SOLANO COUNTY LOCAL RULES EFFECTIVE JULY 1, 2015

FILING INSTRUCTIONS FOR REPLACEMENT PAGES

The Solano County Superior Court is pleased to offer replacement pages for revised rules effective July 1, 2015. These replacement pages are intended for those who already have a complete set of local rules and wish to update just those portions of the rules that have changed.

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

Please note that these replacement pages are designed to be printed double-sided. THESE INSTRUCTIONS ASSUME THAT YOUR REPLACEMENT PAGES ARE DOUBLE-SIDED.

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Rule Adoption and Revision History; Local Rules Publication Information	Rule Adoption and Revision History (front) ; Local Rules Publication Information (back)	Rule Adoption and Revision History (front); Local Rules Publication Information (back)
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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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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.)

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.)

Superior Court of California
County of Solano

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

2.1 APPLICATION OF RULES

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

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

2.2 DIRECT CALENDARING OF CRIMINAL CASES

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

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

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

2.3 PROCEDURE

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

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 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]

Superior Court of California
County of Solano

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

2.50 – 2.99 [Reserved]

Superior Court of California
County of Solano

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

2.100 – 2.149 [Reserved]

Superior Court of California
County of Solano

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

2.150 – 2.199 [Reserved]

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 3 – Civil Cases

3.1 APPLICATION OF RULES

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

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

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

3.2 DIRECT CALENDARING OF CIVIL CASES; ASSIGNMENTS AND REASSIGNMENTS

When a civil case is filed, or received and filed as a transfer from another county, the Clerk of the Court shall assign the case to one of the judges in the Civil Division of the court. The assignment to a judge shall be deemed to be for all purposes. The method of selection of the judge to be assigned to a case shall be subject to the approval of the Supervising Judge of the Civil Division and shall be designed to equally distribute the workload among the judges of the Civil Division and best serve the court.

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

This rule does not apply to limited jurisdiction collection actions that qualify under California Rules of Court, rule 3.740, except that a judge may be assigned in those cases upon any of the following events: (1) The plaintiff's failure to file proof of service or obtain order for publication of summons within 180 days of the filing of the complaint; (2) the plaintiff's failure to obtain default judgment within 360 days of the filing of the complaint, if no responsive pleading has been filed; or (3) upon the filing of a responsive pleading by a defendant.

(Rule 3.2 amended effective January 1, 2012; adopted effective January 1, 1998; previously amended effective January 1, 2009, and July 1, 2011.)

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

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

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

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

3.4 DESIGNATION OF COURT [Repealed]

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

3.5 CALENDARING OF HEARINGS

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

(Rule 3.5 adopted effective July 1, 2011.)

3.6 DEPOSIT OF JURY FEES

Advance jury fees in the amount of one hundred and fifty dollars ($150.00) shall be deposited with the Clerk of the Court in compliance with Code of Civil Procedure section 631. Jury fees deposited after June 27, 2012, are nonrefundable.

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

3.7 FORFEITURE OF JURY FEES PER CCP SECTION 631.3

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

Because jury fees deposited after June 27, 2012, are nonrefundable, this local rule shall apply only to cases where jury fees were deposited on or before June 27, 2012.

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

3.8 NOTIFICATION TO COURT OF DROPS, CONTINUANCES AND STIPULATIONS

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

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

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

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

3.9 TENTATIVE RULINGS

a. **AVAILABILITY OF TENTATIVE RULINGS**

Per California Rules of Court, rule 3.1308, the court has adopted a tentative rulings procedure for civil law and motion. A tentative ruling on a civil matter will be available after 2:00 p.m. on the court day immediately preceding the scheduled hearing on that matter by signing onto the court's web site at www.solano.courts.ca.gov and selecting "Tentative Rulings," or by telephoning (707) 207-7331. Tentative rulings will not be posted for unlawful detainer matters.
(Subd (a) amended effective July 1, 2015; adopted as Rule 3.14 effective January 1, 1998; previously amended effective October 1, 2002; amended and relettered effective January 1, 2010; previously amended effective July 1, 2011, January 1, 2012, and July 1, 2013.)

b. **NOTIFICATION OF INTENT TO APPEAR AT HEARING**

The tentative ruling shall become the ruling of the court unless a party desiring to be heard so advises the judicial assistant of the department hearing the matter at the telephone number indicated in the tentative ruling no later than 4:30 p.m. on the court day preceding the hearing, and further advises that such party has notified all other parties of its intention to appear and argue.
(Subd (b) amended effective July 1, 2010; adopted as Rule 3.15 effective January 1, 1998; relettered as subd (b) effective January 1, 2010.)

c. **ARGUMENT ON TENTATIVE RULING**

Where an appearance has been requested or invited by the court, limited argument will be entertained, not to exceed 20 minutes per case. Appearances may be made telephonically, in accordance with California Rules of Court, rule 3.670 and Solano County Local Rules, rule 4.12(h), unless the court orders a personal appearance.
(Subd (c) amended effective July 1, 2011; adopted as Rule 3.16 effective January 1, 1998; previously amended effective January 1, 2009; relettered effective January 1, 2010.)

d. **NOTICE OF TENTATIVE RULINGS SYSTEM TO BE INCLUDED IN NOTICE OF MOTION**

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

(Rule 3.9 amended effective July 1, 2015; 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, January 1, 2012, and July 1, 2013.)

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.)

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.)

3.16 MOTIONS PAPERS

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

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

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

a. **WHERE FILED**

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

b. **MEDIATION**

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

c. **PREPARING THE ADMINISTRATIVE RECORD**

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

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

anticipated to be incorporated into the administrative record, shall designate the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and shall provide a listing of dates and times when those documents will be made available to petitioners or any party for inspection during normal business hours as the record is being prepared. This notice shall be supplemented by the agency from time to time as additional documents are located or determined appropriate to be included in the record.
(Subd (a) relettered effective January 1, 2010; adopted as Subd (d)(1) effective July 1, 2005.)

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

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

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

(2) **Preparation by Petitioners**

(a) Within twenty (20) calendar days after receipt of petitioners' notice of election to prepare the record themselves, the public agency responsible for certification of the record shall personally serve on petitioners a preliminary notification designating, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and the dates and times when those documents will be made available to petitioners or any party for their inspection and copying. This notice shall also state any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record. This notice shall be supplemented by the agency as additional documents are located or determined appropriate to be included in the record.
(Subd (a) adopted effective July 1, 2005.)

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

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

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

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

e. **LODGING THE ADMINISTRATIVE RECORD IN ELECTRONIC FORMAT**
Any party lodging the administrative record in an electronic format as permitted by California Rules of Court, rule 3.1365 et seq. shall simultaneously file a declaration with the court affirming under penalty of perjury that the medium in which the record is contained and lodged with the court is free of computer viruses or other malware.
(Subd (e) amended and relettered effective July 1, 2010; adopted as subd (f) effective July 1, 2005.)

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

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

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

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

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

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

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

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

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

3.18 FILING OF NOTICES OF UNAVAILABILITY

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

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

Superior Court of California
County of Solano

Superior Court of California
County of Solano

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

4.1 SCOPE AND POLICY

a. **SCOPE OF RULE 4**

Rule 4 is intended to implement the Trial Court Delay Reduction Act (Government Code section 68600 et seq.) and shall apply to all general civil actions. The term "general civil action" shall have the same meaning as set forth in California Rules of Court, rule 1.6, subdivision (4).

Rule 4 shall not apply to uninsured motorist cases, coordinated cases, or collections cases unless and until they become subject to the Trial Court Delay Reduction Act per California Rule of Court, rule 3.712.
(Subd (a) amended effective July 1, 2011; adopted effective January 1, 1998; previously amended effective July 1, 2005, and January 1, 2010.)

b. **POLICY AND CASE DISPOSITION STANDARDS**

It is the policy of this court that all civil cases shall be resolved as expeditiously as possible, consistent with the obligation of the courts to give full and careful consideration to the issues presented, and consistent with the right of the parties to adequately prepare and present their cases to the court. Furthermore, it is the policy of the court that all actions subject to these rules shall be actively managed, supervised and controlled by the court from the time of filing of the first document invoking the court's jurisdiction through final disposition. This court's case disposition standards are as set forth in California Rules of Court, rule 3.714, subdivision (b).
(Subd (b) amended effective January 1, 2010; adopted effective January 1, 1998; previously amended effective July 1, 2005.)

c. **APPLICABILITY OF RULE 4 TO OTHER RULES**

Notwithstanding Rule 4.1, subsection (a), any rule within Rule 4 may be made expressly applicable to other proceedings through the enactment of or amendment to a local rule governing that proceeding.
(Subd (c) amended effective January 1, 2010; adopted effective January 1, 2009.)

(Rule 4.1 amended effective July 1, 2011; adopted effective January 1, 1998; previously amended effective July 1, 2005, January 1, 2009, and January 1, 2010.)

Superior Court of California
County of Solano

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

4.2 CASE DESIGNATION

a. **DEFAULT DESIGNATION OF CASE; TIMING OF DESIGNATION**
All civil cases subject to these rules shall be classified as TRACK A cases unless, on good cause shown, the court designates the case as a TRACK B case or TRACK C (complex) litigation. The determination as to whether a case is designated as a TRACK B or TRACK C case under these rules shall be at the sole discretion of the court. The designation may be made by the court at any case management conference, trial management conference, mandatory settlement conference, or any hearing noticed by the court or counsel.
(Subd (a) amended and lettered effective January 1, 2010; adopted as unlettered portion of Rule 4.2 effective January 1, 1998; previously amended effective July 1, 2005.)

b. **TRACK A CASES**
TRACK A cases are cases that are to be resolved within twelve (12) months of the date that the complaint was filed.
(Subd (b) amended and lettered effective January 1, 2010; adopted as unlettered portion of Rule 4.2 effective January 1, 1998; previously amended effective July 1, 2005.)

c. **TRACK B AND TRACK C CASES**
TRACK B and TRACK C cases are those which generally involve multiple parties, complex issues, difficult legal questions, unusual proof problems, or other circumstances which result in a case not being adequately prepared for trial within twelve (12) months of its filing even with due diligence being exercised by all parties. It is the policy of the court to conclude all TRACK B cases within eighteen (18) months and TRACK C cases within twenty-four (24) months of the filing of the initial pleading.
(Subd (c) amended and lettered effective January 1, 2010; adopted as unlettered portion of Rule 4.2 effective January 1, 1998; previously amended effective July 1, 2005.)

d. **REDESIGNATION OF CASE**
Following the designation by the court of the case as TRACK A, TRACK B, or TRACK C, the court, on its own motion or on the motion of any party, may order the case redesignated.
(Subd (d) amended and lettered effective January 1, 2010; adopted as unlettered portion of Rule 4.2 effective January 1, 1998; previously amended effective July 1, 2005.)

(Rule 4.2 amended effective January 1, 2010; adopted effective January 1, 1998; previously amended effective July 1, 2005.)

4.3 TIME REQUIREMENTS FOR COMPLAINT

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

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

4.4 TIME REQUIREMENTS FOR RESPONSIVE PLEADINGS

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

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

4.5 TIME REQUIREMENTS FOR CROSS-COMPLAINTS

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

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

4.6 CASE MANAGEMENT CONFERENCES

a. **SCHEDULING OF CASE MANAGEMENT CONFERENCE ONE**
In all cases subject to the case management rules in California Rules of Court, rule 3.720 et seq., the Clerk of the Court will schedule the first Case Management Conference approximately 120 days from the date of filing of the complaint. At the time of filing of the complaint, the Clerk of the Court shall provide the plaintiff with a Notice of Case Management Conference One, which shall indicate the date, time, and place that counsel, and any party not represented by counsel, shall appear for Case Management Conference One, and shall state the obligations of counsel, or any parties not represented by counsel, in regard to Case Management Conference One and Case Management Conference Two. Plaintiff is responsible

for notifying all defendants of the initial or any continued Case Management Conference dates.
(Subd (a) amended effective July 1, 2011; adopted as unlettered portion of Rule 4.6 effective January 1, 1998; previously amended effective October 1, 2002, July 1, 2005, and January 1, 2009; amended and relettered effective January 1, 2010.)

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

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

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

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

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

complainant, at the time of service of the cross-complaint, shall serve each cross-defendant with Notice of Case Management Conference Two, which shall contain the date, time and place of Case Management Conference Two and explain the obligations of the parties in regard to case management conferences under these rules.
(Subd (2) renumbered effective January 1, 2010; previously adopted as portion of Subd (f) effective January 1, 1998.)

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

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

f. **CASE MANAGEMENT CONFERENCE SETTING**

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

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

(Subd (2) adopted effective January 1, 1998.)

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

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

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

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

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

4.7 DIVERSION TO ARBITRATION

a. ORDER TO NONBINDING ARBITRATION

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

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

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

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

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

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

(Subd (a) amended effective January 1, 2012; adopted effective January 1, 1998; previously amended effective October 1, 200, and January 1, 20102.)

b. SELECTION OF ARBITRATOR

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

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

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

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

4.8 MEDIATION

a. **ADOPTION OF CIVIL ACTION MEDIATION PROGRAM (CCP § 1775 ET SEQ.)**
Effective January 1, 2012, and per the authority in Code of Civil Procedure section 1775.2, subdivision (b), the court adopts the Civil Action Mediation Program set forth in Title 11.6 of the Code of Civil Procedure. Mediations conducted per the Civil Action Mediation Program ("the Mediation Program") in Solano County shall be subject to all applicable statutes and California Rules of Court concerning the Civil Action Mediation Program (e.g. Cal. Rules of Court, rule 3.870 et seq.).
(Subd (a) adopted effective January 1, 2012; prior subd. (a) relettered as subd. (d) effective January 1, 2012.)

b. **MATTERS TO WHICH MEDIATION PROGRAM APPLIES**
The following matters shall be subject to mandatory mediation:
(1) All nonexempt unlimited civil actions filed on or after January 1, 2012, in which the amount in controversy does not exceed $50,000.
(2) All nonexempt limited civil cases filed on or after January 1, 2012, except for small claims actions.
(3) Any matter, regardless of filing date or the amount in controversy, in which the parties stipulate to mediation, provided the stipulation is filed at least ninety (90) days prior to trial, unless the court permits a later time.
(Subd (b) adopted effective January 1, 2012; prior subd. (b) repealed effective January 1, 2012.)

c. **ORDER TO MEDIATION**
Cases shall be referred to mediation whenever the court determines from the facts as set forth in a Case Management Statement or as stated by counsel at any Case Management Conference, Trial Management Conference, or Mandatory Settlement Conference that the matter is subject to mandatory mediation per these rules and has not already been referred to mediation or any form of arbitration, unless good cause is found to not refer the matter.
(Subd (c) adopted effective January 1, 2012; prior subd. (c) repealed effective January 1, 2012.)

d. **SELECTION OF MEDIATOR**

(1) If the parties have a preference for a mediator, counsel shall provide the name, address, and telephone number of the preferred mediator to the court's ADR Administrator within twenty (20) days of the referral to mediation. The statement of preference is not binding on the court, but may be considered in selecting the mediator.
(Subd. (1) amended and renumbered effective January 1, 2012.)

