

SOLANO COUNTY LOCAL RULES EFFECTIVE JULY 1, 2014

FILING INSTRUCTIONS FOR REPLACEMENT PAGES

The Solano County Superior Court is pleased to offer replacement pages for revised rules effective July 1, 2014. 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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**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."

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**Superior Court of California
County of Solano**



**Superior Court of California
County of Solano**

Rule 1 – General Provisions

1.1 ADOPTION OF LOCAL RULES

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

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

1.2 DIVISIONS OF THE COURT; ASSIGNMENT OF SUPERVISING JUDGES

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

(Rule 1.2 amended effective July 1, 2014; adopted effective January 1, 1998; previously amended effective January 1, 2010.)

1.3 DIRECT CALENDARING

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

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

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Rule 1 – General Provisions

1.4 REASSIGNMENT UPON DISQUALIFICATION OF JUDICIAL OFFICER OR FOR OTHER CAUSE

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

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

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

2.1 APPLICATION OF RULES

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

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

2.2 DIRECT CALENDARING OF CRIMINAL CASES

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

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

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

2.3 PROCEDURE

a. PETITIONS PER PENAL CODE SECTION 1203.4 AND 1203.4a

Any defendant wishing to file a petition for relief per Penal Code sections 1203.4 or 1203.4a and who wishes to have their costs waived shall file a completed financial declaration on a form designated by the court. The form shall be filed concurrently with the petition.

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

b. ORDERS SHORTENING TIME

Regarding pretrial motions governed by Rule of Court 4.111, when good cause exists, the court may prescribe a shorter time for the service and filing of a notice of motion and supporting papers *sua sponte* or if the party seeking to shorten the time files an *Application for Ex Parte Order Shortening Time* with the court. A

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party filing an *Application for Ex Parte Order Shortening Time* must notify all parties no later than 10:00 a.m. the court day before the ex parte appearance, absent a showing of exceptional circumstances that justify a shorter time for notice. Notice may be given by telephone. The application shall be accompanied by an affidavit or declaration setting forth facts showing good cause for the order and showing that notice was given to each party of the ex parte hearing. The application shall also be accompanied by a proposed order, as well as by the notice of motion and supporting papers.

(Subd. (b) adopted effective July 1, 2014.)

(Rule 2.3 amended effective July 1, 2014; adopted effective January 1, 2013; prior Rule 2.3, adopted effective January 1, 1998, repealed effective January 1, 2013.)

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

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

2.5 – 2.49 [Reserved]

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Rule 3 – Civil Cases

(Rule 3.9 amended effective July 1, 2013; adopted as Rule 3.14 effective January 1, 1998; previously amended effective October 1, 2002; amended and renumbered as Rule 3.9 effective January 1, 2010; amended effective July 1, 2010, July 1, 2011, and January 1, 2012.)

3.10 TELEPHONIC APPEARANCES

Litigants wishing to appear by telephone per California Rules of Court, rule 3.670, shall do so through CourtCall LLC, a private telephonic appearance provider with whom the court has contracted, unless the court has designated a different provider. The telephone number of CourtCall is (888) 88-COURT or (310) 342-0888. Counsel wishing to avail themselves of this service shall note and follow the rules and schedule of the individual department concerning the use of CourtCall, and shall be solely responsible for all fees and costs charged by CourtCall for this service.

(Rule 3.10 adopted effective July 1, 2014.)

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

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

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

3.12 OFF CALENDAR

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

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

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3.13 EX PARTE MATTERS

Ex parte matters will be heard daily only upon appointment scheduled directly with the designated department. The date and time of the ex parte hearing must be confirmed with the designated department prior to the moving party giving notice of the hearing. For purposes of this rule, the designated department is the department already assigned to the case, or, if the case has not yet been assigned to a department or judicial officer, the designated department is the department assigned by the Supervising Judge.

The ex parte application shall comply with California Rules of Court 3.1200-3.1207, and shall be heard only upon presentation of a receipt demonstrating payment of the requisite filing fees.

On the day of the ex parte appearance, the moving party shall file the original motion with the clerk and pay the applicable filing fees. The party shall provide the judicial officer with a copy of the receipt showing the payment of fees to the court at the time of the ex parte appearance; otherwise, the hearing shall not take place.

(Rule 3.13 amended effective July 1, 2013; adopted as Rule 3.21 effective January 1, 1998; previously amended effective July 1, 2005; previously amended effective July 1, 2009; renumbered as Rule 3.13 effective January 1, 2010; amended effective July 1, 2010; amended effective July 1, 2011.)

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

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

3.15 MOTIONS TO CONSOLIDATE

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

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

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

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3.16 MOTIONS PAPERS

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

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

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

a. WHERE FILED

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

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

b. MEDIATION

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

(Subd (b) amended and relettered effective July 1, 2010; adopted as subd (c) effective July 1, 2005; prior subd (b), concerning ordering the administrative record, repealed effective July 1, 2010.)

c. PREPARING THE ADMINISTRATIVE RECORD

(1) Preparation by the Public Agency

- (a) Within twenty (20) calendar days after receipt of a request to prepare the administrative record, the public agency responsible for such preparation shall personally serve on petitioners a preliminary notification of the estimated cost of preparation, setting forth the agency’s normal costs per page, other reasonable costs, if any, the agency anticipates, and the likely range of pages.

