

SOLANO COUNTY LOCAL RULES EFFECTIVE JULY 1, 2016

FILING INSTRUCTIONS FOR REPLACEMENT PAGES

The Solano County Superior Court is pleased to offer replacement pages for revised rules effective July 1, 2016. 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.

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<i>Rule Adoption and Revision History; Local Rules Publication Information</i>	Rule Adoption and Revision History (front) ; Local Rules Publication Information (back)	Rule Adoption and Revision History (front); Local Rules Publication Information (back)
<i>Detailed Table of Contents</i>	Pages 1 through 9	Pages 1 through 9
<i>Rule 6</i>	Pages 6-17 to 6-57	Pages 6-17 to 6-67
<i>Rule 9</i>	Pages 9-3 to 9-4	Pages 9-3 to 9-4
<i>Rule 15</i>	Pages 15-17 to 15-30	Pages 15-17 to 15-30
<i>Subject Matter Index</i>	Pages 1 through 10	Pages 1 through 10
<i>Page List</i>	January 2016 Page List	July 2016 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
Local Rules – Detailed Table of Contents**

Number	Rule	Page
<u>RULE 1</u>	<u>GENERAL PROVISIONS</u>	
Rule 1.1	Adoption of Local Rules (<i>Amended eff. 1/1/10</i>)	1-1
Rule 1.2	Divisions Of The Court; Assignment of Supervising Judges (<i>Amended eff. 7/1/14</i>).....	1-1
Rule 1.3	Direct Calendaring (<i>Amended eff. 1/1/10</i>)	1-1
Rule 1.4	Reassignment Upon Disqualification of Judicial Officer or for Other Cause (<i>Amended eff. 1/1/12</i>)	1-2
<u>RULE 2</u>	<u>CRIMINAL AND TRAFFIC INFRACTION CASES</u>	
	PART ONE: Rules Applicable to Misdemeanors and Felonies	
Rule 2.1	Application Of Rules (<i>Amended eff. 1/1/13</i>)	2-1
Rule 2.2	Direct Calendaring Of Criminal Cases (<i>Amended eff. 1/1/13</i>).....	2-1
Rule 2.3	Procedure (<i>Amended eff. 7/1/14</i>)	2-1
Rule 2.4*	Peremptory Challenge Of Judge Assigned For All Purposes [REPEALED] (<i>Repealed eff. 1/1/13</i>)	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
<u>RULE 3</u>	<u>CIVIL CASES</u>	
Rule 3.1	Application Of Rules (<i>Amended eff. 7/1/11</i>)	3-1
Rule 3.2	Direct Calendaring Of Civil Cases; Assignments and Reassignments (<i>Amended eff. 1/1/12</i>)	3-1
Rule 3.3	Notification Of Plaintiff Of Assignment To One Judge For All Purposes (<i>Amended eff. 7/1/10</i>)	3-2
Rule 3.4*	Designation Of Court [REPEALED] (<i>Repealed eff. 7/1/11</i>).....	3-2
Rule 3.5	Calendaring of Hearings (<i>Eff. 7/1/11</i>).....	3-2
Rule 3.6	Deposit Of Jury Fees (<i>Amended eff. 7/1/13</i>).....	3-2
Rule 3.7	Forfeiture Of Jury Fees per CCP Section 631.3 (<i>Amended eff. 7/1/13</i>).....	3-3
Rule 3.8	Notification to Court of Drops, Continuances and Stipulations (<i>Amended eff. 1/1/10</i>)	3-3
Rule 3.9	Tentative Rulings (<i>Amended eff. 1/1/16</i>).....	3-4
Rule 3.10	Telephonic Appearances (<i>Eff. 7/1/14</i>)	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 (<i>Amended eff. 1/1/10</i>)	3-5
Rule 3.12	Off Calendar (<i>Amended eff. 1/1/10</i>).....	3-6
Rule 3.13	Ex Parte Matters (<i>Amended eff. 7/1/13</i>).....	3-6
Rule 3.14*	Orders Regarding Orders To Show Cause, Temporary Restraining Orders, And Injunctions [REPEALED] (<i>Repealed eff. 7/1/10</i>)	3-6
Rule 3.15	Motions To Consolidate (<i>Amended eff. 7/1/10</i>).....	3-7
Rule 3.16	Motions Papers (<i>Amended eff. 7/1/10</i>).....	3-7
Rule 3.17	Mandate Actions Arising Under The California Environmental Quality Act (CEQA) (<i>Amended eff. 7/1/10</i>)	3-7
Rule 3.18	Filing Of Notices Of Unavailability (<i>Amended eff. 1/1/10</i>).....	3-12
 <u>RULE 4</u> <u>ADMINISTRATION OF CIVIL LITIGATION</u>		
Rule 4.1	Scope And Policy (<i>Amended eff. 7/1/11</i>).....	4-1
Rule 4.2	Case Designation (<i>Amended eff. 1/1/10</i>).....	4-2
Rule 4.3	Time Requirements For Complaint (<i>Amended eff. 7/1/11</i>).....	4-3
Rule 4.4	Time Requirements For Responsive Pleadings (<i>Amended eff. 7/1/11</i>).....	4-3
Rule 4.5	Time Requirements For Cross-Complaints (<i>Amended eff. 7/1/11</i>).....	4-3
Rule 4.6	Case Management Conferences (<i>Amended eff. 7/1/11</i>)	4-3
Rule 4.7	Diversion To Arbitration (<i>Amended eff. 1/1/12</i>).....	4-7
Rule 4.8	Mediation (<i>Amended eff. 1/1/12</i>).....	4-8
Rule 4.9	Mandatory Settlement Conferences (<i>Amended eff. 7/1/11</i>)	4-12
Rule 4.10	Trial Management Conferences (<i>Amended eff. 1/1/12</i>)	4-14
Rule 4.11	Dismissal Of Action Or Entry Of Judgment Following Settlement (<i>Amended eff. 7/1/11</i>)..	4-16
Rule 4.12	Miscellaneous (<i>Amended eff. 7/1/14</i>).....	4-16
Rule 4.13	Sanctions (<i>Amended eff. 1/1/10</i>).....	4-18
Rule 4.14	Electronic Filing and Service of Pleadings and Documents (<i>Eff. 7/1/10</i>)	4-19
<u>APPENDICES</u>		
2015-001-CV	Electronic Service of Documents in Complex Litigation	4-21
 <u>RULE 5</u> <u>FAMILY LAW</u>		
<u>PART ONE: Family Law Proceedings Generally</u>		
Rule 5.1	Matters Assigned to the Family Law Division; Applicability of Rule (<i>Eff. 7/1/14</i>)	5-1
Rule 5.2	Direct Calendaring (<i>Eff. 1/1/13</i>)	5-2
Rule 5.3	Preparation and Filing of Forms and Pleadings (<i>Eff. 1/1/13</i>)	5-2

* 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
Rule 5.4	Applications for Emergency Orders (Ex Parte Orders) (<i>Amended eff. 1/1/16</i>).....	5-4
Rule 5.5	Law and Motion Hearings (Hearings Other Than Case Management Conferences, Status Conferences, Settlement Conferences, and Trials) (<i>Eff. 1/1/13</i>).....	5-5
Rule 5.6	Presence of Children in Courtroom (<i>Eff. 1/1/13</i>).....	5-8
Rule 5.7	Family Centered Case Resolution Process (CRC 5.83) (<i>Eff. 1/1/13</i>)	5-9
Rule 5.8	Status Conferences and Status Conference Reports (<i>Eff. 1/1/13</i>).....	5-10
Rule 5.9	Court Reporter Fees (<i>Eff. 1/1/13</i>)	5-11
PART TWO: Settlement Conferences and Trials		
Rule 5.10	Settlement Conferences (<i>Eff. 1/1/13</i>).....	5-12
Rule 5.11	Evidentiary Hearings and Trials (<i>Eff. 1/1/13</i>).....	5-16
Rule 5.12 – 5.19	[RESERVED]	5-17
PART THREE: Child Custody and Visitation		
Rule 5.20	Child Custody Recommending Counseling (<i>Eff. 1/1/13</i>)	5-18
Rule 5.21	Child Custody and Visitation Evaluations (<i>Eff. 1/1/13</i>)	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 (<i>Eff. 1/1/13</i>)	5-23
Rule 5.31 – 5.39	[RESERVED]	5-23
PART FIVE: Judgments		
Rule 5.40	Calendaring Hearings for Default or Uncontested Judgments (<i>Eff. 1/1/13</i>)	5-24
Rule 5.41	Documents Needed for Judgments for Legal Separation or Dissolution of Marriage or Registered Domestic Partnership (<i>Eff. 1/1/13</i>)	5-24
Rule 5.42	Documents Needed for Judgment of Nullity (<i>Eff. 1/1/13</i>)	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 (<i>Eff. 1/1/13</i>).....	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
5-C	Standing Orders	5-34
<u>RULE 6</u> <u>RULES APPLICABLE TO JUVENILE PROCEEDINGS</u>		
PART ONE: Rules for Juvenile Court in General		
Rule 6.1	Adoption, Construction, And Amendment Of Rules and Standing Orders (<i>Amended eff. 1/1/10</i>)	6-1