(2) The court shall select the mediator from the court's list of mediators. The court shall notify the parties of the name, address, and telephone number of the mediator selected by the court within thirty (30) days of the referral to mediation.
(Subd. (2) amended and renumbered effective January 1, 2012.)

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

e. **APPEARANCE AT MEDIATION SESSIONS**

(1) For purposes of California Rules of Court 3.894, subsection (a), when a party is other than a natural person, it shall appear at the mediation sessions through a representative, other than the party's attorney, with full authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or legislative body, by a representative with authority to recommend such agreement. Failure of the representative to appear at the mediation session may be cause for sanctions.
(Subd. (1) amended and renumbered effective January 1, 2012.)

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

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

f. **RELATED, COORDINATED, AND CONSOLIDATED CASES**
Counsel in cases that have been related, coordinated, or consolidated shall inform the court of all pending mediation proceedings in the related, coordinated, or consolidated cases.
(Subd. (f) adopted effective January 1, 2012.)

g. **INTERPRETERS**
Any party desiring to use an interpreter during mandatory mediation must notify the ADR Administrator, all other parties, and the mediator at least 10 days prior to the first mediation session at which the interpreter will be used. Unless otherwise ordered by the court, the party seeking the use of the interpreter shall make all arrangements directly with the interpreter and shall assume the costs of the service.
(Subd. (g) adopted effective January 1, 2012.)

h. **EX PARTE COMMUNICATIONS**
Ex parte communications refers to communications with the mediator outside the presence of the opposing counsel or self-represented party. Ex parte communications with the mediator are not prohibited.
(Subd. (h) adopted effective January 1, 2012.)

i. **CONFIDENTIALITY**

(1) Mediations are confidential and subject to the confidentiality privilege set forth in Evidence Code sections 703.5 and 1115 through 1128. No communications or writings made in connection with the mediation may be disclosed to the assigned judge or to any other person not involved in the mediation, unless disclosure is agreed to by all parties or permitted by subsection (2), infra. The mediator shall require the parties and all persons attending the mediation to sign a confidentiality agreement at the first mediation session.
(Subd. (1) adopted effective January 1, 2012.)

(2) The following disclosures are permitted:
(a) A dislosure stipulated in writing by all parties and the mediator, or orally in compliance with Evidence Code section 1118;
(b) A report to or inquiry by the ADR Administrator concerning a complaint against a mediator;
(c) A disclosure made by any participant or the mediator in responding to an appropriate request for information made by persons authorized by the ADR Administrator to monitor or evaluate the

court's mediation program;

(d) A disclosure required by law;

(e) A settlement agreement signed by all parties waiving the confidentiality provision of Evidence Code section 1122 et seq., and containing a provision explicitly rendering the agreement enforceable per Code of Civil Procedure section 664.6; or,

(f) A disclosure made in connection with a request for sanctions for a party's noncompliance with mediation. This disclosure shall be limited to the minimum facts needed to support the motion.

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

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

j. **MEDIATION COMPLAINT PROCEDURE**

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

(1) Complaints are only accepted from a party to the action or the party's attorney.

(2) The complainant must register his or her complaint in writing with the ADR Administrator. The written complaint must include the following information:

(a) The names of the parties in the case and their attorneys;

(b) The case number;

(c) The most recent court date;

(d) The name(s) of any mediation personnel (i.e. mediators or mediation clerks) with whom the complainant had contact; and,

(e) A statement explaining the reasons for the complaint.

(3) Upon receiving the complaint, the ADR Administrator will notify the complainant in writing that the court has received the complaint.

(4) The ADR Administrator shall review the complaint and determine whether the complaint can be informally resolved or closed, or whether the complaint warrants investigation. If the complaint warrants an investigation, the ADR Administrator shall take the following steps:

(a) The ADR Administrator shall give notice of the complaint to the mediator and provide a reasonable opportunity to respond.

(b) The complaint shall be investigated and a recommendation made concerning court action. The investigation shall be conducted by an investigator designated by the ADR Administrator or the Presiding Judge. The investigator shall provide his or her recommendation to the Presiding Judge or his or her designee.

(c) The final decision shall be made by the Presiding Judge or his or her designee. Notice of the final action taken shall be sent by the court to the complainant and, if the complaint was not resolved during the preliminary review by the ADR Administrator, to the mediator.

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

k. **SANCTIONS**

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

(1) Non-appearance at the time set for the mediation of any person necessary to proceed to a meaningful conclusion. Telephone calls to the mediator shall not constitute an appearance. However, upon agreement by all parties, a party may appear by telephone or other means of real-time electronic communication if he or she resides or has his or her primary place of business more than 500 miles from the mediation location.

(2) Requests to continue the mediation session less than ten (10) days before the scheduled mediation session, unless good cause is shown.

(3) Failure to complete mediation within the time fixed, unless good cause is shown.

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

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

4.9 MANDATORY SETTLEMENT CONFERENCES

a. **REQUIRED PARTICIPANTS**

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

participation of that defendant in the settlement conference is mandatory.
(Subd (a) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 4.11 effective January 1, 1998; previously amended effective July 1, 2005.)

b. **MEET AND CONFER REQUIREMENTS**

No later than ten (10) calendar days before the date set for the mandatory settlement conference, trial counsel and all persons with ultimate authority to settle the case shall meet in person or, if all parties agree, by telephone to discuss settlement of the case.
(Subd (b) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 4.11 effective January 1, 1998; previously amended effective July 1, 2005.)

c. **ADDITIONAL REQUIREMENTS FOR MANDATORY SETTLEMENT CONFERENCE STATEMENTS**

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

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

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

d. **SANCTIONS**

Failure of any attorney, adjustor, and/or party to prepare for, appear at, or meaningfully participate in a settlement conference, unless good cause is shown for any such failure, is an unlawful interference with the proceedings of the court, and the court may impose sanctions, including but not limited to, any or all of the following: monetary sanctions to be paid to the court; monetary sanctions to be paid

to other parties which may include, among other things, costs, actual expenses, and counsel fees; and the court may order an appropriate change in the calendar status of the action.
(Subd (d) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 4.11 effective January 1, 1998; previously amended effective July 1, 2005.)

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

4.10 TRIAL MANAGEMENT CONFERENCES

a. **REQUIRED PARTICIPANTS**
The lead trial counsel shall, unless excused by the court, appear at the Trial Management Conference prepared to respond to any questions the court may pose about the case.
(Subd (a) relettered effective January 1, 2010; adopted as unlettered portion of Rule 4.12 effective January 1, 1998; previously amended effective July 1, 2005.)

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

(1) A statement of the nature of the case, with a summary of each party's allegations and supporting facts. Include an agreed-upon statement of the case to be read to the jury panel, if a jury has been requested by any party;

(2) If there have been developments since the trial setting affecting the estimated length of trial, an explanation as to what those developments are and how the estimated length of trial should be changed as a result;

(3) The names of any non-expert witnesses who may be called at trial, except for impeachment or rebuttal. State concisely the anticipated testimony of each non-expert witness and the time estimate for testimony, including direct and cross-examination;

(4) The names and expertise of any expert witnesses who may be called at trial, except for impeachment or rebuttal. State concisely the anticipated testimony of each expert witness and the time estimate for testimony, including direct and cross-examination. In addition, attach any narrative

reports provided by the expert witness;

(5) A list of all witnesses who are unavailable and whose testimony will be presented by deposition, along with the facts supporting that unavailability;

(6) A list of all documents, exhibits, blowups, and/or photographs that the party expects to offer at trial, except for impeachment or rebuttal. Documents shall be identified by page number or Bates-stamp number as applicable (e.g. "Jane Doe's Medical Records, pages 1 through 326"). Photos shall be separately identified;

(7) A specific list in column form of all portions of depositions, answers to interrogatories and responses to request for admissions that the party expects to offer at trial, except for impeachment or rebuttal. All portions of depositions shall be identified by page and line number(s), while responses to written discovery must be identified by the manner of discovery request and the response number (e.g. "Response to Plaintiff's Special Interrogatories, Set One, Interrogatory Number 4"; "Amended Response to Defendant's Request for Admissions, Set Three, Request Number 7");

(8) A specific list of all anticipated evidentiary disputes with citation to authority;

(9) A specific list of all anticipated non-evidentiary disputes with citation to authority;

(10) All requested jury instructions and verdict forms in compliance with the California Rules of Court. Each instruction shall be typed in full and numbered consecutively, with the submitting attorney having filled in all blanks and having made a decision as to all alternatives in the CACI instructions. Two copies of the requested jury instructions shall be submitted to the court. One copy shall have citations to authority and boxes for the court's use regarding whether the instruction is given, refused, or withdrawn, and one copy shall be presented without citations to authority and boxes regarding given, refused, or withdrawn;

(11) Copies of all in limine motions that the party expects to submit at trial. Each in limine motion provided shall be numbered consecutively by the party. (Note that any in limine motions not included will not be considered by the court, unless good cause is presented to the trial court);

(12) All stipulations requested or proposed at trial; and,

(13) A statement as to whether there are any witnesses that need an interpreter. State the name of the interpreter and the language that must be interpreted. (If an interpreter is needed, it is the obligation of the party calling the witness to make arrangements for an interpreter.)

(Subd (b) amended effective January 1, 2012; adopted as unlettered portion of Rule 4.12 effective January 1, 1998; previously amended effective July 1, 2005; amended

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

c. **EXCLUSION OF EVIDENCE AND TESTIMONY AT TRIAL**
The testimony of witnesses who are not listed in the Trial Management Conference Report, or documents, or other exhibits, portions of depositions, answers to interrogatories or responses to requests for admissions, which are not listed in the Trial Management Conference Report, shall not be admitted at the trial. However, the trial judge, in his or her sole discretion and upon a showing of good cause, may permit the testimony of witnesses who are not listed in the Trial Management Conference Report and may allow the admission of exhibits or portions of discovery which are not listed in the Trial Management Conference Report.
(Subd (c) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 4.12 effective January 1, 1998; previously amended effective July 1, 2005.)

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

4.11 DISMISSAL OF ACTION OR ENTRY OF JUDGMENT FOLLOWING SETTLEMENT

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

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

4.12 MISCELLANEOUS

a. **REQUEST FOR EXTENSION OF TIME**
Any request for extension of time under these rules shall be filed with due diligence and, in addition to being signed by counsel shall be endorsed by the party acknowledging that the extension of time being requested by counsel is concurred in by the party. The request shall be made on the form provided by the court.
(Subd (a) amended effective January 1, 2009; adopted effective January 1, 1998.)

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.)

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.)

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*.)

Superior Court of California
County of Solano

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

APPENDICES: Standing Orders for the Civil Division

Standing Order	**Title**
2015-001-CV	Amended Standing Order for Electronic Service of Documents in Complex Litigation

FILED
Clerk of the Superior Court
DEC - 5 2014
By DEPUTY CLERK

IN THE SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE COUNTY OF SOLANO

In re Complex Litigation	Standing Order No. 2015-001-CV **AMENDED STANDING ORDER FOR ELECTRONIC SERVICE OF DOCUMENTS IN COMPLEX LITIGATION**

A. FINDINGS

The court finds that entry of a standing order requiring mandatory electronic service of all pleadings and documents in all cases that it identifies as "complex" per California Rules of Court, rule 3.403 will benefit the court, attorneys, and litigants, and will further the orderly conduct and management of complex litigation in this jurisdiction. The court further finds that electronic service will not cause undue hardship or significant prejudice to any party.

B. ELECTRONIC SERVICE OF DOCUMENTS

1. Effective January 1, 2015, the court orders that all documents shall be served electronically as set forth in this order and in California Rules of Court, rule 2.251. This standing order shall apply to all cases pending on January 1, 2015, and to all cases filed on or after January 1, 2015. Unless otherwise agreed by the parties, this order does not apply to any documents filed or served prior to January 1, 2015.

2. Original documents must be filed with the court as required by the Code of Civil Procedure, the California Rules of Court, or the local rules of the Superior Court of California, County of Solano. Nothing in this standing order shall be construed to require or permit electronic filing of documents with the court.

3. Per California Rules of Court, rule 2.253(b)(1)(F), this standing order shall apply only to cases designated as complex per California Rules of Court, rules 3.400 through 3.403.

4. This standing order shall apply to all attorneys in a complex matter. This standing order shall apply to self-represented litigants only if they elect to participate in electronic service. Unrepresented litigants who do not elect to participate in electronic service shall serve and shall be served documents in the manner required by the Code of Civil Procedure, the California Rules of Court, and/or the local rules of the Superior Court of California, County of Solano.

5. The following documents shall not be served electronically:

a. Documents filed under seal or subject to a pending motion to seal, unless electronic service is permitted or required by specific court order.

b. Documents directed to an unrepresented party who has not elected to participate in electronic service.

c. A summons, complaint, or cross-complaint.

6. The documents enumerated in (B)(5), *supra*, shall be served pursuant to the applicable provisions of the Code of Civil Procedure, California Rules of Court, and/or the local rules of the Superior Court of California, County of Solano.

C. DEFINITIONS

1. The definitions in California Rules of Court, rule 2.250(b) shall apply to this standing order.

2. The term "plaintiff" includes a cross-complainant or an intervenor.

3. The term "initial complaint" includes a cross-complaint or a complaint in intervention.

4. The term "amended complaint" includes an amended cross-complaint or an amended complaint in intervention.

D. DESIGNATION OF ELECTRONIC SERVICE PROVIDER

1. The court designates File & ServeXpress as the electronic service provider ("the ESP"). File & ServeXpress shall serve as the ESP absent notice by the court that the ESP has been changed or further court order. File & ServeXpress may be contacted by visiting http://www.fileandservexpress.com or by calling 888-529-7587.

E. NOTICE OF STANDING ORDER

1. If a plaintiff designates the case as complex on the initial complaint, a copy of this standing order shall be served on all defendants concurrently with the summons and complaint. If a plaintiff does not designate the case as complex on the initial complaint but designates it as complex on an amended complaint, a copy of this standing order shall be served on all defendants concurrently with the amended complaint.

2. If a defendant designates the case as complex on the initial answer, a copy of this standing order shall be served on all plaintiffs concurrently with the answer. If a defendant does not designate the case as complex on the initial answer but designates it as complex on an amended answer, a copy of this standing order shall be served on all plaintiffs concurrently with the amended answer.

3. If neither party designates the case as complex but the court determines the case is complex per California Rules of Court, rule 3.403(b), the plaintiff shall serve a copy of this standing order on all defendants within 5 calendar days of being notified by the court of the complex designation.

4. Any party that joins a new party into this action shall serve a copy of this standing order on the new party at the time of initial service.