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This notice shall also state, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, shall designate the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and shall provide a listing of dates and times when those documents will be made available to petitioners or any party for inspection during normal business hours as the record is being prepared. This notice shall be supplemented by the agency from time to time as additional documents are located or determined appropriate to be included in the record.

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

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

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

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

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

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

(2) Preparation by Petitioners

- (a) Within twenty (20) calendar days after receipt of petitioners' notice of election to prepare the record themselves, the public agency responsible for certification of the record shall personally serve on petitioners a preliminary notification designating, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and the dates and times when those documents will be made available to petitioners or any party for their inspection and copying. This notice shall also state any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record. This notice shall be supplemented by the agency as additional documents are located or determined appropriate to be included in the record.

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

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

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

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

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

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- d. **FORMAT OF ADMINISTRATIVE RECORD**
The format of the administrative record shall be governed by California Rules of Court, rules 3.1365 and either 3.1367 or 3.1368, as appropriate.
(Subd (d) amended and relettered effective July 1, 2010; adopted as subd (e) effective July 1, 2005.)
- e. **LODGING THE ADMINISTRATIVE RECORD IN ELECTRONIC FORMAT**
Any party lodging the administrative record in an electronic format as permitted by California Rules of Court, rule 3.1365 et seq. shall simultaneously file a declaration with the court affirming under penalty of perjury that the medium in which the record is contained and lodged with the court is free of computer viruses or other malware.
(Subd (e) amended and relettered effective July 1, 2010; adopted as subd (f) effective July 1, 2005.)
- f. **DISPUTES REGARDING THE CONTENTS OF THE ADMINISTRATIVE RECORD**
Once the record has been filed, any disputes about its accuracy or scope should be resolved by appropriate noticed motion. For example, if the agency has prepared the record, petitioners may contend that it omits important documents or that it contains inappropriate documents; if the petitioners have prepared the record, the agency may have similar contentions. A motion to supplement the certified record with additional documents and/or to exclude certain documents from the record may be noticed by any party and should normally be filed concurrently with the filing of petitioners' opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should normally be filed with the opposition and memoranda, respectively, regarding the writ. The motion should normally be calendared for hearing concurrently with the hearing on the writ.
(Subd (f) relettered effective July 1, 2010; adopted as subd (g) effective July 1, 2005.)
- g. **BRIEFING SCHEDULE AND LENGTH OF MEMORANDA**
Unless otherwise ordered by the court, the following briefing schedule shall be followed in all cases:
- (1) Petitioners shall file directly in the designated CEQA department and serve personally, by overnight mail or, if previously agreed, by fax or electronic service, an opening memorandum of points and authorities in support of the petition within thirty (30) days from the date the administrative record is served.

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- (2) Respondent and Real Party in Interest shall file directly in the designated CEQA department and serve personally, by overnight mail, or if previously agreed, by fax or electronic service, opposition points and authorities, if any, within thirty (30) days following service of petitioners' memoranda of points and authorities.
- (3) Petitioners shall have twenty (20) days from service of the opposition's points and authorities to file directly in the designated CEQA department and serve personally, by overnight mail, or if previously agreed, by fax or electronic service, a reply memorandum of points and authorities.
- (4) The parties may agree upon a shorter time frame for briefing by written stipulation filed with the court.

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

h. TRIAL NOTEBOOK

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

(Subd (h) amended and relettered effective July 1, 2010; adopted as subd (j) effective July 1, 2005; previous subd (h), concerning notice of hearing, repealed effective July 1, 2010.)

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

3.18 FILING OF NOTICES OF UNAVAILABILITY

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

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

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**Rule 4 – Administration of Civil Litigation
(Trial Court Delay Reduction Act)**

4.12 MISCELLANEOUS

a. REQUEST FOR EXTENSION OF TIME

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

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

b. KNOWLEDGE OF CASE

Counsel and parties attending any hearing or conference set pursuant to these rules shall have sufficient knowledge of the case to inform the court as to all matters that are pertinent and relevant to the issues to be heard and have authority to enter into binding stipulations regarding any matters before the court. This rule shall apply equally to attorneys of record and specially appearing counsel.

(Subd (b) amended effective January 1, 2010; adopted effective January 1, 1998; previously amended effective January 1, 2009.)

c. REFERENCE TO “ATTORNEY” OR “COUNSEL”

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

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

d. REMOVAL FROM CIVIL ACTIVE LIST

A case shall not be removed from the civil active list except by order of the court.

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

e. EXCUSE FROM RULE REQUIREMENT

Any requirement of these rules may be excused by the court upon a showing of good cause.