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

Number	Rule	Page
Rule 6.2	Juvenile Calendar (<i>Amended eff. 1/1/10</i>).....	6-1
Rule 6.3	Access To Courtroom By Non-Parties (<i>Amended eff. 1/1/10</i>).....	6-2
Rule 6.4	Confidentiality (<i>Amended eff. 1/1/10</i>)	6-2
Rule 6.5	Release Of Information Relating To Juveniles (<i>Amended eff. 1/1/10</i>)	6-2
Rule 6.6	Discovery (<i>Amended eff. 1/1/10</i>)	6-3
Rule 6.7	Petitions, Pleadings & Motions (<i>Amended eff. 1/1/10</i>).....	6-4
Rule 6.8	Request For Transcripts by Non-Party (<i>Amended eff. 1/1/10</i>).....	6-5
Rule 6.9	Welfare And Institutions Code Section 241.1 Assessments (<i>Amended eff. 1/1/10</i>).....	6-5
Rule 6.10	Motion To Challenge Legal Sufficiency Of Petition (<i>Eff. 1/1/10</i>).....	6-5
Rules 6.11 through 6.29	[RESERVED]	6-7
PART TWO: Juvenile Dependency		
Rule 6.30	Appointed Counsel in Dependency Proceedings (<i>Amended eff. 1/1/10</i>)	6-8
Rule 6.31	Appointment of Private Counsel in Dependency Proceedings (<i>Amended eff. 1/1/10</i>).....	6-9
Rule 6.32	Procedures For Reviewing And Resolving Complaints Regarding Representation In Dependency Proceedings (<i>Amended eff. 1/1/10</i>)	6-9
Rule 6.33	Procedures For Informing The Court Of The Interests Of A Dependent Child [CRC 5.660] (<i>Amended eff. 1/1/10</i>)	6-11
Rule 6.34	Motion to Challenge Legal Sufficiency of Petition (<i>Amended eff. 1/1/10</i>).....	6-12
Rule 6.35	Access To Minors (<i>Amended eff. 1/1/10</i>)	6-13
Rule 6.36	Modifications of Orders (<i>Amended eff. 1/1/10</i>)	6-14
Rule 6.37	Court Appointed Special Advocate Program (CASA) (<i>Amended eff. 1/1/10</i>)	6-15
Rules 6.38 through 6.59	[RESERVED]	6-15
PART THREE: Juvenile Delinquency		
Rule 6.60	Return On Bench Warrant (<i>Amended eff. 1/1/10</i>).....	6-16
APPENDICES		
2002-01	Medical Authorization – Juvenile Hall.....	6-19
2002-02	Community School Programs [AMENDED – SEE 2016-002-JV]	6-22
2002-05	Release of Records, Absent Parents	6-23
2002-07	Release of Records – Financial Hearing Officer	6-24
2011-001	Standing Order Authorizing Mental Health Evaluation and/or Treatment for Dependent Children or Minors Placed into Protective Custody by Child Welfare Services	6-26
2011-002	Order re: Release of Probation Files and Information Regarding Parents with Children Under the Jurisdiction of the Juvenile Court	6-28
2011-003	Standing Order to Facilitate Child Welfare Services Disaster Response Plan	6-31
2011-004	The Exchange of Information Pertaining to Juveniles Among Members of Multidisciplinary Team	6-33

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

Number	Rule	Page
2011-005	Exchange and Release of Information Between Child Welfare Services and the Solano County Court Investigator	6-35
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).....	6-38
2011-007	Release of School Records to Solano County Probation and Solano County Health and Social Services, Child Welfare Services Division (Education Code § 49077).....	6-42
2011-008	Toxicology Testing for Drug Exposed Children Subject to Juvenile Laws (Welfare & Institutions Code § 369, subd. (d))	6-43
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	6-45
2013-001	Standing Order re: Release of Juvenile Case File Information for W&I 601 and 602 Proceedings [VACATED]	6-49
2016-001-JV	Standing Order re: Release of Juvenile Case File Information for W&I 601 and 602 Proceedings	6-58
2016-002-JV	Designation of Chief Probation Officer/Designee as Representative of Court for Purposes of Referring Students to the Community School Programs.....	6-67

RULE 7

PROBATE

PART ONE: Probate Proceedings Generally

Rule 7.1	Scope of Probate Rules; Direct Calendarings (<i>Amended eff. 1/1/12</i>)	7-1
Rule 7.2	Use of Judicial Council Forms; Format of Pleadings; Calendarings (<i>Amended eff. 1/1/12</i>).	7-1
Rule 7.3	Signatures and Verification of Pleadings (<i>Amended eff. 7/1/09</i>)	7-2
Rule 7.4	Bonding of Personal Representative (<i>Amended eff. 7/1/09</i>)	7-3
Rule 7.5	Declination of Nominated Executor (<i>Amended eff. 7/1/09</i>).....	7-3
Rule 7.6	Notices (<i>Amended eff. 7/1/09</i>)	7-3
Rule 7.7	Continuances (<i>Amended eff. 1/1/13</i>).....	7-4
Rule 7.8	Pregrants in Probate Matters (<i>Amended eff. 1/1/16</i>)	7-5
Rule 7.9	Appearances at Hearings (<i>Amended eff. 1/1/10</i>).....	7-5
Rule 7.10	Ex Parte Applications (<i>Amended eff. 7/1/13</i>).....	7-6

PART TWO: Probate Proceedings Other Than Trusts

Rule 7.11	Appointment of Special Administrator (<i>Amended eff. 7/1/09</i>)	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.) (<i>Amended eff. 7/1/09</i>)	7-8
Rule 7.13	Preparation of Orders (<i>Amended eff. 7/1/09</i>)	7-9
Rule 7.14	Interest on Funeral and Interment Claims (<i>Amended eff. 7/1/09</i>)	7-10
Rule 7.15	Real Estate in Inventory and Appraisal (<i>Amended eff. 7/1/09</i>).....	7-10
Rule 7.16	Cash Deposit (<i>Amended eff. 7/1/09</i>)	7-10

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

Number	Rule	Page
Rule 7.17	Second Deeds of Trust (<i>Amended eff. 7/1/09</i>)	7-11
Rule 7.18	Earnest Money Deposit by Overbidder (<i>Amended eff. 7/1/09</i>).....	7-11
Rule 7.19	Appearances of Counsel (<i>Amended eff. 7/1/09</i>).....	7-11
Rule 7.20	Conditional Sales of Real Property (<i>Amended eff. 7/1/09</i>)	7-11
Rule 7.21	Broker’s Commissioners (<i>Amended eff. 7/1/09</i>).....	7-12
Rule 7.22	Statutory Compensation for Personal Representative and Attorney Fees (<i>Amended eff. 7/1/09</i>)	7-12
Rule 7.23	Partial Allowance of Statutory Compensation or Attorney Fees (<i>Amended eff. 7/1/09</i>)	7-13
Rule 7.24	Apportionment of Statutory Compensation Between Two or More Personal Representatives (<i>Amended eff. 7/1/09</i>)	7-14
Rule 7.25	Extraordinary Compensation for Personal Representative; Extraordinary Attorney Fees (<i>Amended eff. 7/1/09</i>)	7-14
Rule 7.26	Distributive Contingencies (<i>Amended eff. 7/1/09</i>).....	7-15
Rule 7.27	Contents of Decree of Partial or Final Distribution (<i>Amended eff. 1/1/13</i>).....	7-15
Rule 7.28	Distributions to Trusts (<i>Amended eff. 1/1/10</i>).....	7-17
Rule 7.29	Joint Tenancy Assets (<i>Amended eff. 7/1/09</i>).....	7-17
Rule 7.30	Personal Representative Compensation and Attorney Fees in Connection With Termination of a Joint Tenancy or Handling of Other Nonprobate Assets (<i>Amended eff. 7/1/09</i>)	7-18
Rule 7.31	Court Investigator Fees for Investigation of Petition for Particular Transaction (<i>Amended eff. 7/1/09</i>)	7-18
Rule 7.32	Receipt or Waiver of Account Signed by Attorney in Fact (<i>Eff. 7/1/10</i>).....	7-18
Rule 7.33	Reimbursement of Expenses of Estate Administration (<i>Eff. 1/1/13</i>)	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 (<i>Amended eff. 7/1/09</i>)	7-20
Rule 7.51	Trustee Fees (<i>Amended eff. 1/1/12</i>)	7-20
Rule 7.52	Information to be Included in Petitions Concerning Trusts (<i>Eff. 7/1/09</i>)	7-21
Rule 7.53	General Procedures for Special Needs Trusts (<i>Amended eff. 1/1/12</i>)	7-21
Rule 7.54	Accountings and Reports of Special Needs Trusts (<i>Eff. 7/1/09</i>).....	7-22
Rule 7.55	Compensation of Conservator from Trust (<i>Amended eff. 1/1/12</i>).....	7-23
Rule 7.56	Trust Accountings Filed with the Court (<i>Eff. 7/1/10</i>).....	7-23