F. REGISTRATION WITH ELECTRONIC SERVICE PROVIDER

Upon the court designating a civil action as complex per California Rules of Court, rules 3.402 and 3.403, the following registration procedures shall apply:

1. Within 15 days of the court's designation of the case as complex, the plaintiff's attorney, or the plaintiff if self-represented, shall submit to the ESP and to the court a complete and current list of the parties, party types, and counsel representing each party. The list shall include the names of any lead and other associated attorneys, together with addresses, telephone and facsimile numbers, and e-mail addresses. All lists shall be sent to the following e-mail address: eservice@fileandservexpress.com. The ESP shall promptly notify all Registered Users of any changes to this e-mail address.

2. If an unrepresented party affirmatively consents to electronic service, the plaintiff's attorney, or the plaintiff if self-represented, shall submit to the ESP and to the court the unrepresented party's address, telephone number, facsimile number, and e-mail address in the same manner and within the same time limits as for attorneys.

3. All attorneys, and any unrepresented parties who consent to electronic service, shall register with the ESP in the manner designated by the ESP.

4. Each attorney and unrepresented party registered with the ESP shall keep his or her service information current and accurate with the ESP, all other attorneys and unrepresented parties, and the court.

5. Each attorney and unrepresented party registered with the ESP shall be referred to in this order as a "Registered User."

G. ESTABLISHMENT AND STRUCTURE OF COMPLEX LITIGATION WEBSITE

1. For each complex litigation case subject to this standing order, the ESP shall establish and maintain an Internet website ("the Website"). The ESP shall post to the Website

all documents submitted to the ESP by any Registered User and shall serve each document pursuant to the service list provided to the ESP in accordance with the procedures herein.

2. Access to the Website will be limited to Registered Users and authorized court personnel. The ESP will provide each Registered User and authorized court personnel with a user name and password to access the Website and the documents served in this action. The ESP personnel will perform all administrative functions for the Website, but all initial data, additions, deletions or changes to the service list must be submitted by the attorneys and/or parties.

3. All documents posted on the Website will be identified by: (1) the name of the serving party or attorney; (2) the caption(s) of the case(s) to which the document belongs; (3) the title of the document set forth on its caption; and (4) the identity of the party on whose behalf the document is being served.

4. The Website shall contain an index of all served documents for the litigation that will be searchable and sortable according to methods that provide useful access to the documents.

H. CONTENT AND FORMAT OF DOCUMENTS SERVED THROUGH THE ESP

1. The document shall be served to the ESP either as a word-processing file or as a scanned image of the document. Each document shall be titled so as to identify the type and purpose of such document and the identity of the attorney or party who is serving such document.

2. Every pleading, document and instrument served electronically shall bear a facsimile or typographical signature of at least one of the serving attorneys and/or parties, along with the typed name, address, telephone number and State Bar of California number, where applicable, of such attorney or party. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents under the Code of Civil

Procedure. The attorney and/or party serving any document requiring multiple signatures (e.g., stipulations, joint status reports) must list thereon all the names of other signatories by means of a "__s/__" block for each. By submitting such a document, the serving party certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the serving attorney or party has the actual authority to submit the document electronically. The serving attorney or party must maintain any records evidencing this occurrence for subsequent production to the court if so ordered or for inspection upon request by any party.

3. A Registered User's service of any document through the ESP shall be deemed to include an implied warranty that to the best of the Registered User's knowledge, the transmitted document does not contain malware.

I. PROCEDURE FOR SERVICE THROUGH THE ESP

1. A document shall be served through electronic transmission to the ESP over the Internet.

2. After the ESP receives a document, the ESP shall convert such document into Adobe Portable Document Format ("PDF") and post it to the Website within one (1) hour of receipt.

3. Within one (1) hour of the time a document is posted to the Website, the ESP will notify all Registered Users that a document has been posted to the Website. Registered Users will also receive a courtesy e-mail notification of a filing with which they have been served. The email shall contain a hyperlink to the document location(s) on the Website .

5. Each Registered User shall retain an original dated hard copy with hand written signature of all documents served electronically by that Registered User. All such hard copies shall be made available for inspection in the manner set forth in California Rules of Court, rules 2.251(i) and 2.257(a).

J. PROOFS OF SERVICE

1. Written proofs of electronic service shall conform to Code of Civil Procedure section 1013a and California Rules of Court, rule 2.251(i). The ESP's transaction receipt may operate as the proof of service so long as it complies with California Rules of Court, rule 2.251(i), and California Code of Civil Procedure section 1013a.

3. A proof of service page may be attached to the last page of any electronically served document. Neither a separate caption page nor a separate filing of the proof of service is required so long as the proof of service page contains a caption referencing the case name and action number, is attached as the last page of the electronically served document to which it refers, and references the ESP's transaction receipt.

K. EFFECT OF ELECTRONIC SERVICE

1. Each document electronically served pursuant to this standing order shall be presumed to have been served in compliance with the Code of Civil Procedure.

2. The effective date of service shall be governed by California Rules of Court, rule 2.251(h).

L. TECHNICAL PROBLEMS AND ERRORS

1. If electronic service does not occur or is delayed because of (1) an error in the transmission of the document to the ESP or served party which was unknown to the sending party, (2) a failure to process the electronic document when received by the ESP, (3) an erroneous exclusion from the service list, or (4) other technical problems experienced by the ESP, the party or parties affected shall, absent extraordinary circumstances, be entitled to an extension for any response or the period within which any right, duty, or other act must be performed, provided the Registered User demonstrates that he or she attempted to file or complete service on a particular day and time.

2. In the event the technical difficulties described above result in a Registered User being unable to comply with a statutory, court-ordered, or mutually-agreed deadline, the Registered User may obtain an ex parte court order granting an extension of time by following the standard ex parte procedure in the California Rules of Court and the court's local rules. Provided the technical problem has been resolved and the Website is operating normally, notice of the ex parte application may be given through the ESP. In addition to the ex parte application, the Registered User shall file and serve a declaration which describes the attempt(s) made, provides the reason service did not occur or was delayed, states how and when the non-service or delay in service was discovered, details the person's efforts made to rectify the situation, and states with specificity the extension of time sought.

3. If the technical difficulties described above do not prevent a Registered User from meeting a statutory, court-ordered, or mutually-agreed deadline, the Registered User may file and serve a declaration which describes the attempt(s) made to serve the documents, provides the reason(s) service did not occur or was delayed, states how and when the non-service or delay in service was discovered, details the person's efforts made to rectify the situation, and states with specificity the extension of time the party believes appropriate.

M. ELECTRONIC SERVICE OF ORDERS AND OTHER PAPERS BY COURT

The court may serve notices, orders, and other documents electronically subject to the provisions of this order.

N. MODIFICATIONS TO STANDING ORDER

The court may, on a party's motion or on its own motion, order modifications to this standing order in a specific case.

It is so ordered.

Date: 12-4-14

Scott L. Kays
Supervising Judge, Civil Division

Superior Court of California
County of Solano

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.)

Superior Court of California
County of Solano

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

5.2 DIRECT CALENDARING

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

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

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

(Rule 5.2 adopted effective January 1, 2013.)

5.3 PREPARATION AND FILING OF FORMS AND PLEADINGS

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

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

"L012345".

(6) FCS012345: All Uniform Parentage Act cases filed between December 8, 1999, and September 30, 2002.

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

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

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

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

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

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

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

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

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

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

d. **FILING OF NOTICES OF UNAVAILABILITY**

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

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

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

(Rule 5.3 adopted effective January 1, 2013.)

5.4 APPLICATIONS FOR EMERGENCY ORDERS (EX PARTE ORDERS)

a. **APPLICABILITY**
All parties shall comply with the provisions in Chapter 7 of Division 1 of 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.

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

b. **VACATING A SCHEDULED HEARING**

(1) **By the Moving Party**

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

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

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

(2) **By Stipulation**

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

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

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

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

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

c. **REISSUANCE OF A REQUEST FOR ORDER**

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

If a moving party does not obtain a reissuance prior to the hearing and fails to appear

at the scheduled hearing to request a reissuance, the court may take the matter off calendar.

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

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

d. **DAY OF HEARING PROCEDURES**

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

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

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

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

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

e. **TELEPHONIC APPEARANCES**
A party, an attorney, or a representative of a local child support agency or government agency who wishes to appear by telephone at a hearing must file a request with the court clerk at least 2 court days prior to the date of the hearing.

The request shall be made on a *Request for Telephone Appearance* (Judicial Council form FL-679). The request must be served on all other parties, their attorneys, and the local child support agency through a means calculated to ensure delivery by the close of business on the next court day.

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

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

(Rule 5.5 adopted effective January 1, 2013.)

5.6 PRESENCE OF CHILDREN IN COURTROOM

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

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

(Rule 5.6 adopted effective January 1, 2013.)

5.7 FAMILY CENTERED CASE RESOLUTION PROCESS (CRC 5.83)

a. **APPLICABILITY**

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

b. **CASE MANAGEMENT CONFERENCES**

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

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

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

c. **NOTICE OF CASE MANAGEMENT CONFERENCES**

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

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

(Rule 5.7 adopted effective January 1, 2013.)

5.8 STATUS CONFERENCES AND STATUS CONFERENCE REPORTS

a. **APPLICABILITY OF RULE**

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

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

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

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

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

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

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

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

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

d. **SANCTIONS**

The court may impose sanctions if:

(1) A status conference report is not timely filed and served;

(2) A status conference report is not fully completed;

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

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

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

(Rule 5.8 adopted effective January 1, 2013.)

5.9 COURT REPORTER FEES

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

(Rule 5.9 adopted effective January 1, 2013.)

Superior Court of California
County of Solano

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

5.10 SETTLEMENT CONFERENCES

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

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

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

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

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

Settlement conference statements submitted in an dissolution of marriage or registered domestic partnership, nullity, or legal separation action shall respond to each item set forth below. Settlement conference statements submitted in any other matter shall respond to each item set forth below, except for items (4), (5), and (6).

If a particular paragraph is not applicable, the statement shall indicate that fact.

(1) **Statistical Facts**

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

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

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

(b) **For All Cases:**

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

(ii) Ages of parties;

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

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

(2) **Child Custody and Visitation**

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

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

(3) **Child Support**

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

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

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

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

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

(a) A summary of existing spousal or partner support order or, if there

is no existing order, the parties' current practice;

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

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

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

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

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

(a) The date it was acquired;

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

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

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

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

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

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

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

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

(a) If a party is claiming *Epstein* credits, *Watts/Jeffries* credits, Family Code section 2640 reimbursements, or other claims for reimbursement or credits, the party shall include a complete statement setting forth the factual and legal basis for the credit or reimbursement claimed and the formula used (if any) to calculate the credit or reimbursement.

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

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

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

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

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

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

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

(9) **Witnesses and Reports**

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

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

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

(10) **Points and Authorities**

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

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

e. **INCOME AND EXPENSE DECLARATION; TAX RETURNS**

If child support, spousal support, attorney fees and costs, or sanctions are at issue and unless a current *Income and Expense Declaration* (Judicial Council form FL-150) is already on file, an updated *Income and Expense Declaration* shall be filed concurrently with the party's settlement conference statement. "Current" shall have the same definition as California Rules of Court, rule 5.260(a)(3). Each party shall also be prepared to provide the court with a complete copy of that party's two most recent federal personal tax returns. This shall include all schedules and

attachments. If either party files a separate tax return for a business, a complete copy of the two most recent federal tax returns for that business shall also be made available. Except for Taxpayer Identification Numbers (TIN) or Social Security Numbers, no information on any tax returns provided to the court may be redacted. *(Subd (e) adopted effective January 1, 2013.)*

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

(Rule 5.10 adopted effective January 1, 2013.)

5.11 EVIDENTIARY HEARINGS AND TRIALS

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

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

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

c. **DOCUMENTARY EVIDENCE**

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

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

(Rule 5.11 adopted effective January 1, 2013.)

5.12 – 5.19 [RESERVED]

5.20 CHILD CUSTODY RECOMMENDING COUNSELING

a. **PARTIES' DUTIES**

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

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

b. **REPORT – FULL AGREEMENT**

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

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

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

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

Any written report or recommendation from a child custody recommending counselor shall be confidential and unavailable to any person except the court, the parties, their attorneys and the attorneys' employees or agents, the parties' experts, licensed family counselors professionally involved with the case, the minor child's

attorney, and any person to whom the court expressly grants access by written order made with prior notice to all parties.

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

e. **CALLING THE CHILD CUSTODY RECOMMENDING COUNSELOR AS A WITNESS**
The child custody recommending counselor may be called as a witness by either party, minor's counsel, or the court, and may testify regarding his or her recommendation and the basis therefore.

A party or attorney calling the counselor as a witness at any hearing must comply with all statutory requirements for compelling a witness' attendance at a hearing or trial, including the payment of witness fees.
(Subd (e) adopted effective January 1, 2013.)

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

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

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

(3) The written complaint must include the following information:
   (a) The names of the parties in the case and their attorneys;
   (b) The family law case number;
   (c) The most recent court date and the date(s) on which the parties met with the counselor;
   (d) The name(s) of any Family Court Services personnel (i.e. child custody recommending counselors) with whom the complainant had contact; and,
   (e) A statement explaining the reasons for the complaint. Mere disagreement with a child custody recommending counselor's recommendation(s) or stated reasons for a recommendation is not a sufficient basis for the court or any other program manager to take action on the grievance, and such a complaint may be summarily dismissed without further investigation or action.

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

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

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

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

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

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

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

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

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

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

(Rule 5.20 adopted effective January 1, 2013.)

5.21 CHILD CUSTODY AND VISITATION EVALUATIONS

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

All ex parte communications between court-appointed or court-connected evaluators and parties or their attorneys are prohibited, except as provided by law or court order. (A "court-connected evaluator" is a superior court employee or a person under contract with a superior court who conducts child custody evaluations. CRC 5.225(b)(7).) The court may order sanctions for violation of this no-contact rule, which may include but not be limited to evidence or issue or monetary sanctions, or suppression and sealing of the evaluator's report and the conduct of a new evaluation or investigation at the sole expense of the offending party.

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

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

c. **GRIEVANCE PROCEDURE – EVALUATORS**
The procedure for processing a complaint concerning a court-appointed or court-connected evaluator shall be as follows:

(1) If the complaint involves the cost or administration of the evaluation or investigation process, then the complainant shall attempt to resolve the matter with the evaluator before pursuing his or her complaint as provided in this rule. All such attempts at resolution shall comply with court orders and all applicable laws. All other complaints shall be made as presented in subpart 3 of this rule, below.

(2) Except upon a showing of extraordinary circumstances, complaints about the performance of an evaluator or investigator shall be addressed after issuance of the evaluation or investigation report.

(3) Written notice of a complaint, specifying the conduct objected to, shall be provided to the evaluator or investigator, the other party, and the attorney for the minor child, and shall be lodged with the court by direct delivery to the judicial officer, within 20 days after issuance of the evaluation report. Mere disagreement with an evaluator's or investigator's recommendation(s) or stated reasons is not a sufficient basis for the court or any program manager to take action on the grievance, and such a complaint may be summarily denied without further investigation.

(4) A written response from the evaluator or investigator (and from the other party and/or the attorney for the minor child, at their respective election) shall be provided to both parties and the attorney for the minor child, and shall be lodged with the court, no later than 10 days after the complaint was provided to the evaluator or investigator, the other party, the minor child's attorney, and the court.