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

f. UNINSURED MOTORIST CASE [Repealed]

(Subd (f) repealed effective July 1, 2011; adopted effective January 1, 1998; amended effective January 1, 2009.)

g. REMOVAL TO FEDERAL COURT [Repealed]

(Subd (g) repealed effective July 1, 2011; adopted effective January 1, 1998; amended effective January 1, 2009.)

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(Trial Court Delay Reduction Act)**

h. TELEPHONIC APPEARANCES

Litigants wishing to appear by telephone per California Rules of Court, rule 3.670, shall do so through CourtCall LLC, a private telephonic appearance provider with whom the court has contracted, unless the court has designated a different provider. The telephone number of CourtCall is (888) 88-COURT or (310) 342-0888. Counsel wishing to avail themselves of this service shall note and follow the rules and schedule of the individual department concerning the use of CourtCall, and shall be solely responsible for all fees and costs charged by CourtCall for this service.

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

i. BENCH COPIES OR CHAMBERS COPIES

At the discretion of the judicial officer assigned to the case, parties may be required to deposit an additional copy of specific documents directly with the assigned judicial department.

(Subd (i) adopted effective July 1, 2014.)

(Rule 4.12 amended effective July 1, 2014; previously amended effective July 1, 2011; adopted as Rule 4.14 effective January 1, 1998; previously amended effective January 1, 2009; amended and renumbered effective January 1, 2010.)

4.13 SANCTIONS

a. SANCTIONS GENERALLY

Upon the motion of a party or on the court's own motion, the court may impose sanctions for non-compliance with these rules. Sanctions will not be imposed without prior notice to, and an opportunity to be heard by, the party or attorney against whom the sanction or penalty is sought to be imposed. Available sanctions include, but are not limited to:

- (1) Monetary sanctions;
- (2) Evidentiary sanctions prohibiting the introduction of designated matters into evidence;
- (3) Striking out all or any part of any pleading;
- (4) Dismissal of an action, proceeding, or any part thereof;
- (5) Entering judgment by default against a party; and,
- (6) Contempt sanctions.

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

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**Rule 4 – Administration of Civil Litigation
(Trial Court Delay Reduction Act)**

b. ATTORNEY FEES AND COSTS

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

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

c. SANCTIONS RELATED TO REQUESTS TO EXTEND TIME FOR FILING

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

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

d. SANCTIONS AGAINST ATTORNEYS

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

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

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

4.14 ELECTRONIC FILING AND SERVICE OF PLEADINGS AND DOCUMENTS

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

(Rule 4.14 adopted effective July 1, 2010; previous Rule 4.14 renumbered as Rule 4.12 effective January 1, 2010.)

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

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

a. ASSIGNMENT OF MATTERS TO THE FAMILY LAW DIVISION

All family law matters will be heard principally in the Family Law Division as designated by the Presiding Judge and in such additional departments to which such matters may, from time to time, otherwise be assigned for trial or hearing by the Supervising Judge of the Family Law Division.

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

b. MATTERS TO WHICH RULE 5 APPLIES

Rule 5 applies to all family law matters, including:

- (1) Proceedings under the Family Code for dissolution of marriage or registered domestic partnership, nullity of marriage or registered domestic partnership, legal separation, custody and support of minor children, termination of parental rights, adoptions, the Uniform Parentage Act, the Uniform Child Custody Jurisdiction and Enforcement Act, or the Uniform Interstate Family Support Act;
- (2) Local child support agency actions under the Family Code; and,
- (3) Contempt proceedings relating to family law or local child support agency actions.

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

(Subd (b) amended effective July 1, 2014; adopted effective January 1, 2013.)

c. APPLICABILITY OF RULES TO PARTIES AND COUNSEL

Unless otherwise prohibited by law, Rule 5 applies to the parties, to the attorneys of represented parties, and to minor's counsel. References to a party's counsel or attorney includes a self-represented party.

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

(Rule 5.1 amended effective July 1, 2014; adopted effective January 1, 2013.)

5.2 DIRECT CALENDARING

a. ASSIGNMENT OF MATTER TO JUDICIAL OFFICER

When a family law case is filed, or received and filed as a transfer from another

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

jurisdiction, the Clerk of the Court shall assign the case to one judicial officer for all purposes, as directed by and subject to the approval of the supervising judge of the Family Law Division. The assignment shall be designed to fairly distribute the workload among the judicial officers of the Family Law Division and best serve the court.

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

b. NOTIFICATION OF ASSIGNED JUDICIAL OFFICER

The Clerk of the Court shall notify the parties of the initial assignment of the case to a judicial officer at the time the petitioner’s initial pleading is filed.

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

c. NOTIFICATION OF REASSIGNMENT

Cases may be reassigned from time to time. Reassignments may be done on the record at a hearing or by written notification from the court.

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

(Rule 5.2 adopted effective January 1, 2013.)