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

Number	Rule	Page
<u>RULE 8</u> <u>COMPROMISES OF CLAIMS</u>		
Rule 8.1	Contents of Petition for Compromise Of Claim Of a Person with a Disability or a Minor (Amended eff. 7/1/14)	8-1
Rule 8.2	Filing Petitions for Compromise of Claims (Eff. 7/1/14).....	8-1
Rule 8.3	Establishment of Special Needs Trusts (Amended eff. 7/1/14)	8-1
<u>RULE 9</u> <u>ATTORNEY FEES IN DEFAULT MATTERS, PROMISSORY NOTES, CONTRACTS, AND FORECLOSURES</u>		
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. 7/1/16).....	9-3
<u>APPENDICES</u>		
9-A	Example of Attorney Fee Calculation per Rule 9.1	9-4
<u>RULE 10</u> <u>ADMINISTRATION</u>		
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
<u>RULE 11</u> <u>JURY MANAGEMENT</u>		
Rule 11.1 through 11.99	[RESERVED]	11-1
<u>RULE 12</u> <u>MENTAL HEALTH CONSERVATORSHIPS (LPS)</u>		
Rule 12.1 through 12.99	[RESERVED]	12-1
<u>RULE 13</u> <u>APPEALS</u>		
Rule 13.1	Fee Waiver Applications for Matters Being Appealed to the Court of Appeal (Eff. 1/1/10)	13-1
<u>RULE 14</u> <u>UNLAWFUL DETAINER</u>		
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

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

Number	Rule	Page
<u>RULE 15</u>	<u>GUARDIANSHIPS AND CONSERVATORSHIPS</u>	
	PART ONE: Guardianships	
Rule 15.1	Applicability of Guardianship Rules; Terminology; Direct Calendaring (<i>Amended eff. 1/1/13</i>)	15-1
Rule 15.2	Forms to be Filed at Commencement of Proceeding (<i>Amended eff. 1/1/13</i>)	15-1
Rule 15.3	Notice (<i>Amended eff. 1/1/13</i>).....	15-4
Rule 15.4	Appointment of Investigator (<i>Amended eff. 7/1/13</i>)	15-5
Rule 15.5	Court Investigator Fees (<i>Amended eff. 1/1/13</i>)	15-7
Rule 15.6	Temporary Guardianships (<i>Amended eff. 1/1/16</i>).....	15-9
Rule 15.7*	Ex Parte Applications for Temporary Guardianship or Other Temporary Orders [REPEALED] (<i>Repealed eff. 1/1/13</i>)	15-9
Rule 15.8	Contested Guardianships (<i>Amended eff. 1/1/13</i>).....	15-10
Rule 15.9	Orders for Visitation in Guardianships (<i>Amended eff. 1/1/13</i>)	15-10
Rule 15.10	Guardianships of the Estate (<i>Amended eff. 1/1/13</i>).....	15-12
Rule 15.11	Guardianships of the Person (<i>Eff. 1/1/13</i>).....	15-13
Rule 15.12*	Allowance of Fees in Guardianship Proceedings [REPEALED] (<i>Repealed eff. 1/1/13</i>)	15-13
Rule 15.13*	Investments by Guardian of the Estate [REPEALED] (<i>Repealed eff. 1/1/13</i>)	15-13
Rule 15.14	Appointment of Counsel for Ward (<i>Eff. 7/1/09</i>).....	15-14
Rule 15.15	Termination of Guardianship (<i>Amended eff. 1/1/13</i>)	15-15
Rule 15.16	Sanctions (<i>Eff. 7/1/09</i>)	15-16
Rule 15.17*	Guardianships of the Person – Status Report [REPEALED] (<i>Repealed eff. 1/1/13</i>)	15-16
Rule 15.18 – 15.49	[RESERVED]	15-16
	PART TWO: Conservatorships	
Rule 15.50	Conservatorship Matters to Which Rule 15 Applies (<i>Eff. 7/1/09</i>).....	15-17
Rule 15.51	Continuance of Hearing Where Conservatee Not Served with Citation (<i>Eff. 7/1/09</i>)	15-17
Rule 15.52	Additional Requirements for Proposed Conservators Prior to Issuance of Letters (<i>Amended eff. 7/1/11</i>)	15-17
Rule 15.53	Court Investigator (<i>Amended eff. 7/1/16</i>)	15-18
Rule 15.54	Court Investigator Fees (<i>Eff. 7/1/09</i>)	15-20
Rule 15.55	Appointment of Counsel for Conservatee (<i>Eff. 7/1/09</i>)	15-21
Rule 15.56	Ex Parte Applications for Temporary Conservatorships and Other Orders (<i>Eff. 7/1/09</i>) ...	15-22
Rule 15.57	Independent Exercise of Powers (<i>Eff. 7/1/09</i>)	15-24
Rule 15.58	Conservatorship Inventories and Appraisals (<i>Eff. 7/1/09</i>).....	15-24
Rule 15.59	Conservatorship Accountings (<i>Amended eff. 1/1/12</i>)	15-25
Rule 15.60	Allowance of Fees (<i>Amended eff. 1/1/12</i>).....	15-27

* 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 15.61	Orders for Support and Substituted Judgment (<i>Eff. 7/1/09</i>).....	15-28
Rule 15.62	Payments to Caregiver Spouse of Conservatee (<i>Eff. 7/1/09</i>).....	15-28
Rule 15.63	Termination of Conservatorship (<i>Eff. 7/1/09</i>).....	15-29
Rule 15.64	Conservatorships for Developmentally Disabled Individuals (<i>Eff. 7/1/09</i>).....	15-30
Rule 15.65	Sanctions (<i>Eff. 7/1/09</i>).....	15-30
Rule 15.66	Additional Provisions for Conservatorships of the Person (<i>Eff. 1/1/12</i>).....	15-30
Rule 15.67 – 15.99	[RESERVED]	15-30
PART THREE: Miscellaneous		
15.100	Complaints Concerning Court Investigators (<i>Eff. 1/1/12</i>)	15-31
APPENDICES		
15-A	List of Service Addresses for Guardianships (<i>Amended eff. 1/1/13</i>)	15-32
<u>RULE 16</u>	<u>PROTECTIVE ORDERS</u>	
16.1	Domestic Violence (Family Code § 6200 et seq.) (<i>Eff. 1/1/12</i>).....	16-1
16.2	Civil Harassment (CCP § 527.6) (<i>Eff. 1/1/12</i>).....	16-2
16.3	Workplace Violence (CCP § 527.8) (<i>Eff. 1/1/12</i>)	16-3
16.4	Postsecondary School Violence (CCP § 527.85) (<i>Eff. 1/1/12</i>)	16-4
16.5	Elder or Dependent Adult Abuse [RESERVED] (<i>Eff. 1/1/12</i>).....	16-4
<u>RULE 17</u>	<u>MISCELLANEOUS</u>	
17.1	Photography, Videotaping, and Electronic Recordings (<i>Eff. 1/1/12</i>)	17-1
17.2	Court Reporter Transcripts (<i>Eff. 1/1/13</i>)	17-2
SUBJECT MATTER INDEX		
INDEX OF LOCAL FORMS – BY FORM NUMBER		
INDEX OF LOCAL FORMS – ALPHABETICAL		

**Superior Court of California
County of Solano**

Rule 6 – Juvenile Proceedings

APPENDIX – Standing Orders of the Juvenile Court

<u>Standing Order</u>	<u>Title</u>
2002-01	Medical Authorization – Juvenile Hall
2002-02	Community School Programs [<i>Amended effective July 1, 2016</i>]
2002-05	Release of Records, Absent Parents
2002-07	Release of Records – Financial Hearing Officer
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
2013-001	Standing Order re: Release of Juvenile Case File Information for W&I 601 and 602 Proceedings [<i>Vacated effective July 1, 2016</i>]

**Superior Court of California
County of Solano**

Rule 6 – Juvenile Proceedings

APPENDIX – Standing Orders of the Juvenile Court

<u>Standing Order</u>	<u>Title</u>
2016-001-JV	Release of Juvenile Case File Information for Welf. & Inst. C. §§ 601 and 602 Proceedings (Welf. & Inst. C. § 827; T.N.G. v Superior Court (1971) 4 Cal.3d 767; Cal. Rules of Court, rule 5.552)
2016-002-JV	Designation of Chief Probation Officer/Designee as Representative of Court for Purposes of Referring Students to the Community School Programs (Welf. & Inst. C. § 654(c), Educ. C. § 42238.18(b))

FILED
SOLANO COUNTY COURTS

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IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

CHARLES D. RAMEY

JUVENILE COURT DIVISION

By Patsy Worcester
DEPUTY CLERK

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

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

I. HEALTH APPRAISAL AT CONFINEMENT

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

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

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

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

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

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

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

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

16 **II. CONTINUING TREATMENT AFTER DETENTION**

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

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

4 Dated: 8/2/02


5 DAVID EDWIN POWER
6 Judge of the Superior Court, Juvenile Division

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IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

CHARLES D. RAMEY

By Patty Worchester
DEPUTY CLERK

IN THE MATTER OF:)

DESIGNATION OF CHIEF PROBATION)
OFFICER/DESIGNEE AS)
REPRESENTATIVE OF COURT FOR)
PURPOSES OF REFERRING STUDENTS)
TO THE COMMUNITY SCHOOL)
PROGRAMS)

STANDING ORDER

2002- 2

(Welfare and Institutions Code Section 654
and Education Code Section 42238.18(c).)

