11	
Page 11-1	January 2011
Rule 12	
Page 12-1	January 2013
Rule 13	
Page 13-1	January 2011
Rule 14	
Pages 14-1 – 14-2	January 2012
Rule 15	
Pages 15-1 – 15-34	January 2013
Rule 16	
Pages 16-1 – 16-4	January 2012
Rule 17	
Pages 17-1 – 17-2	January 2013
Subject Matter Index	
Pages 1 – 10	January 2013
Index of Local Forms	
Pages 1 – 8	January 2013
Page List	January 2013