5.3 PREPARATION AND FILING OF FORMS AND PLEADINGS

a. USE OF SOLANO COUNTY COURT CASE NUMBER

The case number shall have the following format on all pleadings and forms filed with the court:

- (1) SF012345: All family law cases filed prior to December 8, 1999 (excepting adoptions and Uniform Parentage Act cases).
- (2) FFL012345: All family law cases filed on or after December 8, 1999 or whose case number is equal to or higher than FFL050994 (excepting adoptions and Uniform Parentage Act cases).
- (3) SA001234: All adoption cases filed prior to December 8, 1999.
- (4) FAD001234: All adoption cases filed on or after December 8, 1999, or whose case number is equal to or higher than FAD005778.
- (5) SL012345: All Uniform Parentage Act cases filed prior to December 8, 1999, including cases with case numbers formatted as “L012345”.
- (6) FCS012345: All Uniform Parentage Act cases filed between December 8, 1999, and September 30, 2002.

**Superior Court of California
County of Solano**

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

- (7) FFL012345: All Uniform Parentage Act cases filed on or after October 1, 2002, or whose case number is equal to or higher than FFL069339.

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

b. APPLICATIONS FOR ORDERS FOR PUBLICATION OF SUMMONS

A petitioner seeking an order for publication of summons pursuant to Code of Civil Procedure section 415.50 may submit the request on either a local form made available for that purpose or in a pleading that contains the same substantive information required on the form.

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

c. FORMS AND DOCUMENTS TO BE INCLUDED WITH MOVING PAPERS

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

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

A party filing an *Order to Show Cause and Affidavit for Contempt* (Judicial Council form FL-410) shall attach a copy of each order allegedly violated.

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

d. FILING OF NOTICES OF UNAVAILABILITY

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

parties of an attorney's or party's unavailability. (*Carl v. Superior Court of Orange County* (2007) 157 Cal.App.4th 73.)

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

(Rule 5.3 adopted effective January 1, 2013.)

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PART ONE: Family Law Proceedings Generally**

5.4 APPLICATIONS FOR EMERGENCY ORDERS (EX PARTE ORDERS)

a. **APPLICABILITY**

All parties shall comply with the provisions in Chapter 7 of Division 1 of Title 5 of the California Rules of Court and with these local rules.

(Subd (a) amended effective July 1, 2014; adopted effective January 1, 2013.)

b. **GENERAL STATEMENT REGARDING EMERGENCY ORDERS**

Applications for emergency orders are appropriate only if needed to prevent an immediate danger or irreparable harm to a party or to the children involved in the matter, prevent immediate loss or damage to property subject to disposition in the case, shorten time for hearing or service, or continue a hearing or trial.

(Subd (b) adopted effective July 1, 2014; previous subd (b) relettered as subd (c) effective January 1, 2014.)

c. **PROCEDURES FOR REQUESTING EMERGENCY ORDERS**

All parties shall comply with the following procedures:

- (1) Requests for emergency orders will be considered every court day at specific times set by each department. Those times will be available on the court's website at www.solano.courts.ca.gov, or by telephoning the individual department. Per California Rules of Court, rule 5.169, the judicial officer may decide the emergency order request based on the documents submitted, or may have a hearing prior to making a decision on the request.
- (2) The original *Request for Order* plus two copies and any other documents required by statute or California Rules of Court plus two copies of each document shall be submitted through the Family Law Division's clerk's office. Unless the moving party has a valid fee waiver order on file or submits a fee waiver concurrently with the *Request for Order*, the moving party is required to pay all the applicable fees set by law at the time the *Request for Order* is submitted to the Family Law Division's clerk's office.
- (3) If the *Request for Order* seeking emergency orders is submitted directly to the Family Law Division clerk's office during its normal business hours, the emergency order hearing will be set for the next court day.

**Superior Court of California
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If the *Request for Order* seeking emergency orders is submitted to the Family Law Division clerk’s office outside its normal business hours (e.g. through the drop box), the emergency order hearing will be set two court days out.

Papers submitted to the courthouse on:			Emergency hearing will be on:
Monday	During business hours	➔	Tuesday*
	Outside business hours	➔	Wednesday*
Tuesday	During business hours	➔	Wednesday*
	Outside business hours	➔	Thursday*
Wednesday	During business hours	➔	Thursday*
	Outside business hours	➔	Friday*
Thursday	During business hours	➔	Friday*
	Outside business hours	➔	Monday*
Friday	During business hours	➔	Monday*
	Outside business hours	➔	Tuesday*
* If this day is a court holiday, the hearing will be on the next court day (i.e. Wednesday instead of Tuesday, Thursday instead of Wednesday, etc.)			

(Subd (c) amended effective July 1, 2014; adopted effective January 1, 2013.)

(Rule 5.4 amended effective July 1, 2014; adopted effective January 1, 2013.)

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

a. SETTING AN INITIAL HEARING

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

**Superior Court of California
County of Solano**

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

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

b. VACATING A SCHEDULED HEARING

(1) By the Moving Party

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

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

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

(2) By Stipulation

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

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

A failure to appear without prior notification to the court may result in the imposition of sanctions against one or both parties and/or attorneys, in the court's discretion.

(Subd (2) adopted effective January 1, 2013.)