(5) Within 10 days after receipt of the evaluator's or investigator's response, or if there is no response from the evaluator or investigator, within 20 days after receiving the original complaint, the court shall issue a written statement as to what action, if any, it deems appropriate to deal with the complaint.

(6) If either party or attorney for a minor is not satisfied with the court's determination, he or she may file a noticed motion requesting other

specified relief. Such motion shall be in compliance with Code of Civil Procedure section 1005 and shall be served on the other parties, the attorney for the minor child, and the evaluator or investigator. The evaluator or investigator shall appear at the hearing. The cost of the evaluator's or investigator's appearance shall be advanced by the complainant, with the court reserving jurisdiction over the allocation of such cost.

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

d. **PEREMPTORY CHALLENGE AGAINST EVALUATOR**

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

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

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

A private evaluator shall have the right to petition for withdrawal from a case to which he or she has been appointed. Such petition shall demonstrate good cause for the withdrawal request. The petition shall be filed and served in compliance with Code of Civil Procedure section 1005.

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

(Rule 5.21 adopted effective January 1, 2013.)

5.22 – 5.29 [RESERVED]

5.30 CALCULATION OF TEMPORARY SPOUSAL OR PARTNER SUPPORT

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

(Rule 5.30 adopted effective January 1, 2013.)

5.31 – 5.39 [RESERVED]

5.40 CALENDARING HEARINGS FOR DEFAULT OR UNCONTESTED JUDGMENTS

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

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

(Rule 5.40 adopted effective January 1, 2013.)

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

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

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

(Rule 5.41 adopted effective January 1, 2013.)

5.42 DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

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

To obtain a judgment of nullity of marriage or registered domestic partnership, the requesting party must submit to the court the documents identified in Appendix 5-A for the situation that pertains to that case (e.g. default without agreement, default with agreement,

or uncontested). Documents that have already been filed do not need to be resubmitted.

(Rule 5.42 adopted effective January 1, 2013.)

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

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

(Rule 5.43 adopted effective January 1, 2013.)

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Rule 5 – Family Law
APPENDIX 5-A

DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

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

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

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

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

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

Superior Court of California
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APPENDIX 5-A

DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

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

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

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

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

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

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DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

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

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

Superior Court of California
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APPENDIX 5-A

DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

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

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

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

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

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

(continued on next page)

DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

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

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

Superior Court of California
County of Solano

Rule 5 – Family Law
APPENDIX 5-B

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

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

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

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

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

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

Superior Court of California
County of Solano

Rule 5 – Family Law
APPENDIX 5-B

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

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

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

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

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

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

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

Superior Court of California
County of Solano

Rule 5 – Family Law
APPENDIX 5-B

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

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

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

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

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

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 6 – Juvenile Proceedings

PART ONE: Rules for Juvenile Court in General

6.1 ADOPTION, CONSTRUCTION AND AMENDMENT OF RULES AND STANDING ORDERS

a. **APPLICABILITY OF RULES**
Unless otherwise stated in a particular rule, Rule 6 shall apply to all matters heard pursuant to Welfare and Institutions Code sections 300, 601, or 602.
(Subd (a) amended effective January 1, 2010; adopted effective August 1, 2002; previously amended effective August 3, 2007, and July 1, 2008.)

b. **STANDING ORDERS**
The Presiding Judge of the Juvenile Division may issue such standing orders for the administration of the Juvenile Court, as the court deems appropriate. The court may issue new or amended standing orders by filing the same with the clerk of the court and posting the order for a period of thirty (30) days outside of the juvenile courtrooms and the clerk's office.
(Subd (b) amended and relettered effective January 1, 2010; adopted as subdivision (c) of Rule 6.1.1 effective August 1, 2002; previously amended effective July 1, 2008.)

(Rule 6.1 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.1 effective August 1, 2002; previously amended effective August 3, 2007, and July 1, 2008.)

6.2 ASSIGNMENT OF JUDICIAL OFFICER; JUVENILE CALENDAR

a. **ASSIGNMENT OF JUDICIAL OFFICER FOR ALL PURPOSES**
When a juvenile case is filed, or received and filed as a transfer from another jurisdiction, the Clerk of the Court shall assign the case to one judicial officer for all purposes, as directed by and subject to the approval of the Presiding Judge of the Juvenile Division. The assignment shall be designed to fairly distribute the workload among the judicial officers of the Juvenile Division and best serve the court.
(Subd (a) adopted effective July 1, 2012.)

b. **JUVENILE CALENDAR**
All juvenile matters will be heard by the Juvenile Court on such days and such times as scheduled or approved by the Juvenile Presiding Judge.
(Subd (b) relettered effective July 1, 2012; adopted as unlettered portion of Rule 6.1.2 effective August 1, 2002; previously amended effective July 1, 2008; amended and renumbered effective January 1, 2010.)

(Rule 6.2 amended effective July 1, 2012; adopted as Rule 6.1.2 effective August 1, 2002; previously amended effective July 1, 2008; amended and renumbered effective January 1, 2010.)

6.3 ACCESS TO COURTROOM BY NON-PARTIES

Unless specifically permitted by statute, Juvenile Court proceedings are confidential and shall not be open to the general public. The court encourages interested persons including trainees and students to attend juvenile proceedings in order to better understand the workings of the Juvenile Court. The court retains the discretion to determine in each case whether any such interested party shall remain in the courtroom.

(Rule 6.3 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.3 effective August 1, 2002.)

6.4 CONFIDENTIALITY

All participants or permitted observers in Juvenile Court proceedings shall maintain the confidentiality of Juvenile Court documents and proceedings. Juvenile records may not be copied or disseminated outside of the juvenile proceedings without a court order. An intentional violation of these confidentiality provisions is a misdemeanor punishable by fine, imprisonment or both, and/or punishable as a contempt of court. [W&I § 827(b)(2)]

(Rule 6.4 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.4 effective August 1, 2002; previously amended effective July 1, 2008.)

6.5 RELEASE OF INFORMATION RELATING TO JUVENILES

a. **DISCOVERY OF JUVENILE RECORDS**

Except as indicated within this rule, in all cases in which a person or agency seeks access to Juvenile Court records, including records maintained by the Juvenile Court Clerk, the Probation Department, or the Health and Social Services Department – Child Welfare Services Division, the person or agency shall file a Petition for Disclosure (Judicial Council form JV-570) [W&I § 827(a)(2)(A)] with the Presiding Judge or a judicial officer of the Juvenile Court. The petition shall set forth with specificity the materials sought and the relevance of the materials to the underlying action. The petition shall be supported by a declaration which specifies the information or documents sought, the purpose for which the documents or information is sought, the relevance of the documents or information

to the purpose for which they are sought, and, if necessary, a memorandum of points and authorities. The Juvenile Court Clerk shall not accept facsimile copies of Section 827 petitions for filing. This section does not apply to those persons and agencies designated by Welfare and Institutions Code section 827(a) or any party authorized to obtain records by a standing order issued by this court.
(Subd (a) amended and subd (1) through (3) deleted effective January 1, 2010; adopted effective August 1, 2002; previously amended effective July 1, 2008.)

b. **RELEASE OF RECORDS TO PARTIES AND THEIR ATTORNEYS**
Any party, their attorney, or authorized agent in any Welfare and Institutions Code §§300, 601 or 602 matter shall be given access to all records relating to the child which are held by the Clerk of the Court unless otherwise specifically ordered by the court. The party or counsel shall also have the right to secure copies of such records. The party or counsel shall be responsible for the cost of any copying. Any person requesting records shall complete the form adopted or approved by the court for this purpose. A copy of the request shall be filed in the court file.
(Subd (b) amended effective January 1, 2010; adopted as subd (f) effective August 1, 2002; previously amended and relettered effective July 1, 2008.)

c. **RELEASE OF COURT REPORTS TO COURT-APPROVED MENTAL HEALTH EVALUATORS**
Where the court has ordered a mental health or psychological evaluation of a minor, the court approved evaluator shall be given access to the court's file, unless the court makes a specific order to the contrary in the referral.
(Subd (c) amended and relettered effective July 1, 2008; adopted as subd (g) effective August 1, 2002.)

(Rule 6.5 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.5 effective August 1, 2002; previously amended effective July 1, 2008.)

6.6 DISCOVERY

a. **INFORMAL DISCOVERY**
Discovery shall be conducted informally. Except as protected by privilege, all relevant material shall be disclosed in a timely fashion to all parties to the litigation.
(Subd (a) adopted effective August 1, 2002.)

b. **FORMAL DISCOVERY**

If all informal means of discovery have been exhausted, a party may petition the court for discovery. Any noticed motion shall state the relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information. The motion shall be served on all parties at least five (5) court days before the hearing date. The date for the hearing shall be obtained from the Juvenile Court clerk. A copy shall be served on the court before whom the matter is scheduled to be heard. Any responsive papers shall be filed and served in like manner two (2) court days prior to the hearing.
(Subd (b) amended effective January 1, 2010; adopted effective August 1, 2002.)

(Rule 6.6 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.7 effective August 1, 2002; renumbered as Rule 6.1.6 effective July 1, 2008.)

6.7 PETITIONS, PLEADINGS & MOTIONS

a. **FORMAT OF PETITIONS, PLEADINGS AND MOTIONS**

All petitions, pleadings and motions filed with the Juvenile Court must be in a format approved by the court. All petitions, pleadings and motions must be reviewed and signed by the attorney of record for the party where the party is represented by counsel. Counsel are responsible for ensuring the legal sufficiency of the document and compliance with procedural requirements.
(Subd (a) relettered effective January 1, 2010; adopted as unlettered portion of Rule 6.1.8 effective August 1, 2002; former subd (a) repealed effective January 1, 2010.)

b. **EX PARTE APPLICATIONS**

All ex parte applications shall be in writing and the party making the applications shall provide notice to all counsel at least one court day prior to the hearing.
(Subd (b) amended effective January 1, 2010; adopted as subd (e) effective August 1, 2002; amended and relettered effective July 1, 2008.)

c. **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 (c) adopted effective January 1, 2009.)

(Rule 6.7 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.8 effective August 1, 2002; previously amended and renumbered as Rule 6.1.7 effective July 1, 2008; previously amended effective January 1, 2009.)

6.8 REQUEST FOR TRANSCRIPTS BY NON-PARTY

Any non-party requesting a reporter's transcript of a juvenile proceeding must file a Petition for Disclosure (Judicial Council form no. 570).

(Rule 6.8 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.11 effective August 1, 2002; previously renumbered as Rule 6.1.10 effective July 1, 2008.)

6.9 WELFARE AND INSTITUTIONS CODE SECTION 241.1 ASSESSMENTS

Any party requesting a Welfare and Institutions Code section 241.1 hearing may submit a written declaration providing specific facts supporting the party's assertion that the minor comes within the description of a person subject to both Welfare & Institutions Code section 300 and either Section 601 or 602. The Probation Department and Child Welfare Services shall prepare an assessment report in accordance with the protocol established by Welfare and Institutions Code section 241.1, subdivision (b). The report shall provide the sources of the factual information upon which the recommendations of the respective departments are based.

(Rule 6.9 amended and renumbered effective January 1, 2010; adopted as Rule 6.1.15 effective August 1, 2002; previously amended and renumbered as Rule 6.1.11 effective July 1, 2008.)

6.10 MOTION TO CHALLENGE LEGAL SUFFICIENCY OF PETITION

a. **TIMING OF THE MOTION**

A motion to challenge the legal sufficiency of the petition may be made orally or in writing at the initial/detention hearing, or at the jurisdictional hearing. A party may object on the ground that the petition alleges facts which, even if determined to be true, either are not sufficient to state a cause of action, or are not stated with sufficient clarity and precision to enable the party to determine what must be defended against. The court may entertain the objection by oral argument when made, or may set it for further hearing. No objection in the nature of a special demurrer to particular allegation shall lie to challenge only certain paragraphs under

a particular subdivision of Welfare & Institutions Code section 300 (i.e. a party must challenge all allegations under Section 300(b), not merely certain allegations.) *(Subd (a) amended effective January 1, 2010; previously adopted as subd (a) of Rule 6.2.5 effective August 1, 2002.)*

b. **HEARING ON MOTION; MEMORANDA OF POINTS AND AUTHORITIES**
If the court sets a hearing on the objection, counsel for the objecting party may file a supporting memorandum of points and authorities. To be considered timely, the memorandum must be filed at least 48 hours before the hearing in the department where the hearing is scheduled. The petitioner may file a memorandum of points and authorities in opposition to the objection. To be considered timely, the memorandum in opposition must be filed by 8:30 a.m. on the day of the hearing, in the department where the matter is set for hearing. All memoranda of points and authorities, whether in support of or in opposition to the objection, must be served on all other counsel and the petitioner via facsimile or personal service.
(Subd (b) amended effective January 1, 2010; previously adopted as subd (b) of Rule 6.2.5 effective July 1, 2008.)

c. **AMENDING THE PETITION**
Petitioner may not amend the petition without leave of court once a written objection to the sufficiency of the petition has been filed.
(Subd (c) amended effective January 1, 2010; previously adopted as subd (c) of Rule 6.2.5 effective July 1, 2008.)

d. **OBJECTION OVERRULED**
If an objection to the sufficiency of a petition is overruled and no admission or denial has been entered, the Court shall allow the admission or denial to be entered at the conclusion of the hearing, or upon such terms as may be just.
(Subd (d) amended effective January 1, 2010; previously adopted as subd (d) of Rule 6.2.5 effective July 1, 2008.)

e. **OBJECTION SUSTAINED**
If the Court sustains the objection to the sufficiency of a petition, the Court may grant leave to amend the petition upon any terms as may be just and shall fix the time within which the amended petition shall be filed. During the time that the petition is being amended, the minor may continue to be detained if the Court finds that a prima facie case for detention exists.
(Subd (e) amended effective January 1, 2010; adopted as unlettered portion of Rule 6.2.8 effective August 1, 2002; amended and relettered as Subd (e) effective July 1, 2008.)

(Rule 6.10 adopted effective January 1, 2010.)

6.11 – 6.29 [Reserved]

Superior Court of California
County of Solano

Rule 6 – Juvenile Proceedings

PART TWO: Juvenile Dependency

6.30 APPOINTED COUNSEL IN DEPENDENCY PROCEEDINGS

a. **MINIMUM STANDARDS OF COMPETENCE**
All attorneys seeking appointment in juvenile dependency proceedings must meet the minimum standards of competence set forth in California Rules of Court, rule 5.660(d).
(Subd (a) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 6.2.1 effective August 1, 2002.)

b. **INITIAL APPLICATION TO PRACTICE IN THE JUVENILE COURT**
An attorney seeking to practice before the Juvenile Court in dependency matters shall submit an *Application to Practice* (Solano County Local Form no. 6000) to the Presiding Judge of the Juvenile Court.
(Subd (b) adopted effective January 1, 2010.)

c. **RENEWAL APPLICATION TO PRACTICE IN THE JUVENILE COURT**
A *Renewal Application to Practice* (Solano County Local Form no. 6001) before the Juvenile Court must be submitted to the court by January 30 in the year immediately following the two (2) year anniversary of the submission of the original *Application to Practice.* Those attorneys who submitted their original application in January shall file their renewal application by January 30 of the second year following the submission of the original Application to Practice. The attorney shall attach to the renewal application evidence that he or she completed at least eight (8) hours of continuing training or education directly related to dependency proceedings since the last application. This evidence may include a certificate of attendance at MCLE training, professional organization training (along with a copy of the program schedule) and/or attendance at court-sponsored or approved training.