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
DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

AMENDED
Effective July 1, 2016
See Standing Order 2016-002-JV

Standing Order 2002- 2
Re: Designation of Chief Probation Officer/Designee
As Court Representative For Community School Program

FILED
SOLANO COUNTY COURTS

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CHARLES D. RAMEY
By *[Signature]*
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

[Signature]

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

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

CHARLES D. RAMEY

By [Signature]
DEPUTY CLERK

IN THE MATTER OF:)
)
) **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.

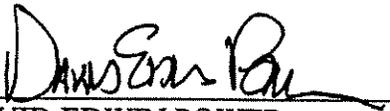
IT IS FURTHER ORDERED that the Financial Hearing Officer may convey this information to the Office of County Counsel for the sole purpose of collecting any fees ordered in the Welfare and Institutions Code Section 300 proceedings. The Office of County Counsel shall not use the information for any other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

//

Standing Order 2002--7
Re: Release of Confidential Information to Financial
Hearing Officer

1 from Welfare and Institutions Code section 300 case files.

2 Dated: 8/2/02

3 
4 DAVID EDWIN POWER
5 JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION
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Standing Order 2002- 7
Re: Release of Confidential Information to Financial
Hearing Officer

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

3 JUVENILE COURT DIVISION

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Clerk of the Superior Court

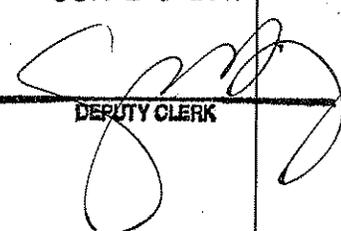
JUN 17 2011

4
5 In the Matter of

) STANDING ORDER

6 STANDING ORDER AUTHORIZING
7 MENTAL HEALTH EVALUATION
8 AND/OR TREATMENT FOR
9 DEPENDENT CHILDREN OR MINORS
PLACED INTO PROTECTIVE CUSTODY
BY CHILD WELFARE SERVICES

) 2011-001

By 
DEPUTY CLERK

10
11 To expedite the assessment and treatment of mental health needs of minors
12 who are in need of crisis mental health services after being taken into protective
13 custody and prior to any juvenile court intervention, it is hereby ordered that the Child
14 Welfare Services Division of Solano County Health and Social Services, may
15 authorize mental health treatment for minors as specified in this order. Nothing in this
16 Standing Order shall allow Child Welfare Services to consent to placement of a minor
17 in an inpatient psychiatric facility, or to the prescription or administration of
18 psychotropic medications for a minor, absent the written consent of the minor's parent
19 or guardian when permitted by law, or a specific order of this Court.

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

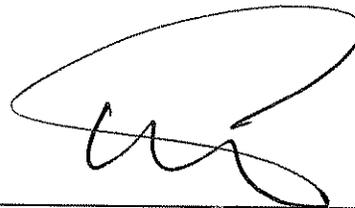
22 At the time a minor is taken into protective custody, all reasonable efforts shall
23 be made to obtain the consent of the parent or legal guardian for ongoing mental
24 health care while the minor is detained. Child Welfare Services shall maintain records
25 of its efforts to obtain consent for treatment.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

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

- 7 (1) assessment;
- 8 (2) treatment;
- 9 (3) sharing of information;
- 10 (4) determination and eligibility; and
- 11 (5) provision of payment of services.

12
13 Dated:

5/25/11



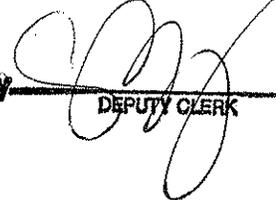
14 PRESIDING JUDGE OF THE
15 JUVENILE COURT

1
2 IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA
3 JUVENILE COURT DIVISION
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FILED
Clerk of the Superior Court

JUN 17 2011

5
6 In the Matter of) STANDING ORDER
7 ORDER RE: RELEASE OF PROBATION) 2011-002
8 FILES AND INFORMATION REGARDING)
9 PARENTS WITH CHILDREN UNDER)
10 THE JURISDICTION OF THE JUVENILE)
11 COURT)

By 
DEPUTY CLERK

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

18 1. The Solano County Department of Health and Social Services, Child
19 Welfare Services Division, is authorized to obtain verbal information from the Probation
20 Department and/or view the Probation Department's file concerning the parent, and
21 may make photocopies of documents contained in the file that are relevant to the
22 pending juvenile court proceeding as determined by the reviewing Child Welfare
23 Services worker.
24
25

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

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

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

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

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

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

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

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

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

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

3
4 Dated: 5/25/11



5 _____
6 PRESIDING JUDGE OF THE
7 JUVENILE COURT

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1 IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA
2 JUVENILE COURT DIVISION

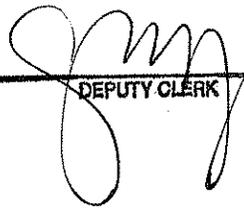
3 **FILED**
Clerk of the Superior Court

JUN 17 2011

4 In re:

5)
6 STANDING ORDER TO FACILITATE)
7 CHILD WELFARE SERVICES DISASTER)
8 RESPONSE PLAN)

STANDING ORDER
2011-003

By  DEPUTY CLERK

9
10 It is ordered that in the event that Solano County is declared a disaster area by
11 the Governor of the State of California and the Presiding Judge of the Juvenile Court or
12 his designee is not available to conduct regular court business; Solano County Child
13 Welfare Services is authorized to take the action listed below pursuant to this standing
14 order to ensure the safety and protection of the children within Solano County:

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

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

3 JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court

4
5 In the Matter of
6 THE EXCHANGE OF INFORMATION
7 PERTAINING TO JUVENILES AMONG
8 MEMBERS OF MULTIDISCIPLINARY
9 TEAMS.

) STANDING ORDER

JUN 17 2011

) 2011-004

By 
DEPUTY CLERK

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

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

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

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

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

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

7
8 Dated: 5/25/11



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PRESIDING JUDGE OF THE
JUVENILE COURT

1 10850, each and every Solano County Superior Court Investigator or Child Welfare
2 Services worker, upon verification of employment and assignment to investigate the
3 guardianship or dependency matter under the jurisdiction of the Solano County Superior
4 Court, shall be given access to information pertaining to the minor, minor's family of
5 origin, the minor's guardian or prospective guardian as follows:

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

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

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

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

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

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

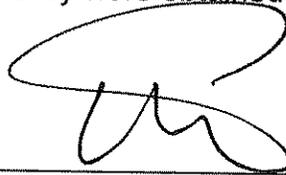
22 7. Any and all court documents contained in a Solano County Superior Court
23 Probate Guardianship file on a minor who is subject to the jurisdiction every
24 representative of the Solano County Superior Court Dependency action Department of
25 Health and Social Services, Child Welfare Services Division,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

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

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

10
11 Dated:

5/25/11



12 _____
13 PRESIDING JUDGE OF THE
14 JUVENILE COURT

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4 IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA
5 JUVENILE COURT DIVISION

FILED
Clerk of the Superior Court

JUN 17 2011

By 
DEPUTY CLERK

6
7 In the Matter of) STANDING ORDER
8 EXCHANGE & RELEASE OF JUVENILE) 2011-006
9 RECORDS TO BE USED IN THE)
10 SOLANO COUNTYWIDE FOSTER)
11 YOUTH SERVICES PROGRAM)
12 (Education Code section 488850 et seq,)
Welfare & Institutions Code 827,)
California Rules of Court, rule 5.552))

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

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

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

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

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

4 IT IS ORDERED AS FOLLOWS:

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

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

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

16 4. Copies of this Order shall be distributed to:

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

19 b. County of Solano, Probation Department,

20 c. County of Solano, Office of Education,

21 d. All school districts in the County of Solano,

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

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

25 g. Any community college district or community college.