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

c. REISSUANCE OF A REQUEST FOR ORDER

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

**Superior Court of California
County of Solano**

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

reissuance in open court.

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

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

temporary orders previously made may be extended upon a showing of good cause.

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

d. DAY OF HEARING PROCEDURES

(1) Duty to Appear and to Advise Court of Settled Issues and Remaining Contested Issues

All parties and their attorneys shall be punctual for all court appearances and shall check in with the courtroom clerk or bailiff upon arrival.

The parties or the attorneys for the parties shall be prepared to advise the court as to what issues have been settled by agreement and what issues remain contested.

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

(2) Failure to Appear by Moving Party

If the moving party or attorney fails to appear when the matter is called, the court may continue or remove the matter from the calendar at its discretion. If the responding party appears, the court may award attorney fees and costs to the appearing party if as a result of the moving party's nonappearance unnecessary fees are incurred.

If the responding party appears and has filed and served a responsive pleading seeking appropriate affirmative relief, the court may continue the matter or rule on the affirmative relief requested, at its discretion.

(Subd (2) adopted effective January 1, 2013.)

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

**Superior Court of California
County of Solano**

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

e. **TELEPHONIC APPEARANCES**

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

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

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

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

(Rule 5.5 adopted effective January 1, 2013.)

5.6 PRESENCE OF CHILDREN IN COURTROOM

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

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

(Rule 5.6 adopted effective January 1, 2013.)

**Superior Court of California
County of Solano**

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

5.7 FAMILY CENTERED CASE RESOLUTION PROCESS (CRC 5.83)

a. **APPLICABILITY**

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

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

b. **CASE MANAGEMENT CONFERENCES**

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

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

Nothing in this rule prohibits a party from requesting a status conference earlier than a mandated case management conference. Nothing in this rule prohibits the setting of status conferences in addition to the three mandated case management conferences.

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

c. **NOTICE OF CASE MANAGEMENT CONFERENCES**

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

A copy of the Notice of Case Management Conferences shall be served on the respondent at the same time as the petition and summons.

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

(Rule 5.7 adopted effective January 1, 2013.)

**Superior Court of California
County of Solano**

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

5.8 STATUS CONFERENCES AND STATUS CONFERENCE REPORTS

a. **APPLICABILITY OF RULE**

Rule 5.8 applies only to status conferences. It does not apply to case management conferences set per Rule 5.7.

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

b. **PROCEDURE FOR SETTING A STATUS CONFERENCE**

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

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

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

The court may set a case on the status conference calendar at its discretion. No status conference may be continued or taken off calendar without court permission.

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

**Superior Court of California
County of Solano**

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

c. **FILING AND SERVICE OF STATUS CONFERENCE REPORT**

At least seven (7) calendar days before the scheduled status conference, each party (or their counsel) shall file with the court and serve on all other parties a completed status conference report on a local form designated for that purpose. The status conference report shall be printed on light blue paper. Proof of service of the status conference report shall be filed with the court at least seven (7) calendar days before the scheduled status conference.

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

d. **SANCTIONS**

The court may impose sanctions if:

- (1) A status conference report is not timely filed and served;
- (2) A status conference report is not fully completed;
- (3) A party or his or her attorney fails to appear at the status conference. However, an attorney may appear on behalf of a party unless the court has ordered a party to personally appear; or,
- (4) An attorney or a party is not substantially aware of all procedural, factual, and legal aspects of the case, or an attorney does not have full authority to discuss and resolve any issues that arise at the conference, including, but not limited to, resolving discovery and the setting of subsequent court dates.

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

(Rule 5.8 adopted effective January 1, 2013.)

5.9 COURT REPORTER FEES

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

(Rule 5.9 adopted effective January 1, 2013.)

**Superior Court of California
County of Solano**

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

5.10 SETTLEMENT CONFERENCES

a. **SETTLEMENT CONFERENCES GENERALLY**

Absent waiver for good cause shown, the court will require a mandatory settlement conference prior to that matter proceeding to trial. Each party and the attorney who will try the case for each party shall personally attend the settlement conference, unless the court excuses the party prior to the conference or has granted permission to appear telephonically.

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

b. **DUTY TO MEET AND CONFER**

The meet and confer requirements set forth in California Rules of Court, rule 5.98, shall also apply to settlement conferences.

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

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

c. **TIME FOR FILING AND SERVICE OF SETTLEMENT CONFERENCE STATEMENT AND OTHER REQUIRED DOCUMENTS**

Each party or attorney shall file and serve his or her settlement conference statement and any other documents required by this rule or by court order at least fourteen (14) calendar days prior to the settlement conference. Proof of service of the settlement conference statement shall be filed with the court at least seven (7) calendar days before the scheduled status conference.

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

d. **CONTENTS OF SETTLEMENT CONFERENCE STATEMENT**

A settlement conference statement shall state in the caption the date and time of the settlement conference.