Failure to supply proof of completion of continuing education or training by the due date will cause the court to notify the attorney that his or her right to be appointed in dependency proceedings will be revoked. The attorney shall have thirty (30) days from mailing of notice to submit proof of completion of the required education or training. If the attorney fails to submit such proof, the court will not recommend further appointments until such time as the requisite proof is provided.
(Subd (a) amended and relettered effective July 1, 2008; adopted as subd (c) effective August 1, 2002.)

(Rule 6.30 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.1 effective August 1, 2002; previously amended effective July 1, 2008.)

6.31 APPOINTMENT OF PRIVATE COUNSEL IN DEPENDENCY PROCEEDINGS

a. **ELIGIBILITY FOR APPOINTMENT**
The court will appoint only counsel who has submitted the application required by these rules and have been certified by the court to represent parents or children in the dependency court.
(Subd (a) amended effective July 1, 2008; adopted effective August 1, 2002)

b. **NOTIFICATION OF APPOINTMENT**
Notification of appointment may be communicated by phone call and confirmed by appropriate written order or minute order.
(Subd (b) amended effective July 1, 2008; adopted effective August 1, 2002.)

c. **COMPENSATION**
Billing shall be forwarded to the court on appropriate forms with documentation for approval.
(Subd (c) adopted effective August 1, 2002.)

(Rule 6.31 renumbered effective January 1, 2010; adopted as Rule 6.2.2 effective August 1, 2002; previously amended effective July 1, 2008..)

6.32 PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS REGARDING REPRESENTATION IN DEPENDENCY PROCEEDINGS

a. **WHO MAY LODGE A COMPLAINT**
Any party to a Juvenile Court dependency proceeding may lodge a written complaint with the court concerning the performance of the party's appointed attorney in that proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged either by the minor or on the minor's behalf by the social worker, a caretaker relative or a foster parent.
(Subd (a) amended effective July 1, 2008; adopted effective August 1, 2002.)

b. **PROCEDURE**

(1) Upon receipt of a written complaint, the court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint, and shall give the attorney fifteen days from the date of the notice to respond to the complaint in writing.
(Subd (1) renumbered effective January 1, 2010; adopted as portion of subd (b) effective August 1, 2002.)

(2) After a response has been filed by the attorney or the time for the submission of a response has passed, the court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to local rules or policies or has acted incompetently. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.
(Subd (2) renumbered effective January 1, 2010; adopted as subd (c) effective August 1, 2002.)

(3) If, after reviewing the complaint, the response, and any additional information, the court, either in writing or at oral hearing, finds that the attorney acted contrary to the rules or policies of the court or incompetently, the court shall take appropriate action.
(Subd (3) renumbered effective January 1, 2010; adopted as subd (d) effective August 1, 2002.)

(4) The court shall notify the attorney and complaining party either in writing or by oral ruling at a closed hearing of its determination of the complaint. The court's determination will be final.
(Subd (4) renumbered effective January 1, 2010; adopted as subd (e) effective August 1, 2002.)

(Subd (b) amended effective January 1, 2010; adopted effective August 1, 2002.)

(Rule 6.32 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.4 effective August 1, 2002; amended and renumbered as Rule 6.2.3 effective July 1, 2008.)

6.33 PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD [CRC 5.660]

a. **NOTIFICATION TO THE COURT**
At any time during the pendency of a dependency proceeding, any interested person may notify the court that the minor who is the subject of the proceeding may have an interest or right which needs to be protected or pursued in another judicial or administrative forum. Notice to the court may be given by the filing of filing a verified petition or notice of motion specifying the right or interest to be protected. The person giving notice shall set forth the nature of the interests or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected and the nature or the proceedings being contemplated or conducted there.
(Subd (a) amended effective January 1, 2010; adopted effective August 1, 2002.)

b. If the court determines that further action on behalf of the child is required, the court shall do one or more of the following:

(1) Authorize the minor's attorney to pursue the matter on the child's behalf;

(2) Appoint an attorney for the child if the child is unrepresented;

(3) Notice a joinder hearing pursuant to Section 362(a) compelling the responsible agency to report to the court with respect to whether it has carried out its statutory duties with respect to the child;

(4) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);

(5) Take any other action the court may deem necessary or appropriate to protect the welfare, interests and rights of the child.

(Subd (b) amended and relettered effective January 1, 2010; adopted as subd (c) effective August 1, 2002.)

(Rule 6.33 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.5 effective August 1, 2002; amended and renumbered as Rule 6.2.4 effective July 1, 2008.)

6.34 MOTION TO CHALLENGE LEGAL SUFFICIENCY OF PETITION

a. **TIMING OF MOTION**

A motion to challenge the legal sufficiency of the petition may be made orally or in writing at the initial/detention hearing, or at the jurisdictional hearing. A party may object on the ground that the petition alleges facts which, even if determined to be true, either are not sufficient to state a cause of action, or are not stated with sufficient clarity and precision to enable the party to determine what must be defended against. The court may entertain the objection by oral argument when made, or may set it for further hearing. No objection in the nature of a special demurrer to particular allegation shall lie to challenge only certain paragraphs under a particular subdivision of Welfare and Institutions Code section 300 (i.e. a party must challenge all allegations under Section §300(b), not merely certain allegations.)

(Subd (a) amended effective January 1, 2010; adopted effective August 1, 2002; previously amended effective July 1, 2008.)

b. **MEMORANDUM OF POINTS AND AUTHORITIES**

If the court sets a hearing on the objection, counsel for the moving party may file a supporting memorandum of points and authorities. To be considered timely, the memorandum must be filed at least 48 hours before the hearing in the department where the hearing is scheduled. Petitioner may file a memorandum of points and authorities in opposition to the objection. To be considered timely, the memorandum in opposition must be filed by 9 a.m. on the day of the hearing, in the department where the matter is set for hearing. All memoranda of points and authorities, whether in support of or in opposition to the objection, must be served on all other counsel and the petitioner via facsimile.

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

c. **AMENDING THE PETITION**

Petitioner may not amend the petition without leave of court once a written objection to the sufficiency of the petition has been filed.

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

d. **OBJECTION TO SUFFICIENCY OF PETITION OVERRULED**

If an objection to the sufficiency of a petition is overruled and no admission or denial has been entered, the court shall allow the admission or denial to be entered at the conclusion of the hearing, or upon such terms as may be just.

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

e. **OBJECTION TO SUFFICIENCY OF PETITION SUSTAINED**
If the court sustains the objection to the sufficiency of a petition, the court may grant leave to amend the petition upon any terms as may be just and shall fix the time within which the amended petition shall be filed. During the time that the petition is being amended, the minor may continue to be detained if the court finds that a prima facie case for detention exists.
(Subd (e) amended and relettered effective July 1, 2008; adopted as unlettered portion of Rule 6.2.8 effective August 1, 2002.)

(Rule 6.34 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.8 effective August 1, 2002; previously amended and renumbered as Rule 6.2.5 effective July 1, 2008.)

6.35 ACCESS TO MINORS

a. **ACCESS TO MINORS PETITIONED PURSUANT TO W& I § 300**
No party or attorney in a dependency proceeding shall interview the minor about the events relating to the allegations in the petition(s) on file without permission of the minor's attorney or court order. No party or attorney in a dependency proceeding shall cause the minor to undergo physical, medical or mental health examination or evaluation without court approval. This rule does not apply to the investigating social worker prior to the establishment of jurisdiction.
(Subd (a) amended and relettered effective July 1, 2008; adopted as subd (b) effective August 1, 2002.)

b. **INTERVIEWING MINORS WHO ARE ALLEGED VICTIMS OF CHILD SEXUAL ABUSE**
In all dependency matters where there are allegations of child sexual abuse, all participants and their counsel shall minimize the number of interviews they take of the minor relating to the events surrounding the alleged abuse.
(Subd (b) amended and relettered effective July 1, 2008; adopted as Subd (c) effective August 1, 2002.)

(Rule 6.35 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.10 effective August 1, 2002; previously amended and renumbered as Rule 6.2.6 effective July 1, 2008.)

6.36 MODIFICATIONS OF ORDERS

a. **VACATIONS OUT OF SOLANO COUNTY**

Permission for a dependent child's custodian to take the child out of Solano County for a vacation may be submitted directly to the Court for approval at least five court days prior to departure. Any attempts to notify the parents and the parents' position on the request shall be indicated in the application.

(Subd (a) relettered effective July 1, 2008; adopted as Subd (e) effective August 1, 2002.)

b. **NEW SERVICE PLAN REQUIREMENTS**

Any significant changes or additions to the service plan for parents or guardians shall be submitted to them for approval before implementation. A parent or guardian who disagrees with the new requirements may request a hearing with the Court on the matter.

(Subd (b) amended effective January 1, 2010; adopted as Subd (f) effective August 1, 2002; relettered effective July 1, 2008.)

c. **NOTICE RE CHANGE IN PLACEMENT**

In order to ensure that proper notice is received by attorneys for parents and children of any change in a child's placement after the original dispositional hearing:

(1) In non-emergency situations, the Department shall give notice at least three (3) court days prior to the change in placement.

(2) Prior to removal of a child from one county to another, the Department shall provide notice at least ten (10) court days unless emergency circumstances prevent such notice. In emergency circumstances, the Department shall give notice immediately and in no case later than 48 hours (two court days) following the child's change in placement. Notice may be given orally or in writing.

(Subd (c) amended effective January 1, 2010; adopted as portion of Rule 6.2.11 effective August 1, 2002; previously amended effective July 1, 2008.)

(Rule 6.36 amended and renumbered effective January 1, 2010; adopted as Rule 6.2.11 effective August 1, 2002; amended and renumbered as Rule 6.2.7 effective July 1, 2008.)

6.37 COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)

The court adopts by incorporation into these rules the requirements of Welfare and Institutions Code sections 100 *et seq*. and 356.5, California Rules of Court, rule 5.655, and the Judicial Council Court-Appointed Special Advocate (CASA) Grant Program Guidelines, which implement the requirements of these statutory provisions. Any grant funds received under the CASA Grant Program shall be administered in accordance with the CASA Grant Program Guidelines.

Pursuant to California Rules of Court, rule 5.655(k)(5), CASA must submit its report to the Clerk of the Juvenile Court at least seven (7) days before each regularly scheduled review following the appointment of the CASA advocate. Copies of the report will be distributed by the Clerk of the Juvenile Court only to the parties or their attorneys of record when represented by counsel at least two (2) court days before the hearing for which the report was prepared. Relatives, de facto parents, foster parents, and service providers are not entitled to receive copies of the CASA reports absent further order of the juvenile court.

(Rule 6.37 amended effective July 1, 2012; adopted as Rule 6.2.13 effective August 1, 2002; previously renumbered as Rule 6.2.8 effective July 1, 2008; previously amended and renumbered effective January 1, 2010.)

6.38 – 6.59 [Reserved]

6.60 RETURN ON BENCH WARRANT

With a minimum of two court days notice to the Juvenile Court, the District Attorney and Probation, counsel for juveniles in Welfare and Institutions Code section 602 proceedings may schedule a return on warrant hearing. If the minor fails to appear at the Return on Bench Warrant hearing, counsel for the juvenile will need permission to re-calendar the matter from the Juvenile Court Judge or their designated staff.

(Rule 6.60 renumbered effective January 1, 2010; adopted as Rule 6.1.9 effective July 1, 2008.)

Superior Court of California
County of Solano

Rule 6 – Juvenile Proceedings

APPENDIX – Standing Orders of the Juvenile Court

Standing Order	Title
2002-01	Medical Authorization – Juvenile Hall
2002-02	Community School Programs
2002-05	Release of Records, Absent Parents
2002-07	Release of Records – Financial Hearing Officer
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

FILED
SOLANO COUNTY COURTS

02 AUG -2 PM 3:50

CHARLES D. RAMEY
By Patty Worcester
DEPUTY CLERK

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

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

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

I. HEALTH APPRAISAL AT CONFINEMENT

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

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

2. A mental health status evaluation.

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

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

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

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

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

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

II. CONTINUING TREATMENT AFTER DETENTION

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

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

Dated: 8/2/02

DAVID EDWIN POWER
Judge of the Superior Court, Juvenile Division

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

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

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

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

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

Dated: 8/2/02

DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

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

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

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

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

IT IS HEREBY ORDERED THAT:

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

Dated: 8/2/02

DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

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

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

IN THE SUPERIOR COURT OF SOLANO, STATE OF CALIFORNIA

IN SESSION AS A JUVENILE COURT

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

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

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

THE COURT THEREFORE ISSUES THE FOLLOWING STANDING ORDER:

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

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

//

from Welfare and Institutions Code section 300 case files.

Dated: 8/2/02

DAVID EDWIN POWER
JUDGE OF THE SUPERIOR COURT, JUVENILE DIVISION

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

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

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

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

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

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

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

(1) assessment;

(2) treatment;

(3) sharing of information;

(4) determination and eligibility; and

(5) provision of payment of services.

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

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

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

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

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

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

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

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

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

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

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

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

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

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

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

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

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

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

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

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

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

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

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

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

IT IS ORDERED AS FOLLOWS:

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

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

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

4. Copies of this Order shall be distributed to:

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

b. County of Solano, Probation Department,

c. County of Solano, Office of Education,

d. All school districts in the County of Solano,

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

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

g. Any community college district or community college.