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

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

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

7 k. CASA of Solano County,

8 l. All attorneys representing clients in Juvenile Court matters;

9 m. ICWA Tribal Advocates,

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

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

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

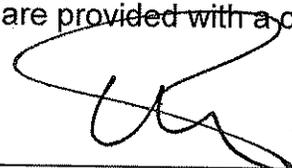
17 6. The records or information subject to this order may be transmitted
18 electronically if the transmitting party establishes a method of transmission that
19 ensures the confidentiality of the record or information.

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

25

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

3
4 Dated: 5/25/11



PRESIDING JUDGE OF THE
JUVENILE COURT

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

3 JUVENILE COURT DIVISION

4 In the Matter of

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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

1
2 IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA
3 JUVENILE COURT DIVISION
4

FILED
Clerk of the Superior Court

JUN 17 2011

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

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

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

21 THEREFORE, IT IS ORDERED that

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

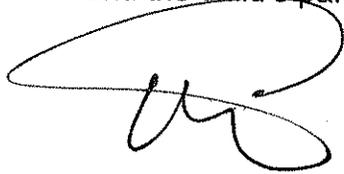
1 manufacture or production of methamphetamine or other illegal substance; at the
2 discretion of Solano County Health and Social Services, Child Welfare Division that
3 child may be immediately tested by trained medical personnel to assess the minor for
4 the ingestion or assimilation of chemicals and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

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

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

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

19
20 Dated: 5/25/11



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PRESIDING JUDGE OF THE
JUVENILE COURT

JUN - 4 2012

By *[Signature]*
DEPUTY CLERK

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4 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
5 **IN AND FOR THE COUNTY OF SOLANO**
6 **JUVENILE COURT DIVISION**
7

8 In the Matter of

STANDING ORDER

9 **STANDING ORDER AUTHORIZING**
10 **MEDICAL EVALUATION AND**
11 **TREATMENT FOR MINORS PLACED**
12 **INTO PROTECTIVE CUSTODY AND**
13 **TEMPORARILY DETAINED IN OUT-OF-**
14 **PLACEMENT BY CHILD WELFARE**
15 **SERVICES**

No. 2012-001

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

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

25 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

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

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

- 23 A. A comprehensive health assessment and physical examination.
- 24 B. Any clinical laboratory tests the physician determines are necessary for
25 the evaluation of the minor's health status.

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

4 D. Any routine medical care or procedures required based on the results of
5 the comprehensive health assessment and any routine medical required for the
6 care of illnesses and injury, including the use of standard X-rays or imaging.

7 Routine medical procedures exclude any medical procedure requiring local or
8 general anesthesia. Routine medical care or procedures as referred to above
9 includes:

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

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

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

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

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

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

4 Dated: 6/4/12



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6 PRESIDING JUDGE OF THE
7 JUVENILE COURT

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FILED
Clerk of the Superior Court

JUN - 6 2013

By [Signature]
DEPUTY CLERK

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

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IN THE MATTER OF:

RELEASE OF JUVENILE DELINQUENCY
RECORDS

STANDING ORDER NO. 2013-001 _____

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

Juvenile Court Standing Order No. 2002-8 as it relates to proceedings under Welfare and Institutions Code sections 601 and 602 and Juvenile Court Standing Order No. 2005-01 are vacated. Effective July 1, 2013, Juvenile Court Standing Order No. 2010-001 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

VACATED
Effective July 1, 2016
Standing Order 2016-001-JV

1 officer, and thereafter retained by the probation officer, judge, referee or other
2 hearing officer. A Juvenile Case File includes the file retained by the Court and
3 the file retained by the Probation Department. With the exception of documents
4 specifically related to a proceeding involving a violation of a court order, the
5 following documents are not included in the definition of a Juvenile Case File:

- 6 1. Case notes of Probation Officers.
- 7 2. Victim information not already contained in a probation report.
- 8 3. Court Appointed Special Advocates (CASA) records.
- 9 4. Records from the Solano County Juvenile Detention Facility, Fouts Springs
10 Youth Facility or other placements.
- 11 5. Other documents that are privileged or confidential pursuant to any other
12 state law, federal law or regulation, including but not limited to psychological
13 or psychiatric evaluations, mental health records and medical records.¹
- 14 6. Records that have been sealed pursuant to Welfare and Institutions Code
15 section 398 or 78.

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

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

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

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

1 school districts to access probation department, law enforcement, school district
2 and juvenile court information and records pursuant to the provisions of Welfare
3 and Institutions Code section 827.1.

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

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

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

3 **II. VIEWING JUVENILE CASE FILES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VACATED
Effective July 1, 2016
See Standing Order 2016-001-JV

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

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

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

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

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

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

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

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

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

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

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

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

15 VI. PROTECTIVE ORDER

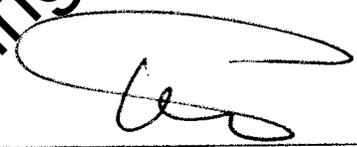
16 Unless otherwise specifically authorized by the Juvenile Court, or otherwise provided by
17 this Order, every person who receives documents or information from a Juvenile Case File is
18 subject to the following protective order:

19 A. No documents from a Juvenile Case File or information relating to the contents
20 of records in a Juvenile Case File may be disseminated by the receiving party to
21 any other person or agency, or made attachments to any other document(s) or
22 used in any other proceeding without the prior approval of the Presiding Judge
23 of the Juvenile Court, except as follows:

- 24 1. The records are used in a proceeding to declare the minor who is the
- 25 subject of the records a dependent child or ward of the juvenile court;
- 26 2. The records are released to immediate office staff, clients, expert witnesses
- 27 and investigators retained for the purposes of the pending matter only and
- 28 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.
 - 4. 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.
 - 5. In cooperation with federal authorities or entities as permitted or required by state or federal law.
- 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 no person shall have access to the documents thereafter without further order from the juvenile Court.

Dated: June 6, 2013



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

VACATED
Effective July 1, 2016
See Standing Order 2016-001-JV

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

6 STANDING ORDER NO. 2016-001-JV
7 RELEASE OF JUVENILE CASE FILE
8 INFORMATION FOR WELF. & INST. C. §§
9 601 AND 602 PROCEEDINGS
10 (Welf. & Inst. C. § 827; *T.N.G. v Superior
11 Court* (1971) 4 Cal.3d 767; Cal. Rules of
12 Court, rule 5.552)

13 Effective July 1, 2016, Juvenile Court Standing Order No. 2013-001 is vacated and
14 replaced with this Standing Order.

15 Good cause appearing and consistent with Welfare and Institutions Code section 827¹,
16 *T.N.G. v Superior Court* (1971) 4 Cal.3d 767, and California Rules of Court, rule 5.552, Cal.
17 Rules of Court, rule 5.552, the Juvenile Court of the Superior Court of California, County of
18 Solano makes the following Standing Order:

19 **I. GENERAL PROVISIONS**

20 A. This Standing Order applies to the inspection and copying of juvenile case files
21 for minors currently involved or previously involved in proceedings under sections 601 and
22 602.

23 B. The provisions of section 827 and California Rules of Court, rule 5.552 are
24 incorporated herein by reference.

25 C. The term "juvenile case file" as used in this standing order includes the
26 documents listed in California Rules of Court, rule 5.552, subdivision (a). With the exception of
27 documents specifically related to a proceeding involving a violation of a court order, the
28

¹ All future statutory references are to the Welfare and Institutions Code, unless otherwise indicated.

1 following documents are not included in the definition of a juvenile case file:

- 2 1. Victim information not already contained in a probation report.
- 3 2. Records from the Solano County Juvenile Detention Facility or other
4 placements.
- 5 3. Other documents that are privileged or confidential pursuant to any
6 other state law, federal law or regulation, including, but not limited to
7 psychological or psychiatric evaluations, mental health records and
8 medical records.² The terms “psychological or psychiatric reports,
9 evaluations and other mental health records” and “medical records” are
10 those records which are created by a mental health or medical care
11 provider and which contain medical information as defined by Civil Code
12 section 56.05, subdivision (j).
- 13 4. Records that have been sealed pursuant to Welfare and Institutions
14 Code sections 398, 781, 786, or 793, subdivision (c).

15 D. Nothing in this Standing Order shall prohibit any city or the County from
16 establishing a computerized data base system that permits the probation department, law
17 enforcement agencies and school districts to access probation department, law enforcement,
18 school district and juvenile court information and records pursuant to the provisions of section
19 827.1.

20 E. Notwithstanding any other provision of this Standing Order, an individual
21 seeking psychiatric evaluations, medical records and/or mental health records from his or her
22 own juvenile case file may receive such records following execution of a release that is
23 compliant with the federal Health Information Privacy and Accountability Act (“HIPAA”) and the
24 California Confidentiality of Medical Information Act (Cal. Civil Code §56 et seq.). The
25 release shall be on a form adopted by the Probation Department and must be either notarized

26 _____
27 ² See Welfare and Institutions Code section 827(a)(3)(A). Privileged or confidential records not subject to
28 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 sections 6253.2 and 6254(n) [persons paid to perform in-home
supportive services, licensing applications].