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

**Superior Court of California
County of Solano**

Rule 6 – Juvenile Proceedings

APPENDIX – Standing Orders of the Juvenile Court

<u>Standing Order</u>	<u>Title</u>
2002-01	Medical Authorization – Juvenile Hall
2002-02	Community School Programs
2002-05	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

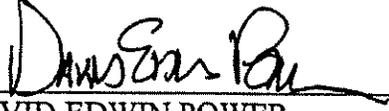
**Superior Court of California
County of Solano**

Rule 6 – Juvenile Proceedings

APPENDIX – Standing Orders of the Juvenile Court

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

FILED
Clerk of the Superior Court

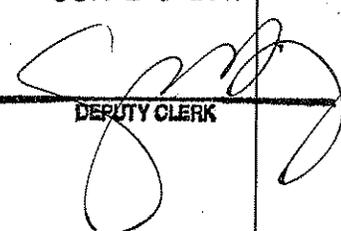
JUN 17 2011

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.

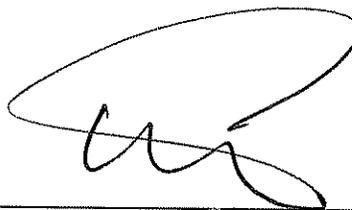
22 At the time a minor is taken into protective custody, all reasonable efforts shall
23 be made to obtain the consent of the parent or legal guardian for ongoing mental
24 health care while the minor is detained. Child Welfare Services shall maintain records
25 of its efforts to obtain consent for treatment. 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
4

FILED
Clerk of the Superior Court

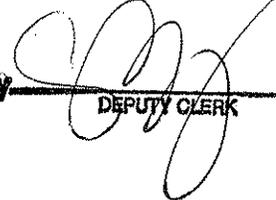
JUN 17 2011

5
6 In the Matter of

) STANDING ORDER

7 ORDER RE: RELEASE OF PROBATION)
8 FILES AND INFORMATION REGARDING)
9 PARENTS WITH CHILDREN UNDER)
10 THE JURISDICTION OF THE JUVENILE)
11 COURT)

) 2011-002

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

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

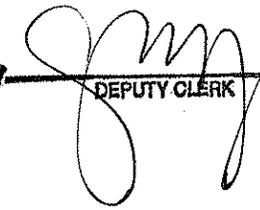
3 **FILED**
Clerk of the Superior Court

JUN 17 2011

4 In re:

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

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.

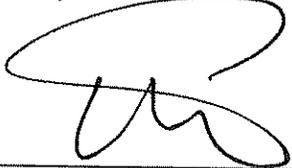
20 6. Any and all substance abuse records pertaining to the minor who is the
21 subject of the guardianship investigation.

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

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14 PRESIDING JUDGE OF THE
15 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)
(Education Code section 488850 et seq,)
Welfare & Institutions Code 827,)
California Rules of Court, rule 5.552))

12
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.

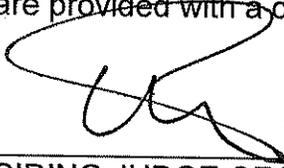
17 6. The records or information subject to this order may be transmitted
18 electronically if the transmitting party establishes a method of transmission that
19 ensures the confidentiality of the record or information.

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



5 _____
6 PRESIDING JUDGE OF THE
7 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

FILED
Clerk of the Superior Court

JUN 17 2011

5 In the Matter of

) STANDING ORDER

6 TOXICOLOGY TESTING FOR DRUG
7 EXPOSED CHILDREN SUBJECT TO
8 JUVENILE LAWS
(Welfare & Institutions Code section
369(d)

) 2011-008

By 
DEPUTY CLERK

10
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

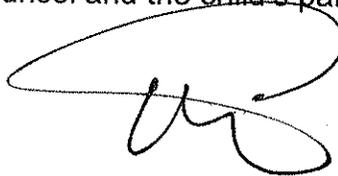
1 manufacture or production of methamphetamine or other illegal substance; at the
2 discretion of Solano County Health and Social Services, Child Welfare Division that
3 child may be immediately tested by trained medical personnel to assess the minor for
4 the ingestion or assimilation of chemicals and 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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22 _____
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 
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

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 781.

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

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.

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

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

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

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

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

14 D. At the conclusion of the proceedings for which the records were disseminated,
15 the receiving party shall cause all copies of the documents released to be
16 destroyed, except that a single copy of the documents may be retained in each
17 counsel's file, in a sealed condition, and no person shall have access to the
18 documents thereafter without further order from the juvenile Court.

19
20 Dated: June 6, 2013



21 _____
22 ROBERT C. FRACCHIA
23 Presiding Judge of the Superior Court
24 Juvenile Division
25
26
27
28

**Superior Court of California
County of Solano**



**Superior Court of California
County of Solano**

Rule 8 – Compromises of Claims

8.1 CONTENTS OF PETITION FOR COMPROMISE OF CLAIM OF A PERSON WITH A DISABILITY OR A MINOR

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

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

(Rule 8.1 amended effective July 1, 2014; adopted effective July 1, 1988; previously amended effective July 1, 2009, and January 1, 2010, and July 1, 2010.)