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

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

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

k. CASA of Solano County,

l. All attorneys representing clients in Juvenile Court matters;

m. ICWA Tribal Advocates,

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

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

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

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

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

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

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

In the Matter of RELEASE OF SCHOOL RECORDS TO SOLANO COUNTY PROBATION AND SOLANO COUNTY HEALTH AND SOCIAL SERVICES, CHILD WELFARE SERVICES DIVISION (Education Code section 49077)	) STANDING ORDER)) 2011-007)))))	FILED Clerk of the Superior Court JUN 17 2011 By DEPUTY CLERK

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

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

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

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

Dated: 5/25/11

PRESIDING JUDGE OF THE JUVENILE COURT

IN THE SUPERIOR COURT OF SOLANO COUNTY, STATE OF CALIFORNIA

JUVENILE COURT DIVISION

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

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

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

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

THEREFORE, IT IS ORDERED that

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

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

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

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

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

Dated: 5/25/11

PRESIDING JUDGE OF THE
JUVENILE COURT

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

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SOLANO

JUVENILE COURT DIVISION

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

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

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

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

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

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

A. A comprehensive health assessment and physical examination.

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

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

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

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

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

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

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

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

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

Dated: 6/4/12

PRESIDING JUDGE OF THE
JUVENILE COURT

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

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

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

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

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

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

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

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

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

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

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

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

II. VIEWING JUVENILE CASE FILES

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

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

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

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

III. OBTAINING DOCUMENTS FROM JUVENILE CASE FILES

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

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

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

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

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

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

IV. OBTAINING VERBAL INFORMATION CONTAINED IN JUVENILE CASE FILES

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

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

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

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

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

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

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

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

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

V. RELEASE OF INFORMATION TO THE MEDIA.

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

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

1. Whether or not an arrest has been made.

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

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

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

VI. PROTECTIVE ORDER

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

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

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

3. District Attorneys, City Attorneys authorized to prosecute criminal cases, and Public Defenders or other private defense counsel may disseminate records or disclose information in compliance with their discovery obligations under statutory and case law.
4. Records and information may be disclosed to a judicial officer of Solano County Superior Court for any purpose associated with that judicial officer's obligation to render any type of decision concerning that individual.
5. In cooperation with federal authorities or entities as permitted or required by state or federal law.

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

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

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

Dated: June 6, 2013

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

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 7 – Probate

PART ONE: Probate Proceedings Generally

7.1 SCOPE OF PROBATE RULES; DIRECT CALENDARING

a. **MATTERS TO WHICH RULE 7 APPLIES**
Except as otherwise provided elsewhere in these rules, these probate rules apply to all matters governed by the Probate Code, except probate guardianships and probate conservatorships, which are governed by Rule 15.
(Subd (a) amended effective January 1, 2012; adopted effective July 1, 2009.)

b. **DIRECT CALENDARING**
When a probate case is filed, or received and filed as a transfer from another county, the Clerk of the Court shall assign the case in a manner directed by the Supervising Judge of the Civil Division. The assignment to a judge shall be deemed to be for all purposes. The method of selection of the judge to be assigned to a case shall be designed to equally distribute the workload among the judges and best serve the court.
(Subd. (b) adopted effective January 1, 2012; former subd (b) repealed effective January 1, 2012.)

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

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

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

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

c. **NOTICES OF UNAVAILABILITY OF COUNSEL**
The court shall not accept for filing a "Notice of Unavailability of Counsel" or other document or pleading whose sole purpose is to advise the court and/or other parties of an attorney's or party's unavailability. (*Carl v. Superior Court of Orange County* (2007) 157 Cal.App.4th 73.)
(Subd (c) adopted effective July 1, 2009; previously adopted as unlettered portion of Rule 7.1 effective July 1, 1988.)

d. **CALENDARING PETITIONS**
Parties may contact the Probate Division calendaring clerk to reserve a hearing date on a probate petition. *Reservation of a calendar date does not automatically place the matter on the court's calendar.* The probate petition must be filed within three court days of reserving the date, otherwise the date reserved will be canceled. Except for petitions brought ex parte, probate petitions shall not be calendared for hearing until the moving party files a *Notice of Hearing*.
(Subd (d) amended effective January 1, 2012; adopted effective July 1, 2010.)

e. **FILING PETITIONS**
All petitions concerning trusts shall be filed at least 30 days prior to the desired or scheduled hearing date. All petitions concerning non-trust probate matters shall be filed at least 15 days prior to the desired or scheduled hearing date.
(Subd. (e) adopted effective January 1, 2012.)

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

7.3 SIGNATURES AND VERIFICATION OF PLEADINGS

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

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

Superior Court of California
County of Solano

Rule 7 – Probate

PART ONE: Probate Proceedings Generally

7.4 BONDING OF PERSONAL REPRESENTATIVE

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

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

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

7.5 DECLINATION OF NOMINATED EXECUTOR

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

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

7.6 NOTICES

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

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

7.7 CONTINUANCES

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

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

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

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

b. **CONTINUANCE OF HEARING AFTER ANNOUNCEMENT OF PREGRANT ORDER**
No probate matters will be continued after announcement of a pregrant thereon, except by order of the court for good cause.
(Subd (b) adopted effective July 1, 2009.)

(Rule 7.7 amended effective January 1, 2013; adopted effective July 1, 2009.)

Superior Court of California
County of Solano

Rule 7 – Probate

PART ONE: Probate Proceedings Generally

7.8 PREGRANTS IN PROBATE MATTERS

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

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

7.9 APPEARANCES AT HEARINGS

a. **HEARINGS WHERE APPEARANCE NOT REQUIRED**

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

(1) All declarations, affidavits, consents, waivers, proposed orders and other necessary papers shall be filed with the Clerk of the Court no later than four full court days prior to the hearing.

(2) The verified petition or an accompanying affidavit signed by the petitioner or by the personal representative or by counsel of record for either of said persons shall set forth the information necessary to establish the amount of bond, if one is required.

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

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

b. **HEARINGS WHERE APPEARANCE IS REQUIRED**

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

(1) Contested matters

(2) Proof of holographic wills, if the petitioner did not previously submit proof of the admissibility of each testamentary document to probate or if an appearance is specially required by the hearing judge.

(3) Petitions for court confirmation of sales of property.

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

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

c. **TELEPHONIC APPEARANCE**

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

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

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

7.10 EX PARTE APPLICATIONS

a. **NOTICE ON EX PARTE PETITIONS**

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

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

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

b. **WAIVER OF NOTICE**

A party seeking to dispense with notice for a particular individual for whom notice has not yet been waived shall file a request to dispense with notice concurrently with the ex parte petition. The request shall set forth sufficient evidentiary facts supporting the request. For individuals who cannot be located, the party shall file

a declaration of due diligence in compliance with California Rules of Court, rule 7.52, prior to the ex parte appearance.
(Subd (b) adopted effective July 1, 2009.)

c. **EX PARTE PROCEDURE**

(1) Ex parte 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 moving papers and the proposed order shall be faxed to the department as directed by the judicial assistant.

(2) On the day of the ex parte appearance, the moving party shall file the original petition or motion seeking ex parte relief 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.

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

(Rule 7.10 amended effective July 1, 2013; adopted effective July 1, 2009.)

7.11 APPOINTMENT OF SPECIAL ADMINISTRATOR

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

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

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

a. **INFORMATION TO BE INCLUDED WITH THE PETITION**

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

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

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

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

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

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

b. **INFORMATION CONCERNING A DECEASED BENEFICIARY**

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

(1) If an heir or beneficiary dies before the decedent, that person should be listed with the notation that he or she is predeceased, and date of death. No notice need be given to the successors in interest of the predeceased person unless that person's interest has not lapsed by reason of death, in which case,

notice should be given in the same manner as for the postdeceased heir or beneficiary.

(2) If an heir or beneficiary dies after the decedent, that person's name should be listed with the notation "deceased", and date of death. If a personal representative has been appointed, the postdeceased heir or beneficiary should be listed in care of the name and address of the personal representative. If no personal representative has been appointed, that fact should be alleged, and notice given to the last known address of the postdeceased heir or beneficiary.

(3) If a named beneficiary predeceased the decedent or did not survive the decedent for the designated survival period, that fact must be stated, together with the actual or approximate date of death.

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

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

7.13 PREPARATION OF ORDERS

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

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

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

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

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

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

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

7.14 INTEREST ON FUNERAL AND INTERMENT CLAIMS

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

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

7.15 REAL ESTATE IN INVENTORY AND APPRAISAL

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

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

7.16 CASH DEPOSIT

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

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

7.17 SECOND DEEDS OF TRUST

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

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

7.18 EARNEST MONEY DEPOSIT BY OVERBIDDER

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

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

7.19 APPEARANCES OF COUNSEL

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

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

7.20 CONDITIONAL SALES OF REAL PROPERTY

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

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

7.21 BROKER'S COMMISSIONS

a. **IMPROVED REAL PROPERTY**
An agent or broker's commission on the sale of improved real property shall not exceed six percent (6%). A copy of an executed broker's agreement shall be attached to the petition for confirmation of sale.
(Subd (a) amended effective July 1, 2009; adopted effective July 1, 1988; previously amended effective July 1, 1989.)

b. **UNIMPROVED REAL PROPERTY**
An agent or broker's commission on the sale of unimproved or raw real property shall not exceed ten percent (10%). A copy of an executed broker's agreement shall be attached to the petition for confirmation of sale.
(Subd (b) amended effective July 1, 2009; adopted effective July 1, 1988; previously amended effective July 1, 1989.)

c. **BROKER COMMISSIONS IN OVERBID SITUATIONS**
Broker commissions in overbid situations are governed by Probate Code section 10160 et seq.
(Subd (c) amended effective July 1, 2009; adopted effective July 1, 1988; previously amended effective July 1, 1989.)

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

7.22 STATUTORY COMPENSATION FOR PERSONAL REPRESENTATIVE AND ATTORNEY FEES

a. **INCLUSION OF COMPUTATION IN PETITION**
The computation in Rule 7.22, subsection (b), must be made regardless of the estate's value and even though an accounting has been waived. For estates worth in excess of $25,000,000.00 (twenty-five million dollars), the court shall determine the reasonable amount of compensation.
(Subd (a) adopted effective July 1, 2009.)

b. **FORMAT OF REQUEST FOR STATUTORY COMPENSATION AND ATTORNEY FEES**
The basis for statutory compensation and attorney fees requested shall be set out in the body of the petition for distribution or on a separate schedule as required per California Rules of Court, rule 7.705.
(Subd (b) adopted effective July 1, 2009; previously adopted as unlettered portion of Rule 7.36 effective July 1, 1988.)

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

7.23 PARTIAL ALLOWANCE OF STATUTORY COMPENSATION OR ATTORNEY FEES

a. **COURT ORDER REQUIRED**
A personal representative may not pay an advance on statutory compensation or attorney fees without prior court order. Petitions for an advance of statutory compensation or attorney fees may not be brought ex parte.
(Subd (a) adopted effective July 1, 2009.)

b. **REQUIREMENT OF INVENTORY AND APPRAISAL; ACCOUNTS**
Notwithstanding Probate Code section 10830, the court shall not consider a petition seeking an advance of statutory compensation or attorney fees unless the personal representative's Inventory and Appraisal is filed prior to or concurrently with the petition. The court prefers that attorney fees not be requested until the first account has been filed.
(Subd (b) adopted effective July 1, 2009.)

c. **AMOUNT OF STATUTORY COMPENSATION OR ATTORNEY FEES PERMITTED AS AN ADVANCE**
Any allowance for statutory compensation or attorney fees will be made in accordance with the work actually performed. Where no accounting is filed, the allowance may not exceed 50% of the statutory compensation computed upon the total value appearing in the inventories filed to that time. Where an accounting is filed, the allowance may not exceed 75 % of the statutory compensation so computed.
(Subd (c) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.37 effective July 1, 1988.)

d. **APPORTIONMENT OF FEES FOR SUCCESSIVE ATTORNEYS**
Except in a case in which there is an agreement in writing on apportionment, where the personal representative has been represented by successive attorneys, fees will not ordinarily be apportioned to a prior attorney for the personal representative until the final accounting has been approved.
(Subd (d) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.37 effective July 1, 1988.)

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

7.24 APPORTIONMENT OF STATUTORY COMPENSATION BETWEEN TWO OR MORE PERSONAL REPRESENTATIVES

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

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

7.25 EXTRAORDINARY COMPENSATION FOR PERSONAL REPRESENTATIVE; EXTRAORDINARY ATTORNEY FEES

a. **CONTENTS OF PETITIONS OR DECLARATIONS FOR EXTRAORDINARY COMPENSATION OR FEES**
All applications for extraordinary compensation for the personal representative's services and for extraordinary attorney's fees must be supported in the petition or in the separate verified declaration requesting said fees. At a minimum, the declaration or petition shall state:
(1) The nature, necessity, success, cost in time, detail of the services performed and value of the services believed to warrant additional fees;
(2) The amount requested; and,
(3) The number of hours spent on ordinary services.
Records of time spent, without substantiated information, are not adequate.
(Subd (a) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.39 effective July 1, 1988.)

b. **FACTORS THAT WILL NOT SUPPORT A REQUEST FOR EXTRAORDINARY COMPENSATION OR FEES**
The routine conduct of any proceeding relating to the collection of assets, processing of claims, conduct of estate administration or distribution will not, in the absence of special circumstances or problems, justify an extraordinary fee.
(Subd (b) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.39 effective July 1, 1988.)

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

7.26 DISTRIBUTIVE CONTINGENCIES

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

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

7.27 CONTENTS OF PETITION AND DECREE OF PARTIAL OR FINAL DISTRIBUTION

a. **WHEN PROPOSED DECREE REQUIRED**
The proposed form of Decree of Distribution shall be filed with any petition for partial or final distribution.
(Subd (a) amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.42 effective July 1, 1988.)

b. **DESCRIPTION OF PROPERTY TO BE DISTRIBUTED**
The distribution of property must be separately stated in detail in both the petition and the decree, listing a description of the property to be distributed under the name of each beneficiary. Real estate shall be legally described and street address, if any, shall be included. The decree must be complete in and of itself. Description by reference to the inventory is not acceptable. In both the petition and decree for final distribution, the distribution schedule shall include a summary showing the value of the estate distributed to each beneficiary and the total estate distributed which must agree with "Property on Hand" as shown on the final account's Schedule F and in the summary of account. If any beneficiaries previously received an early distribution, the petition and the decree shall so state.

(Subd (b) amended effective January 1, 2010; amended and relettered effective July 1, 2009; adopted as unlettered portion of Rule 7.42 effective July 1, 1988.)

c. **TRACING REQUIRED FOR INTESTATE DECEDENT**

If an intestate decedent who survived his spouse leaves no issue, the applicability of Probate Code Section 6402.5 must be alleged and the necessary tracing must be carried out as far as possible.

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

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

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

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

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

(Subd (2) amended effective January 1, 2013; adopted effective January 1, 2010.)

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

(Subd (3) adopted effective January 1, 2013.)

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

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

7.28 DISTRIBUTIONS TO TRUSTS

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

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

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

7.29 JOINT TENANCY ASSETS

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

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

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

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

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

7.31 COURT INVESTIGATOR FEES FOR INVESTIGATION OF PETITION FOR PARTICULAR TRANSACTION

Pursuant to Probate Code section 3140, the court may, in its discretion, appoint a court investigator to evaluate a petition for a proposed transaction involving an incapacitated spouse's community property and report to the court regarding the transaction's advisability. Appointment of a court investigator for such an investigation shall result in an assessment against the petitioning party for the costs of the investigation. The fee amount is determined by the court on an annual basis and is subject to change. The assessed fee is payable within 30 days after the Assessment and Order for Payment is mailed by the Court Investigators Office.

(Rule 7.31 adopted effective July 1, 2009.)

7.32 RECEIPT OR WAIVER OF ACCOUNT SIGNED BY ATTORNEY IN FACT

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

(Rule 7.32 adopted effective July 1, 2010.)