1 or signed in the presence of a Probation Department official or other law enforcement official
2 designated by the Chief Probation Officer.

3 F. Except as otherwise provided in this Standing Order, requests by any individual
4 for access to juvenile case file information, or by any law enforcement agency to disseminate
5 any information in its files to any person or agency not authorized by section 827, this
6 Standing Order, or another effective standing order to receive such information shall only be
7 considered by the Juvenile Court on an individual basis, pursuant to a petition filed under
8 section 827.

9 G. Nothing in this Standing Order shall prohibit the dissemination of information as
10 otherwise required or permitted by law.

11 **II. VIEWING JUVENILE CASE FILES**

12 A. Only those persons specifically identified in section 827(a)(1) may view a
13 juvenile case file. Any person not specifically listed must file a petition under section 827 for
14 permission to view a juvenile case file.

15 B. The Probation Department and the court may, in their sole discretion, require
16 proof that a person wishing to view a file falls into one of the categories listed in section
17 827(a).

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

25 D. No information relating to the contents of a juvenile case file may be
26 disseminated by the person viewing the file without a court order, except to employees of the
27 department employing the person viewing the file with an official need.
28

1 **III. OBTAINING COPIES OF DOCUMENTS FROM JUVENILE CASE FILES**

2 A. Only those persons specifically listed in section 827(a)(5) may obtain copies of
3 documents contained in the juvenile case file without a court order.

4 B. The Probation Department and the court may, in their sole discretion, require
5 proof that a person wishing to obtain copies of documents falls into one of the categories
6 permitted by section 827(a)(5), and may impose a reasonable fee for copying, consistent with
7 the fee schedule set by the County Board of Supervisors (for Probation Department records)
8 or by law (for court records).

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

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

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

1 probation. The Probation Department file shall contain a written record of information and
2 documents released pursuant to this paragraph.

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

4 A. To the extent permitted or required by state or federal law, the Probation
5 Department may, in its discretion, verbally release information regarding a juvenile case file to
6 the following persons who have an official interest and need to know in connection with the
7 discharge of their official responsibilities, and who are employed by:

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

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

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

1 contact orders, gang terms and other relevant terms of probation. The Probation Department
2 file shall contain a written record of all information released pursuant to this paragraph.

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

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

19 The Probation Department file shall contain a written record of information and
20 documents released pursuant to this paragraph.

21 E. The Probation Department may, in its sole discretion, require proof that a
22 person wishing to obtain verbal information from a juvenile case file is authorized by this order
23 to receive such information.

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

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

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

- 1 1. Whether or not an arrest has been made.
- 2 2. The offenses for which an arrest has been made.
- 3 3. The disposition of the minor by the law enforcement agency.
- 4 4. In cases where disclosure of information aids in an investigation, assists in
- 5 the arrest of a suspect or escapee or otherwise warns the public of
- 6 danger; the name, date of birth and physical description of a minor and,
- 7 where relevant to protect public health and safety, the charges against
- 8 the minor.

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

- 11 1. Whether or not a petition has been filed with the Juvenile Court and the
- 12 charge to be alleged in any such petition.
- 13 2. The results of any detention hearing held.
- 14 3. The date and location of the hearing.
- 15 4. The identification of the judge or referee who heard or will hear the
- 16 matter.
- 17 5. The jurisdictional finding and the final disposition of the court.

18 **VI. PROTECTIVE ORDER**

19 Unless otherwise specifically authorized by the Juvenile Court, or otherwise provided
20 by this order, every person who receives documents or information from a juvenile case file is
21 subject to a protective order. The terms of the protective order shall be incorporated herein by
22 reference and shall be a part of this Standing Order.

23 **It is so ordered.**

24 Dated: May 16, 2016

25 
26 _____
27 D. SCOTT DANIELS
28 Presiding Judge of the Superior Court
Juvenile Division

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

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

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

10 Pursuant to the terms of Standing Order 2016-001-JV, unless otherwise specifically
11 authorized by the Juvenile Court, or otherwise provided by this Order, every person who
12 receives documents or information from a juvenile case file is subject to the following
13 protective order:

14 A. No documents from a juvenile case file or information relating to the contents of
15 records in a juvenile case file may be disseminated by the receiving party to any other person
16 or agency, or made attachments to any other document(s) or used in any other proceeding
17 without the prior approval of the Presiding Judge of the Juvenile Court, except as follows:

18 1. The records are used in a proceeding to declare the minor who is the
19 subject of the records a dependent child or ward of the juvenile court.

20 2. The records are released to immediate office staff, clients, expert
21 witnesses and investigators retained for the purposes of the pending matter only and with no
22 one else.

23 3. District Attorneys, City Attorneys authorized to prosecute criminal
24 cases, and Public Defenders or other private defense counsel may disseminate records or
25 disclose information in compliance with their discovery obligations under statutory and case
26 law.
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4. 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.

5. In cooperation with federal authorities or entities as permitted or required by state or federal law.

B. Any production or dissemination of records pursuant to Standing Order 2016-001-JV shall be accompanied by a copy of this Protective 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 no 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: May 16, 2016

D. Scott Daniels
D. SCOTT DANIELS
Presiding Judge of the Superior Court
Juvenile Division

**Superior Court of California
County of Solano**



**Superior Court of California
County of Solano**

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

9.3 OPEN BOOK ACCOUNTS - UNLIMITED AND LIMITED CIVIL

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

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

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

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

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

The maximum fee allowable in open book accounts shall be as set forth in Civil Code section 1717.5.

(Subd. (b) amended effective July 1, 2016; previously amended effective January 1, 2012.)

(Rule 9.3 amended effective July 1, 2016; adopted effective January 1, 2009; previously amended effective January 1, 2012.)

**Superior Court of California
County of Solano**

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

APPENDIX 9-A

Example of Attorney Fee Calculation per Rule 9.1:

Demand of Complaint - \$54,000.00

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

Total attorney's fees: \$4,380

**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, Part Two of 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.)

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

- 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 required by Government Code section 68097.2 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 (f) amended effective July 1, 2016; adopted effective January 1, 2012.)

(Rule 15.53 amended effective July 1, 2016; previously adopted as Rule 7.70 effective July 1, 1988; adopted as Rule 15.53 effective July 1, 2009; previously amended effective January 1, 2012.)

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

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.)

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

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.)

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

15.56 TEMPORARY CONSERVATORSHIPS; EX PARTE PETITIONS FOR TEMPORARY CONSERVATORSHIP AND OTHER ORDERS; WAIVER OF NOTICE REQUIREMENTS

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

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

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,

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

- (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.)

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

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

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

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

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

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.)

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

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:

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

- (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.)

**Superior Court of California
County of Solano**

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

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.)

15.67 – 15.99 [RESERVED]

**Superior Court of California
County of Solano**

**Local Rules
Subject Matter Index**

<u>Rule</u>	<u>Rule Number</u>	<u>Page</u>
Access To Courtroom By Non-Parties (<i>Juvenile Proceedings</i>)	Rule 6.3	6-2
Access To Minors (<i>Juvenile Proceedings – Dependency</i>)	Rule 6.35	6-13
Accountings and Reports of Special Needs Trusts (<i>Probate</i>)	Rule 7.54	7-22
Additional Requirements for Proposed Conservators Prior to Issuance of Letters (<i>Conservatorships</i>)	Rule 15.52	15-17
Administration	Rule 10	
Administration of Civil Litigation	Rule 4	
Adoption of Local Rules (<i>General Provisions</i>)	Rule 1.1	1-1
Adoption, Construction and Amendment of Rules and Standing Orders (<i>Juvenile Proceedings</i>)	Rule 6.1	6-1
Allowance of Fees (<i>Conservatorships</i>)	Rule 15.60	15-27
Appeals	Rule 13	
Appearances at Hearings (<i>Probate</i>)	Rule 7.9	7-5
Appearances of Counsel (<i>Probate</i>)	Rule 7.19	7-11
Appendices (<i>Attorney Fees in Default Matters, Promissory Notes, Contracts, and Foreclosures</i>)	Rule 9	9-4
Appendices (<i>Family Law</i>)	Rule 5	5-26
Appendices (<i>Guardianships and Conservatorships</i>)	Rule 15	15-32
Appendices (<i>Juvenile Proceedings</i>)	Rule 6	6-17
Applicability of Guardianship Rules; Terminology; Direct Calendaring (<i>Guardianships</i>)	Rule 15.1	15-1
Application of Rules (<i>Civil Cases</i>)	Rule 3.1	3-1
Application Of Rules (<i>Criminal and Traffic Infraction Cases</i>)	Rule 2.1	2-1
Applications for Emergency Orders (Ex Parte Orders) (<i>Family Law</i>)	Rule 5.4	5-4
Appointed Counsel in Dependency Proceedings (<i>Juvenile Proceedings – Dependency</i>)	Rule 6.30	6-8
Appointment of Counsel for Conservatee (<i>Conservatorships</i>)	Rule 15.55	15-21
Appointment of Counsel for Ward (<i>Guardianships</i>)	Rule 15.14	15-14
Appointment Of Investigator (<i>Guardianships</i>)	Rule 15.4	15-5