8.2 FILING PETITIONS FOR COMPROMISE OF CLAIMS

In cases where no action is pending, a petition to compromise either a minor's claim or a claim of an adult with disabilities shall be filed as an independent case with the Probate Division.

In cases where a civil action is pending, a petition to compromise either a minor's claim or a claim of an adult with disabilities shall be filed within the pending civil action.

(Rule 8.2 adopted effective July 1, 2014.)

8.3 ESTABLISHMENT OF SPECIAL NEEDS TRUSTS

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

(Rule 8.3 amended effective July 1, 2014; adopted effective July 1, 2009; previously amended effective January 1, 2010, and July 1, 2010; previous Rule 8.3, concerning representation of specified parties by counsel at hearings, repealed effective July 1, 2009.)

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300	Family	Order After Hearing/Stipulation and Order	December 2006	Optional
303	Family	Stipulation & Order re: Partial Child Custody Evaluation	March 2000	Optional
304	Family	Parenting Orders Attachment	September 2007	Optional
306	Family	Supervised Visitation/Supervised Exchange Order	August 2002	Optional
309	Probate	Order Appointing Regional Center to Evaluate Proposed Ward or Conservatee	July 2008	Mandatory
314	Family	Time Sharing Arrangement Table	October 2007	Optional
320	Family	Order Appointing Counsel for Minors	November 2000	Optional
322	Family	Application and Order for Publication of Summons	September 2008	Mandatory
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399	Family	Notice of Continued Hearing	April 2007	Optional
545-CR	Criminal	Waiver of Rights (Felony)	July 2014	Optional
555-CR	Criminal	Waiver of Rights (Violation)	July 2014	Optional
890	Family	Status Conference Report – Family Law (Marriage/RDP)	July 2009	Mandatory (blue paper)
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910	Civil	Request for Extension of Time (re Proof of Service of Summons)	December 2000	Optional
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3490	Probate	Confidential Court Investigators' Information and Referral Form (<i>Guardianship</i>)	January 2010	Mandatory
3500	Probate	Assessment and Order for Payment	January 2013	Mandatory
3500-P	Probate	Assessment and Order for Payment – Probate Code §3100 Petitions	July 2009	Mandatory
3510	Probate	Order Appointing Court Investigator (Guardianships)	July 2008	Mandatory
3515	Probate	Order Appointing Investigator and Notice of Investigation Costs	July 2009	Mandatory
3700	Probate	Declaration re: Venue (Guardianships)	July 2008	Optional
3705	Probate	Declaration of Due Diligence (Guardianships and Conservatorships)	July 2009	Optional
3710	Probate	Ex Parte Application to Waive or Shorten Notice of Hearing on Temporary Guardianship or Conservatorship; Order re: Notice	January 2013	Optional
3720	Probate	Petition for Visitation Orders	July 2009	Optional
3740	Probate	Application to Practice as Minor's Counsel (Guardianship)	July 2008	Mandatory
3800	Probate	Preliminary Inventory of Guardianship Estate	July 2008	Mandatory
5000	Adoption	Confidential Court Investigator's Information and Referral Form (<i>Stepparent Adoption</i>)	August 2008	Mandatory
5005	Adoption	Reference for Stepparent Adoption	August 2008	Mandatory
5006	Family Law	Declaration re: Notice Upon Application for Emergency Orders	July 2014	Optional

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<u>FORM NUMBER</u>	<u>DIVISION</u>	<u>FORM NAME</u>	<u>REVISION DATE</u>	<u>MANDATORY OR OPTIONAL</u>
5010	Adoption	Consent of Child to be Adopted (<i>Stepparent Adoption</i>)	August 2008	Mandatory
5113	Family	Notice of Case Management Conferences and Assignment of Judicial Officer for All Purposes	July 2013	Mandatory
6025	Juvenile	Pre-Screen Financial Declaration – Juvenile Dependency	July 2013	Mandatory
7000	Small Claims	Judgment Debtor’s Statement re: Request to Enter Satisfaction of Judgment	November 2000	Optional
7020	Probate	Verification of Viewing of Conservatorship Video	July 2011	Mandatory
7023	Small Claims	Request for Dismissal	September 1999	Optional
7040	Civil	Judgment After Trial by Court (Unlawful Detainer)	May 2000	Optional
7060	Small Claims	Declaration re: Default in Payments & Order Setting Aside Order Providing Payment of Judgment in Installments	November 2000	Optional
7090	Small Claims	Amendment to Claim Prior to Judgment (<i>Small Claims</i>)	March 2000	Optional
7500	Probate	Placement and Level of Care Assessment for Conservatee (Probate Code §2352.5)	January 2010	Mandatory