7.33 REIMBURSEMENT OF EXPENSES OF ESTATE ADMINISTRATION

a. **EXPENSES THAT MAY BE REIMBURSED**

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

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

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

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

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

(Rule 7.33 adopted effective January 1, 2013.)

7.34 – 7.49 [RESERVED]

Superior Court of California
County of Solano

Rule 7 – Probate

PART THREE: Trusts

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

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

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

7.51 TRUSTEE FEES

a. **APPLICABILITY OF RULE**
This rule applies to all trusts subject to the continuing jurisdiction of the court, to petitions for approval of trustee compensation, and to objections to petitions for trustee compensation.
(Subd (a) adopted effective July 1, 2009.)

b. **PRESUMPTION OF REASONABLE COMPENSATION FOR TRUSTEES**
Trustee compensation shall be presumed reasonable if it does not exceed 1% (one percent) of the asset value of the estate at the time the compensation is sought. However, nothing in this rule limits the court's discretion to find as unreasonable a fee totaling less than 1%, or to approve a trustee's fee that exceeds 1%.
(Subd (b) amended effective January 1, 2012; adopted effective July 1, 2009.)

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

(1) File a declaration from the beneficiaries indicating awareness of the fees being requested and a statement waiving objection to those fees.

(2) File a declaration detailing the services rendered justifying the fee requested.

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

(Rule 7.51 amended effective January 1, 2012; adopted as Rule 7.46 effective July 1, 1988; previously amended effective July 1, 1988; amended and renumbered effective July 1, 2009.)

Superior Court of California
County of Solano

Rule 7 – Probate

PART THREE: Trusts

7.52 INFORMATION TO BE INCLUDED IN PETITIONS CONCERNING TRUSTS

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

(Rule 7.52 adopted effective July 1, 2009.)

7.53 GENERAL PROCEDURES FOR SPECIAL NEEDS TRUSTS

a. **ESTABLISHMENT OF SPECIAL NEEDS TRUSTS IN SOLANO COUNTY**
If a special needs trust is included as part of a minor's compromise or other judgment entered in Solano County, the following procedures shall be followed:

(1) A petition to approve the terms of the special needs trust shall be filed in the civil action or petition to approve minor's compromise. The judge assigned to hear the civil action or petition to approve minor's compromise shall approve the terms of the special needs trust per Probate Code section 3604. The petition shall include the complete terms of the proposed trust.

(2) Once so approved and signed, the original special needs trust instrument and a copy of the order approving the trust shall be filed in the county in which the trust is to be administered pursuant to that county's procedures. If the trust is to be administered in Solano County, the trust shall be filed in a separate file and assigned a probate case number. No filing fee shall be charged for said filing as the trust instrument is the result of a petition filed to approve a minor's compromise claim per Probate Code section 3600 et seq. Government Code §70655.

(3) The party filing the special needs trust instrument per subsection (2) shall file a notice in the civil action file or the minor's compromise file indicating the county in which the trust is being administered and the case number assigned to the probate file containing the special needs trust.

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

b. **TRANSFER OF SPECIAL NEEDS TRUSTS INTO SOLANO COUNTY**
Whenever a special needs trust is transferred into Solano County and the court file being transferred does not contain the original special needs trust instrument, the trustee shall provide the court with the original trust document within 90 days after the court file is received by Solano County.
(Subd (b) adopted effective July 1, 2009.)

(Rule 7.53 amended effective January 1, 2012; adopted effective July 1, 2009.)

7.54 ACCOUNTINGS AND REPORTS OF SPECIAL NEEDS TRUSTS

a. **EXPENDITURES ON BEHALF OF BENEFICIARY**
In all accountings for special needs trusts, the trustee shall provide an explanation of any unusual or extraordinary expenses incurred by the trustee on behalf of the beneficiary. These include, but are not limited to, payment of all expenses associated with real property partially owned by the trust, payment of automobile insurance for a vehicle not owned by the trust, acquisition or maintenance of assets not ordinarily used by a beneficiary with the beneficiary's type of disability, and so forth.
(Subd (a) adopted effective July 1, 2009.)

b. **HIRING OF AGENTS**
The court acknowledges that trustees of special needs trusts often hire agents to advise them concerning the administration of the special needs trusts and the provision of services to the beneficiary. A trustee hiring such an agent shall specify in any report or accounting seeking approval of payment to said agent the type of and need for the services provided by the agent. The trustee shall also include a declaration from the agent concerning the hours spent working with the trustee and the amount of compensation sought.
(Subd (b) adopted effective July 1, 2009.)

c. **PARENTS AS CAREGIVERS TO CHILD AS BENEFICIARY**
In an account or report indicating that a parent was hired to provide caregiver services to his or her child, the trustee shall provide the following information:
(1) A description of the services rendered by the parent that are above and beyond the care normally provided by a parent to a child.
(2) A description of the special skills possessed by the parent enabling him or her to perform these services.
(3) The benefit to the beneficiary of having the parent perform the services instead of a professional caregiver.

(4) The hours worked by the parent.
(5) The hourly rate being paid to the parent and a justification of that rate. Justification may include a comparison to the rate charged by a professional for the same or similar services.
(6) Whether caregiving services are being provided through IHSS and if so, the frequency and type of the services provided.
(7) Whether insurance is in place to cover the caregiver parent in case of injury and if so, the amount of the periodic premium being paid by the parent or the trust.

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

(Rule 7.54 adopted effective July 1, 2009.)

7.55 COMPENSATION OF CONSERVATOR FROM TRUST

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

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

7.56 TRUST ACCOUNTINGS FILED WITH THE COURT

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

(Rule 7.56 adopted effective July 1, 2010.)

Superior Court of California
County of Solano

Superior Court of California
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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 effectie 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.)

Superior Court of California
County of Solano

Superior Court of California
County of Solano

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

9.1 ATTORNEY FEES - UNLIMITED CIVIL MATTERS

a. **RECOVERY OF "REASONABLE" ATTORNEY FEES IN DEFAULT CASES**
Except in open book accounts, whenever the obligation sued upon provides for the recovery of "reasonable" attorney fees and the matter is heard as an unlimited civil matter, the fees in each default case shall be fixed, based on the principal amount only, pursuant to the schedule set forth in subsection (d).
(Subd (a) amended effective January 1, 2012; adopted effective May 13, 1988; amended effective January 1, 2009.)

b. **ATTORNEY FEES IN JUDGMENTS ISSUED BY THE CLERK OF THE COURT**
Except in open book accounts, in unlimited civil matters where the Clerk of the Court may issue a Judgment, attorney fees shall be calculated using the schedule set forth in subsection (d).
(Subd (b) amended effective January 1, 2009; adopted effective May 13, 1988.)

c. **REQUEST FOR FEES IN EXCESS OF SCHEDULED FEES**
Any attorney seeking fees in excess of those provided for in subsection (d) shall be required to apply for a hearing on the Default Calendar and supply an affidavit in accordance with Code of Civil Procedure section 585.
(Subd (c) amended effective January 1, 2009; adopted effective May 13, 1988.)

d. **SCHEDULE OF ATTORNEY FEES**
Attorney fees shall be calculated using the following formula:

25% of the first $1,000 (with a minimum of $150)
20% of the next $4,000
15% of the next $5,000
10% of the next $10,000
5% of the next $30,000
2% over $50,000

An example of this calculation appears in Appendix A to Rule 9.
(Subd (d) amended effective January 1, 2010; adopted effective May 13, 1988.)

e. **ATTORNEY FEES IN UNLAWFUL DETAINER ACTIONS**
The fee schedule set forth in Rule 9.1 shall not apply to unlawful detainer actions, which are governed by Rule 14.2.
(Subd (e) adopted effective January 1, 2010.)

(Rule 9.1 amended effective January 1, 2012; adopted effective May 13, 1988; amended effective January 1, 2009, and January 1, 2010.)

9.2 ATTORNEY FEES - LIMITED CIVIL MATTERS

a. **ATTORNEY FEES FOR DEFAULT LIMITED CIVIL MATTERS (CCP §585(a))**
Except for open book accounts, attorney fees in default limited civil matters shall be calculated on the principal obligation only per the schedule set forth in subsection (c), subject to any limitations set forth elsewhere in Rule 9.
(Subd (a) amended effective January 1, 2012; adopted effective May 13, 1988; amended effective January 1, 2009.)

b. **REQUEST FOR FEES IN EXCESS OF SCHEDULED FEES**
Any attorney seeking fees in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).
(Subd (b) amended effective January 1, 2009; adopted effective May 13, 1988.)

c. **SCHEDULE OF ATTORNEY FEES**

Amount	**Fees**
$1.00 to $600.00	$150.00
$600.00 to $1,000.00	$150.00 plus 25% of amount over $600.00
$1,000.00 to $10,000.00	$250.00 plus 15% of amount over $1,000.00
$10,000.00 to $25,000.00	$1,600.00 plus 10% of amount over $10,000.00

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

d. **ATTORNEY FEES IN UNLAWFUL DETAINER ACTIONS**
The fee schedule set forth in Rule 9.2 shall not apply to unlawful detainer actions, which are governed by Rule 14.3.
(Subd (d) amended effective January 1, 2010; adopted effective May 13, 1988.)

(Rule 9.2 amended effective January 1, 2012; previously adopted as unlettered portion of Rule 9.1 effective May 13, 1988; adopted as Rule 9.2 effective January 1, 2009; amended effective January 1, 2010.)

9.3 OPEN BOOK ACCOUNTS - UNLIMITED AND LIMITED CIVIL

a. **ATTORNEY FEES IN OPEN BOOK ACCOUNTS**
Subject to subsection (b), attorney fees in all open book accounts shall be calculated on the principal obligation only pursuant to the following schedule:

Amount	**Fees**
$1.00 to $600.00	$150.00
$600.00 to $1,000.00	$150.00 plus 25% of amount over $600.00
$1,000.00 to $10,000.00	$250.00 plus 15% of amount over $1,000.00
$10,000.00 to $25,000.00	$1,600.00 plus 10% of amount over $10,000.00

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

b. **MAXIMUM ALLOWABLE ATTORNEY FEES IN OPEN BOOK ACCOUNTS**
Per Civil Code section 1717.5, the maximum fee allowable in open book accounts shall be the lesser of the following:

(1) 25% (Twenty-five percent) of the principal obligation owing under the contract; or,

(2) The following amount:

(a) $800.00 based upon an obligation owing by a natural person for goods, moneys, or services which were primarily for personal, family, or household purposes.

(b) $1,000.00 for all other book accounts.

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

(Rule 9.3 adopted effective January 1, 2009.)

Superior Court of California
County of Solano

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

APPENDIX 9-A

Example of Attorney Fee Calculation per Rule 9.1:

Demand of Complaint - $54,000.00

1. 25% of the first $1,000 = $250.00 (the minimum fee of $150 would apply if the amount of the demand was under $1,000)
   Subtract $1,000 from the total demand of the complaint - $54,000 - $1,000 = $53,000

2. 20% of the next $4,000 = $800
   Subtract $4,000 from the remaining balance - $53,000 = $4,000 = $49,000

3. 15% of the next $5,000 = $750
   Subtract $5,000 from the remaining balance - $49,000 - $5,000 = $44,000

4. 10% of the next $10,000 = $1,000
   Subtract $10,000 from the remaining balance - $44,000 = $10,000 = $34,000

5. 5% of the next $30,000 = $1,500
   Subtract $30,000 from the remaining balance - $34,000 = $30,000 = $4,000

6. 2% over $50,000 (this percent should be calculated on any remaining amount, in this instance $4,000) – 2% of $4,000 = $80

Total attorney's fees: $4,380

Superior Court of California
County of Solano

Rule 10 – Administration

10.1 EXECUTIVE OFFICER

A majority of the judges of the court may appoint a court executive officer pursuant to section 71620 of the Government Code who also acts as jury commissioner and clerk of the court. Any reference in these rules, the California Rules of Court, or statutes, to the executive officer, clerk of the court or jury commissioners refers to the executive officer, who functions in each of these capacities.

The powers, duties and responsibilities transferred from the county clerk to the court executive officer pursuant to this rule include all of those performed by the county clerk with respect to court sections, proceedings and records.

The county clerk is hereby relieved of any obligation imposed by law with respect to the above powers, duties and responsibilities. This rule does not transfer from the county clerk to the court executive officer obligations in reference to the issuance of marriage licenses or the filing of fictitious business names.

(Rule 10.1 amended effective January 1, 2010; adopted effective July 1, 1988.)

10.2 RESERVATION OF GOVERNMENT CODE 71620 POWERS

The Court reserves the power to delegate to the Court Executive Officer any other functions, duties and responsibilities relating to the operation of the court not otherwise specifically set forth in this chapter, as provided for by Government Code 71620.

(Rule 10.2 amended and renumbered effective January 1, 2010; adopted as Rule 10.4 effective January 1, 1991; former Rule 10.2, which concerned transfer of staff, repealed effective January 1, 2010.)

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 11 – Jury Management

11.1 – 11.99 [Reserved]

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 12 – Mental Health Conservatorships (LPS)

12.1 – 12.99 [Reserved]

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 13 – Appeals

13.1 FEE WAIVER APPLICATIONS FOR MATTERS BEING APPEALED TO THE COURT OF APPEAL

a. **FEE WAIVER REQUEST PROCEDURE GENERALLY**
Where a party appealing a matter seeks a waiver of court fees and costs from the Superior Court of California, County of Solano as well as from the First District Court of Appeal and a fee waiver request has not been filed directly with the First District Court of Appeal, the party shall submit two separate Request to Waive Court Fees forms (Judicial Council form FW-001) to the Clerk of the Superior Court. One form shall be directed to the superior court and the other form shall be directed to the First District Court of Appeal.
(Subd (a) adopted effective January 1, 2010.)

b. **PROCEDURE FOR WAIVING FEES AT THE SUPERIOR COURT**
The request to waive fees on appeal at the superior court level shall be processed and determined per Government Code section 68630 et seq.
(Subd (b) adopted effective January 1, 2010.)

c. **PROCEDURE FOR WAIVING FEES AT THE COURT OF APPEAL**
The superior court shall receive and transmit to the First District Court of Appeal for filing, processing and determination any fee waiver which seeks to waive fees charged by the First District Court of Appeal. The superior court's acceptance of the FW-001 form on behalf of the Court of Appeal shall not be deemed a "filing" for purposes of Government Code section 68634.5, subdivision (f).
(Subd (c) adopted effective January 1, 2010.)

(Rule 13.1 adopted effective January 1, 2010.)

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 14 – Unlawful Detainer

14.1 TELEPHONIC APPEARANCES

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

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

14.2 TRIAL MANAGEMENT

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

(Rule 14.2 adopted effective January 1, 2010.)