**Superior Court of California
County of Solano**

**Local Rules
Subject Matter Index**

Appointment of Private Counsel in Dependency Proceedings (<i>Juvenile Proceedings – Dependency</i>)	Rule 6.31	6-9
Appointment Of Special Administrator (<i>Probate</i>)	Rule 7.11	7-8
Apportionment of Statutory Compensation Between Two or More Personal Representatives (<i>Probate</i>)	Rule 7.24	7-14
Attorney Fees - Limited Civil Matters (<i>Attorney's Fees In Default Matters, Promissory Notes, Contracts, And Foreclosures</i>)	Rule 9.2	9-2
Attorney Fees - Unlimited Civil Matters (<i>Attorney's Fees In Default Matters, Promissory Notes, Contracts, And Foreclosures</i>)	Rule 9.1	9-1
Attorney Fees in Default Matters (<i>Unlawful Detainer</i>)	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 (<i>Probate</i>)	Rule 7.50	7-20
Bonding Of Personal Representative (<i>Probate</i>)	Rule 7.4	7-3
Broker's Commissions (<i>Probate</i>)	Rule 7.21	7-12
Calculation of Temporary Spousal Or Partner Support (<i>Family Law</i>)	Rule 5.30	5-23
Calendaring Hearings for Default or Uncontested Judgments (<i>Family Law</i>)	Rule 5.40	5-24
Calendaring of Hearings (<i>Civil Cases</i>)	Rule 3.5	3-2
Case Designation (<i>Administration of Civil Litigation</i>)	Rule 4.2	4-2
Case Management Conferences (<i>Administration of Civil Litigation</i>)	Rule 4.6	4-3
Cash Deposit (<i>Probate</i>)	Rule 7.16	7-10
Child Custody and Visitation Evaluations (<i>Family Law</i>)	Rule 5.21	5-20
Child Custody Recommending Counseling (<i>Family Law</i>)	Rule 5.20	5-18
Civil Cases	Rule 3	
Civil Harassment (CCP § 527.6) (<i>Protective Orders</i>)	Rule 16.2	16-2
Compensation of Conservator from Trust (<i>Probate</i>)	Rule 7.55	7-23
Compromises of Claims	Rule 8	
Conditional Sales Of Real Property (<i>Probate</i>)	Rule 7.20	7-11

**Superior Court of California
County of Solano**

**Local Rules
Subject Matter Index**

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

**Superior Court of California
County of Solano**

**Local Rules
Subject Matter Index**

Direct Calendaring Of Criminal Cases (<i>Criminal and Traffic Infraction Cases</i>)	Rule 2.2	2-1
Discovery (<i>Juvenile Proceedings</i>)	Rule 6.6	6-3
Dismissal Of Action Or Entry Of Judgment Following Settlement (<i>Administration of Civil Litigation</i>)	Rule 4.11	4-16
Distributions to Trusts (<i>Probate</i>)	Rule 7.28	7-17
Distributive Contingencies (<i>Probate</i>)	Rule 7.26	7-15
Diversion To Arbitration (<i>Administration of Civil Litigation</i>)	Rule 4.7	4-7
Divisions Of The Court; Assignment of Supervising Judges (<i>General Provisions</i>)	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 (<i>Family Law</i>)	Rule 5.43	5-25
Documents Needed for Judgment of Nullity (<i>Family Law</i>)	Rule 5.42	5-24
Documents Needed for Judgments for Legal Separation or Dissolution of Marriage or Registered Domestic Partnership (<i>Family Law</i>)	Rule 5.41	5-24
Domestic Violence (Family Code § 6200 et seq.) (<i>Protective Orders</i>)	Rule 16.1	16-1
Earnest Money Deposit by Overbidder (<i>Probate</i>)	Rule 7.18	7-11
Elder or Dependent Adult Abuse [Reserved] (<i>Protective Orders</i>)	Rule 16.5	16-4
Electronic Filing and Service of Pleadings and Documents (<i>Administration of Civil Litigation</i>)	Rule 4.14	4-19
Establishment of Special Needs Trusts (<i>Compromises of Claims</i>)	Rule 8.3	8-1
Evidentiary Hearings and Trials (<i>Family Law</i>)	Rule 5.11	5-16
Ex Parte Applications (<i>Probate</i>)	Rule 7.10	7-6
Ex Parte Applications for Temporary Conservatorship and Other Orders (<i>Conservatorships</i>)	Rule 15.56	15-22
Ex Parte Matters (<i>Civil Cases</i>)	Rule 3.13	3-6
Executive Officer (<i>Administration</i>)	Rule 10.1	10-1
Extraordinary Compensation for Personal Representative; Extraordinary Attorney Fees (<i>Probate</i>)	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 (<i>Civil Cases</i>)	Rule 3.11	3-5
Family Centered Case Resolution Process (CRC 5.83) (<i>Family Law</i>)	Rule 5.7	5-9
Family Law	Rule 5	
Fee Waiver Applications for Matters Being Appealed to the Court of Appeal (<i>Appeals</i>)	Rule 13.1	13-1
Filing of Notices of Unavailability (<i>Civil Cases</i>)	Rule 3.18	3-12
Filing Petitions for Compromise of Claims (<i>Compromises of Claims</i>)	Rule 8.2	8-1
Forfeiture of Jury Fees (<i>Civil Cases</i>)	Rule 3.7	3-3
Forms to be Filed at Commencement of Proceeding (<i>Guardianships</i>)	Rule 15.2	15-1
General Procedures for Special Needs Trusts (<i>Probate</i>)	Rule 7.53	7-21
General Provisions	Rule 1	
Guardianships	Rule 15	
Guardianships of the Estate (<i>Guardianships</i>)	Rule 15.10	15-12
Guardianships of the Person (<i>Guardianships</i>)	Rule 15.11	15-13
Independent Exercise of Powers (<i>Conservatorships</i>)	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.) (<i>Probate</i>)	Rule 7.12	7-8
Information to be Included in Petitions Concerning Trusts (<i>Probate</i>)	Rule 7.52	7-21
Interest on Funeral and Interment Claims (<i>Probate</i>)	Rule 7.14	7-10
Joint Tenancy Assets (<i>Probate</i>)	Rule 7.29	7-17
Jury Management	Rule 11	
Juvenile Calendar (<i>Juvenile Proceedings</i>)	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 (<i>Family Law</i>))	Rule 5.5	5-5