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<u>FORM NUMBER</u>	<u>DIVISION</u>	<u>FORM NAME</u>	<u>REVISION DATE</u>	<u>MANDATORY OR OPTIONAL</u>
7090	Small Claims	Amendment to Claim Prior to Judgment (<i>Small Claims</i>)	March 2000	Optional
322	Family	Application and Order for Publication of Summons	September 2008	Mandatory
3740	Probate	Application to Practice as Minor’s Counsel (Guardianship)	July 2008	Mandatory
3500	Probate	Assessment and Order for Payment	January 2013	Mandatory
3500-P	Probate	Assessment and Order for Payment – Probate Code §3100 Petitions	July 2009	Mandatory
327	Family	Attachment to FL-327	March 2007	Mandatory
397	Family	Attorney’s Declaration re Mediation Video	January 2007	Optional
3490	Probate	Confidential Court Investigators’ Information and Referral Form (<i>Guardianship</i>)	January 2010	Mandatory
5000	Adoption	Confidential Court Investigator’s Information and Referral Form (<i>Stepparent Adoption</i>)	August 2008	Mandatory
5010	Adoption	Consent of Child to be Adopted (<i>Stepparent Adoption</i>)	August 2008	Mandatory
323	Family	Declaration in Support of Application for Order for Publication of Summons	September 2008	Mandatory
1320	Family	Declaration in Support of Request for Separate Mediation Sessions	June 1998	Optional
3705	Probate	Declaration of Due Diligence (Guardianships and Conservatorships)	July 2009	Optional
5006	Family Law	Declaration re: Notice Upon Application for Emergency Orders	July 2014	Optional

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

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3455	Probate	Objection to Appointment of Guardian	January 2007	Mandatory
300	Family	Order After Hearing/Stipulation and Order	December 2006	Optional
320	Family	Order Appointing Counsel for Minors	November 2000	Optional
3510	Probate	Order Appointing Court Investigator (Guardianships)	July 2008	Mandatory
3515	Probate	Order Appointing Investigator and Notice of Investigation Costs	July 2009	Mandatory
309	Probate	Order Appointing Regional Center to Evaluate Proposed Ward or Conservatee	July 2008	Mandatory
345	Family	Order re: Testing for Alcohol or Illegal Use of Controlled Substances	July 2008	Mandatory
304	Family	Parenting Orders Attachment	September 2007	Optional
3720	Probate	Petition for Visitation Orders	July 2009	Optional
7500	Probate	Placement and Level of Care Assessment for Conservatee (Probate Code §2352.5)	January 2010	Mandatory
3800	Probate	Preliminary Inventory of Guardianship Estate	July 2008	Mandatory
6025	Juvenile	Pre-Screen Financial Declaration – Juvenile Dependency	July 2013	Mandatory
5005	Adoption	Reference for Stepparent Adoption	August 2008	Mandatory
7023	Small Claims	Request for Dismissal	September 1999	Optional
920	Civil	Request for Extension of Time (re Filing Response)	December 2000	Optional

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910	Civil	Request for Extension of Time (re Proof of Service of Summons)	December 2000	Optional
1325	Family	Request for Separate Mediation or Support Person	June 1998	Optional
890	Family	Status Conference Report – Family Law (Marriage/RDP)	July 2009	Mandatory (blue paper)
890-UPA	Family	Status Conference Report – Family Law (Uniform Parentage Act)	July 2009	Mandatory (blue paper)
303	Family	Stipulation & Order re: Partial Child Custody Evaluation	March 2000	Optional
306	Family	Supervised Visitation/Supervised Exchange Order	August 2002	Optional
314	Family	Time Sharing Arrangement Table	October 2007	Optional
3006	Civil	Trial Management Conference Report	January 2010	Optional
7020	Probate	Verification of Viewing of Conservatorship Video	July 2011	Mandatory
545-CR	Criminal	Waiver of Rights (Felony)	July 2014	Optional
555-CR	Criminal	Waiver of Rights (Violation)	July 2014	Optional

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Local Rules Page List as of July 1, 2014

The chart below provides a complete list of all the pages and their revision dates as of July 1, 2014.

<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 2014	Rule 7	
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		7-3 – 7-8	January 2013
		7-9 – 7-16	January 2012
		7-17 – 7-24	January 2013
Summary Table of Contents	July 2014	Rule 8	
		8-1	July 2014
Detailed Table of Contents		Rule 9	
1 – 9	July 2014	9-1 – 9-4	January 2012
Rule 1		Rule 10	
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Rule 2		Rule 11	
2-1 – 2-2	July 2014	11-1	January 2011
2-3 – 2-5	January 2013	Rule 12	
Rule 3		12-1	January 2013
3-1 – 3-4	July 2013	Rule 13	
3-5 – 3-11	July 2014	13-1	January 2011
Rule 4		Rule 14	
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4-3 – 4-6	January 2013	Rule 15	
4-7 – 4-16	January 2012	15-1 – 15-34	January 2013
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Rule 5		16-1 – 16-4	January 2012
5-1 – 5-12	July 2014	Rule 17	
5-13 – 5-33	January 2013	17-1 – 17-2	January 2013
Rule 6		Subject Matter Index	
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6-19 – 6-24	January 2013	1 – 8	July 2014
6-25 – 6-57	July 2014	Page List	July 2014