**Superior Court of California
County of Solano**

**Local Rules
Subject Matter Index**

Mandate Actions Arising Under the California Environmental Quality Act (CEQA) (<i>Civil Cases</i>)	Rule 3.17	3-7
Mandatory Settlement Conferences (<i>Administration of Civil Litigation</i>)	Rule 4.9	4-12
Matters Assigned to the Family Law Division; Applicability of Rule (<i>Family Law</i>)	Rule 5.1	5-1
Mediation (<i>Administration of Civil Litigation</i>)	Rule 4.8	4-8
Mental Health Conservatorships (LPS)	Rule 12	
Miscellaneous	Rule 17	
Miscellaneous (<i>Administration of Civil Litigation</i>)	Rule 4.12	4-16
Modifications Of Orders (<i>Juvenile Proceedings – Dependency</i>)	Rule 6.36	6-14
Motion To Challenge Legal Sufficiency Of Petition (<i>Juvenile Proceedings</i>)	Rule 6.10	6-5
Motion To Challenge Legal Sufficiency Of Petition (<i>Juvenile Proceedings – Dependency</i>)	Rule 6.34	6-12
Motions Papers (<i>Civil Cases</i>)	Rule 3.16	3-7
Motions to Consolidate (<i>Civil Cases</i>)	Rule 3.15	3-7
Notice (<i>Guardianships</i>)	Rule 15.3	15-4
Notices (<i>Probate</i>)	Rule 7.6	7-3
Notification Of Plaintiff Of Assignment To One Judge For All Purposes (<i>Civil Cases</i>)	Rule 3.3	3-2
Notification to Court of Continuances, Drops or Stipulations (<i>Probate</i>)	Rule 7.7	7-4
Notification to Court of Drops, Continuances and Stipulations (<i>Civil Cases</i>)	Rule 3.8	3-3
Off Calendar (<i>Civil Cases</i>)	Rule 3.12	3-6
Open Book Accounts - Unlimited And Limited Civil (<i>Attorney's Fees In Default Matters, Promissory Notes, Contracts, And Foreclosures</i>)	Rule 9.3	9-3
Orders for Support and Substituted Judgment (<i>Conservatorships</i>)	Rule 15.61	15-28
Orders for Visitation in Guardianships (<i>Guardianships</i>)	Rule 15.9	15-10
Partial Allowance of Statutory Compensation or Attorney Fees (<i>Probate</i>)	Rule 7.23	7-13
Payments to Caregiver Spouse of Conservatee (<i>Conservatorships</i>)	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 (<i>Probate</i>)	Rule 7.30	7-18
Petitions, Pleadings & Motions (<i>Juvenile Proceedings</i>)	Rule 6.7	6-4
Photography, Videotaping, and Electronic Recordings (<i>Miscellaneous</i>)	Rule 17.1	17-1
Postsecondary School Violence (CCP § 527.85) (<i>Protective Orders</i>)	Rule 16.4	16-4
Pregrants in Probate Matters (<i>Probate</i>)	Rule 7.8	7-5
Preparation and Filing of Forms and Pleadings (<i>Family Law</i>)	Rule 5.3	5-2
Preparation of Orders (<i>Probate</i>)	Rule 7.13	7-9
Presence of Children in Courtroom (<i>Family Law</i>)	Rule 5.6	5-8
Probate	Rule 7	
Procedure (<i>Criminal and Traffic Infraction Cases</i>)	Rule 2.3	2-1
Procedures For Informing The Court Of The Interests Of A Dependent Child [CRC 5.660] (<i>Juvenile Proceedings – Dependency</i>)	Rule 6.33	6-11
Procedures For Reviewing And Resolving Complaints Regarding Representation In Dependency Proceedings (<i>Juvenile Proceedings – Dependency</i>)	Rule 6.32	6-9
Protective Orders	Rule 16	
Real Estate in Inventory and Appraisal (<i>Probate</i>)	Rule 7.15	7-10
Reassignment Upon Disqualification of Judicial Officer (<i>General Provisions</i>)	Rule 1.4	1-2
Receipt or Waiver of Account Signed by Attorney in Fact (<i>Probate</i>)	Rule 7.32	7-18
Release Of Information Relating To Juveniles (<i>Juvenile Proceedings</i>)	Rule 6.5	6-2
Request For Transcripts by Non-Party (<i>Juvenile Proceedings</i>)	Rule 6.8	6-5
Reservation of Government Code §71620 Powers (<i>Administration</i>)	Rule 10.2	10-1
Return On Bench Warrant (<i>Juvenile Proceedings – Delinquency</i>)	Rule 6.60	6-16
Sanctions (<i>Administration of Civil Litigation</i>)	Rule 4.13	4-18
Sanctions (<i>Conservatorships</i>)	Rule 15.65	15-30
Sanctions (<i>Guardianships</i>)	Rule 15.16	15-16

**Superior Court of California
County of Solano**

**Local Rules
Subject Matter Index**

Scope And Policy (<i>Administration of Civil Litigation</i>)	Rule 4.1	4-1
Scope of Probate Rules (<i>Probate</i>)	Rule 7.1	7-1
Second Deeds of Trust (<i>Probate</i>)	Rule 7.17	7-11
Settlement Conferences (<i>Family Law</i>)	Rule 5.10	5-12
Signatures and Verifications of Pleadings (<i>Probate</i>)	Rule 7.3	7-2
Standing Order 2002-01: Medical Authorization – Juvenile Hall (<i>Juvenile Proceedings</i>)	Rule 6	6-19
Standing Order 2002-02: Community School Programs (<i>Juvenile Proceedings</i>) [VACATED]	Rule 6	6-22
Standing Order 2002-05: Release of Records, Absent Parents (<i>Juvenile Proceedings</i>)	Rule 6	6-23
Standing Order 2002-07: Release of Records – Financial Hearing Officer (<i>Juvenile Proceedings</i>)	Rule 6	6-24
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 (<i>Juvenile Proceedings</i>)	Rule 6	6-26
Standing Order 2011-02: Order re: Release of Probation Files and Information Regarding Parents with Children Under the Jurisdiction of the Juvenile Court (<i>Juvenile Proceedings</i>)	Rule 6	6-28
Standing Order 2011-03: Standing Order to Facilitate Child Welfare Services Disaster Response Plan (<i>Juvenile Proceedings</i>)	Rule 6	6-31
Standing Order 2011-04: The Exchange of Information Pertaining to Juveniles Among Members of Multidisciplinary Team (<i>Juvenile Proceedings</i>)	Rule 6	6-33
Standing Order 2011-05: Exchange and Release of Information Between Child Welfare Services and the Solano County Court Investigator (<i>Juvenile Proceedings</i>)	Rule 6	6-35
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) (<i>Juvenile Proceedings</i>)	Rule 6	6-38

**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) (<i>Juvenile Proceedings</i>)	Rule 6	6-42
Standing Order 2011-08: Toxicology Testing for Drug Exposed Children Subject to Juvenile Laws (Welfare & Institutions Code § 369, subd. (d)) (<i>Juvenile Proceedings</i>)	Rule 6	6-43
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 (<i>Juvenile Proceedings</i>)	Rule 6	6-45
Standing Order 2013-001: Standing Order re: Release of Juvenile Case File Information for W&I 601 and 602 Proceedings (<i>Juvenile Proceedings</i>) [VACATED]	Rule 6	6-49
Standing Order 2016-001-JV: Standing Order re: Release of Juvenile Case File Information for W&I 601 and 602 Proceedings (<i>Juvenile Proceedings</i>)	Rule 6	6-58
Standing Order 2016-002-JV: Designation of Chief Probation Officer/Designee as Representative of Court for Purposes of Referring Studies to the Community School Programs (<i>Juvenile Proceedings</i>)	Rule 6	6-67
Standing Order 2015-001-CV: Electronic Service of Documents in Complex Litigation (<i>Administration of Civil Litigation</i>)	Rule 4	6-21
Status Conferences And Status Conference Reports (<i>Family Law</i>)	Rule 5.8	5-10
Statutory Compensation for Personal Representative and Attorney Fees (<i>Probate</i>)	Rule 7.22	7-12
Telephonic Appearances (<i>Civil Cases</i>)	Rule 3.10	3-5
Telephonic Appearances (<i>Unlawful Detainer</i>)	Rule 14.1	14-1
Temporary Guardianships (<i>Guardianships</i>)	Rule 15.6	15-9
Tentative Rulings (<i>Civil Cases</i>)	Rule 3.9	3-4
Termination of Conservatorship (<i>Conservatorships</i>)	Rule 15.63	15-29
Termination of Guardianship (<i>Guardianships</i>)	Rule 15.15	15-15
Time Requirements For Complaint (<i>Administration of Civil Litigation</i>)	Rule 4.3	4-3

**Superior Court of California
County of Solano**

**Local Rules
Subject Matter Index**

Time Requirements For Cross Complaints (<i>Administration of Civil Litigation</i>)	Rule 4.5	4-3
Time Requirements For Responsive Pleadings (<i>Administration of Civil Litigation</i>)	Rule 4.4	4-3
Trial Management (<i>Unlawful Detainer</i>)	Rule 14.2	14-1
Trial Management Conferences (<i>Administration of Civil Litigation</i>)	Rule 4.10	4-14
Trust Accountings Filed with the Court (<i>Probate</i>)	Rule 7.56	7-23
Trustee Fees (<i>Probate</i>)	Rule 7.51	7-20
Unlawful Detainer	Rule 14	
Use Of Judicial Council Forms; Format Of Pleadings (<i>Probate</i>)	Rule 7.2	7-1
Welfare And Institutions Code Section 241.1 Assessments (<i>Juvenile Proceedings</i>)	Rule 6.9	6-5
Workplace Violence (CCP § 527.8) (<i>Protective Orders</i>)	Rule 16.3	16-3

Superior Court of California, County of Solano

Local Rules Page List as of July 1, 2016

The chart below provides a complete list of all the pages and their revision dates as of July 1, 2016.

<u>Rule/Pages</u>	<u>Revision Date</u>	<u>Rule/Pages</u>	<u>Revision Date</u>
Rule Adoption and Revision History; Local Rules Publication Information	July 2016	7-9 – 7-16	January 2012
		7-17 – 7-24	January 2013
Summary Table of Contents	July 2016	Rule 8	July 2014
		Rule 9	January 2012
Detailed Table of Contents	July 2016		July 2016
		Rule 10	January 2011
Rule 1	July 2014	Rule 11	January 2011
Rule 2	July 2014	Rule 12	January 2013
	July 2014	Rule 13	January 2011
	January 2013	Rule 14	January 2012
Rule 3	July 2013	Rule 15	January 2013
	January 2016		January 2016
Rule 4	January 2015		July 2016
Rule 5	July 2014		January 2013
	January 2016	Rule 16	January 2012
	January 2013	Rule 17	January 2013
	January 2016		
Rule 6	July 2012	Subject Matter Index	July 2016
	July 2016	Index of Local Forms	July 2015
Rule 7	January 2012	Page List	July 2016
	January 2013		
	January 2016		