14.3 ATTORNEY FEES IN DEFAULT MATTERS

a. **CASES FILED AS LIMITED CIVIL MATTERS**
In default unlawful detainer actions filed as limited civil matters, the attorney fees are fixed upon the schedule set forth in subsection (c), based on principal only, with a minimum of $300.00. The maximum fee shall not exceed the court's jurisdiction. Any attorney seeking fees in an unlawful detainer action in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).
(Subd (a) amended effective January 1, 2012; previously adopted as unlettered portion of Rule 9.1 effective May 13, 1988; amended and relettered as Subd (d) of Rule 9.1 effective January 1, 2009; adopted as subd (a) effective January 1, 2010.)

b. **CASES FILED AS UNLIMITED CIVIL MATTERS**
In default unlawful detainer actions filed as unlimited civil matters, the attorney fees are fixed upon the schedule set forth in subsection (c), based on principal only, with a minimum of $300.00. Any attorney seeking fees in an unlawful detainer action in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).
(Subd (b) amended effective January 1, 2012; adopted effective January 1, 2010.)

c. **SCHEDULE OF ATTORNEY FEES**

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

25% of the first $1,000, with a minimum of $300
15% of the next $9,000
10% of the next $15,000

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

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

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART ONE: Guardianships

15.1 APPLICABILITY OF GUARDIANSHIP RULES; TERMINOLOGY; DIRECT CALENDARING

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

b. **TERMINOLOGY**
Unless otherwise indicated in a particular rule, all references to a "ward" shall include a proposed ward and references to a "guardian" shall include a proposed guardian.
(Subd (b) relettered effective January 1, 2013; adopted as subd (c) effective July 1, 2009; previous subd (b) repealed effective January 1, 2013.)

c. **DIRECT CALENDARING**
When a guardianship or conservatorship case is filed, or received and filed as a transfer from another county, the Clerk of the Court shall assign the case in a manner directed by and subject to the approval of the Supervising Judge of the Family Law Division. The assignment to a judge shall be deemed to be for all purposes.
(Subd (c) relettered effective January 1, 2013; adopted as subd (d) effective January 1, 2012.)

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

15.2 FORMS TO BE FILED AT COMMENCEMENT OF PROCEEDING

a. **FORMS FOR GENERAL GUARDIANSHIP OF THE PERSON ONLY**
In addition to any required Judicial Council forms, a petitioner seeking the appointment of a guardian of the person only must file the following local forms with the clerk of the court:

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

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

(3) *Order Appointing Investigator*.

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

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

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

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

(2) *Preliminary Inventory of Guardianship Estate*;

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

(4) *Order Appointing Investigator*.

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

c. **DECLARATION REGARDING VENUE**

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

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

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

(2) **Proposed Wards who are Not Residents of California – Guardianships of the Person**

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

(Subd (2) amended effective January 1, 2013; adopted effective July 1, 2009.)

(3) **Proposed Wards who are Not Residents of California – Guardianships of the Estate**

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

(Subd (3) amended effective January 1, 2013; adopted effective July 1, 2009.)

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

d. **FORMS FOR TEMPORARY GUARDIANSHIP OF THE PERSON AND/OR THE ESTATE [Repealed]**

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

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

15.3 NOTICE

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

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

(1) Search the public records in any county where the person was last known or believed to reside, including real and personal property indexes in the recorder's and assessor's offices, the local telephone directory and directory assistance, the county's voter registration, the county's vital statistics office, and any non-confidential court files concerning or involving the person;
(2) Search all appropriate Internet search engines;
(3) Inquiry of the person's current or former employer(s);
(4) Inquiry of the person's current or former landlord(s) and neighbors;
(5) Inquiry of the person's last known residential address and any neighbors of that address;
(6) Inquiry of any relatives, friends, or other individuals who might have knowledge of the person's whereabouts; and,
(7) Inquiry of any appropriate county, state, and federal correctional systems in which the petitioner believes or has reason to believe the person is or may be incarcerated.

(Subd (b) amended and relettered effective January 1, 2013; adopted as subd (f) adopted effective July 1, 2009.)

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

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

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

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

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

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

15.4 APPOINTMENT OF INVESTIGATOR

a. **APPOINTMENT OF INVESTIGATOR IN RELATIVE GUARDIANSHIPS**
The court shall appoint the Court Investigators Office to perform an investigation pursuant to Probate Code section 1513 where the proposed guardian is a relative of the ward within the second degree. For purposes of this rule, a person shall be considered a relative within the second degree if they are related to the ward as described in Probate Code section 1513, subdivision (g).
(Subd (a) adopted effective July 1, 2009.)

b. **APPOINTMENT OF INVESTIGATOR IN NON-RELATIVE GUARDIANSHIPS**
In all probate guardianship matters where the proposed guardian is not a relative of the ward within the second degree as defined by Probate Code section 1513, subdivision (g), the court shall appoint the Solano County Department of Health & Social Services to perform an investigation pursuant to Probate Code sections 1513 and 1543.
(Subd (b) adopted effective July 1, 2009.)

c. **SERVICE OF DOCUMENTS ON INVESTIGATOR – RELATIVE GUARDIANSHIPS**
In guardianship proceedings where the court has appointed the Court Investigators Office, the petitioner or the petitioner's attorney must serve the Court Investigators

Office with a copy of the following documents at least thirty (30) days prior to the hearing date:

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

(2) A copy of the *Petition for Guardianship* (Judicial Council form GC-210 or GC-210(P)); and

(3) A completed *Court Investigator's Information and Referral Form* (Solano County Local Form no. 3490)

The documents shall be delivered or mailed to the address listed in Appendix 15-A.
(Subd (c) amended effective January 1, 2013; adopted effective July 1, 2009.)

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

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

(2) A copy of the *Petition for Guardianship* (Judicial Council form GC-210 or GC-210(P)); and,

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

The documents shall be delivered or mailed to the address listed in Appendix 15-A.
(Subd (d) amended effective January 1, 2013; adopted July 1, 2009.)

e. **DUTY TO UPDATE INFORMATION GIVEN TO INVESTIGATOR**
The petitioner must advise the investigating office of any changes to the contact information of the ward, guardian, or proposed guardian.
(Subd (e) adopted effective July 1, 2009.)

f. **DUTY TO COOPERATE WITH INVESTIGATOR**
All parties, including, but not limited to, the petitioner, the proposed or appointed guardian, the parent(s) of the ward, and any attorneys for the parties, including appointed counsel for the ward or proposed ward, are to cooperate fully with the appointed investigator. Failure to cooperate may be punishable with sanctions pursuant to Code of Civil Procedure, section 575.2, in the court's discretion.
(Subd (f) amended effective January 1, 2013; adopted effective July 1, 2009.)

g. **SERVICE OF SUBPOENA ON COURT INVESTIGATOR**
Any subpoena to compel a court investigator's presence at a hearing or trial must be served in compliance with Government Code sections 68097.1 and 68097.2. Said subpoena shall be served personally on the court investigator, on the Court Executive Officer, or an agent designated by the Court Executive Officer, during the court's normal business hours. The subpoena shall be accompanied by payment in the amount required by Government Code section 68097.2 for each day that the court investigator is required to remain in attendance at the hearing or trial pursuant to the subpoena; otherwise, the subpoena shall not be accepted or service deemed complete.

In order to give the court investigator reasonable time for preparation, the subpoenaing party shall serve the subpoena a minimum of 10 court days prior to the first date the court investigator is to appear at the hearing or trial, unless the court investigator agrees to a shorter period of time.
(Subd (g) amended effective July 1, 2013; adopted effective January 1, 2012; amended effective January 1, 2013.)

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

15.5 COURT INVESTIGATOR FEES

a. **COURT INVESTIGATOR FEES GENERALLY**
A fee for the services of the Court Investigators Office shall be imposed upon the person(s) so responsible for payment per Probate Code section 1513.1. The rate of this fee depends on the nature of the investigation and is determined by the court on an annual basis. All rates are subject to change. The amount of the fee payable shall be determined by the fee schedule in effect on the date the petition triggering the investigation is filed, the date the accounting being reviewed is filed, or the due

date of any reviews mandated by law. A list of current fees is available from the Court Investigators Office or the Family Law Clerk's Office.
(Subd (a) amended effective January 1, 2013; adopted effective July 1, 2009; amended effective January 1, 2010.)

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

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

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

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

The court may periodically review the person's ability to pay the assessed fee. If the court becomes aware of a change in circumstances permitting payment of the fees by the person, the court shall order the fees paid after notice to the person and an opportunity to be heard.
(Subd (c) amended effective January 1, 2013; adopted effective July 1, 2009.)

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

15.6 TEMPORARY GUARDIANSHIPS

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

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

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

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

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

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

15.8 CONTESTED GUARDIANSHIPS

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

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

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

15.9 ORDERS FOR VISITATION IN GUARDIANSHIPS

a. **REQUEST FOR VISITATION ORDERS**
A person seeking orders granting that person visitation with a ward shall file a petition seeking visitation orders. The petition may be filed in pleading format or may be filed on a *Request for Order* form (Judicial Council form FL-300). No filing fee shall be charged for the *Request for Order* if it is filed in a guardianship of the person only. (Gov. C. 70657(e).) Unless otherwise ordered by the court upon proper application, the person shall provide notice of his or her petition as required by Probate Code section 1511.

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

b. **DOCUMENTS TO BE SERVED**

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

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

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

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

c. **PROOFS OF SERVICE; DECLARATIONS OF DUE DILIGENCE**

A person requesting visitation shall file one or more proofs of service demonstrating that all persons entitled to notice have been served as required. A person who cannot locate or provide notice to a particular individual shall file a declaration with the court explaining the person's efforts to locate the individual.

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

d. **MEDIATION**

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

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

e. **ORDERS FOR VISITATION**

Stipulations between the parties for visitation between a ward and another individual shall be prepared as a pleading or on a form designated by the court for use in guardianship matters. All other court orders concerning visitation with a ward shall be prepared and filed as a pleading or on a form designated by the court for use in guardianship matters.

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

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

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART ONE: Guardianships

15.10 GUARDIANSHIPS OF THE ESTATE

a. **INVENTORIES AND APPRAISALS**

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

The guardian shall file the inventory and appraisal required by Probate Code section 2610 at least thirty (30) days prior to the date of the review hearing concerning that inventory and appraisal. The guardian shall serve an exact copy of the inventory and appraisal on the Court Investigators Office, if the inventory is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the inventory is in a non-relative guardianship of the estate.

A person who files an objection to the inventory and appraisal of a guardian shall timely serve a notice of hearing on the Court Investigators Office, if the inventory and appraisal is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the inventory and appraisal is in a non-relative guardianship of the estate. This notice of hearing shall only be required for a hearing set by the objecting party that is not already on calendar. No notice of the hearing is required for the review hearings set automatically by the court.
(Subd (a) amended effective January 1, 2013; adopted effective July 1, 2009.)

b. **ACCOUNTINGS**

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

The guardian shall file the accounting at least thirty (30) days prior to the date of the review hearing concerning that accounting. The guardian shall serve an exact copy of the accounting on the Court Investigators Office, if the accounting is in a

relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the accounting is in a non-relative guardianship of the estate.

Absent a court order to the contrary, any subsequent accountings shall likewise be filed and served at least 30 days prior to any subsequent compliance review hearings.
(Subd (b) adopted effective January 1, 2013; previous subd (b) repealed effective January 1, 2013.)

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

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

15.11 GUARDIANSHIPS OF THE PERSON

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

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

15.12 ALLOWANCE OF FEES IN GUARDIANSHIP PROCEEDINGS [Repealed]

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

15.13 INVESTMENTS BY GUARDIAN OF THE ESTATE [Repealed]

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

15.14 APPOINTMENT OF COUNSEL FOR WARD

a. **ELIGIBILITY FOR INITIAL APPOINTMENT**

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

b. **RENEWAL OF ELIGIBILITY FOR APPOINTMENT**

An attorney who is eligible for appointment in guardianship cases pursuant to rule 15.14, subdivision (a), shall certify to the court by March 31 of each year following the attorney's initial approval that he or she has completed the education requirements set forth in California Rules of Court, rule 7.1101. The certification shall be on the *Annual Certification of Court-Appointed Attorney* form (Judicial Council form GC-011). Failure to timely comply with the certification requirements or with the education requirements in rule 7.1101 shall result in the removal of the attorney from the approved panel of appointed attorneys; however, the court may reinstate the attorney upon the prompt filing of an affidavit to the court demonstrating good cause why the certification was not timely submitted to the court.
(Subd (b) adopted effective July 1, 2009.)

c. STANDARDS GOVERNING COUNSEL FOR WARD

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

d. **COMPENSATION OF COUNSEL FOR WARD**

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

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

15.15 TERMINATION OF GUARDIANSHIP

a. **FORMS TO BE FILED FOR TERMINATION OF GUARDIANSHIP**
A party wishing to terminate a guardianship for a ward who is not deceased or emancipated must file the following forms:
(1) *Notice of Hearing – Guardianship or Conservatorship* (Judicial Council form GC-020);
(2) *Petition for Termination of Guardianship* (Judicial Council form GC-255); and,
(3) Order Terminating Guardianship (Judicial Council form GC-260).
(Subd (a) adopted effective July 1, 2009.)

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

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

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

15.16 SANCTIONS

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

(Rule 15.16 adopted effective July 1, 2009.)

15.17 GUARDIANSHIPS OF THE PERSON – STATUS REPORT [Repealed]

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

15.18 – 15.49 [RESERVED]

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

15.50 CONSERVATORSHIP MATTERS TO WHICH RULE 15 APPLIES

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

(Rule 15.50 adopted effective July 1, 2009.)

15.51 CONTINUANCE OF HEARING WHERE CONSERVATEE NOT SERVED WITH CITATION

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

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

15.52 ADDITIONAL REQUIREMENTS FOR PROPOSED CONSERVATORS PRIOR TO ISSUANCE OF LETTERS

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

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

PART TWO: Conservatorships

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

15.53 COURT INVESTIGATOR

a. **AUTOMATIC APPOINTMENT OF COURT INVESTIGATOR**

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

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

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

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

The documents shall be delivered or mailed to:

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

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

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

A copy of any pleadings or documents filed in the court file shall be immediately provided to the Court Investigators Office by the party or attorney filing said pleadings or documents.
(Subd (c) adopted effective July 1, 2009.)

d. **DUTY TO UPDATE INFORMATION GIVEN TO INVESTIGATOR**
The petitioner must advise the investigating office of any changes to the contact information of the conservatee or proposed conservatee.
(Subd (d) adopted effective July 1, 2009.)

e. **DUTY TO COOPERATE WITH INVESTIGATOR**
All parties, including but not limited to the petitioner, proposed or appointed conservator, conservatee or proposed conservatee, and any attorneys for the parties, including appointed counsel for the conservatee or proposed conservatee, are to cooperate fully with the appointed investigator. Failure to cooperate may be punishable with sanctions pursuant to Code of Civil Procedure section 575.2, in the court's discretion.
(Subd (e) adopted effective July 1, 2009.)

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

In order to give the court investigator reasonable time for preparation, the subpoenaing party shall serve the subpoena a minimum of 10 court days prior to the first date the court investigator is to appear at the hearing or trial, unless the court investigator agrees to a shorter period of time.
(Subd (f) adopted effective January 1, 2012.)

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

15.54 COURT INVESTIGATOR FEES

a. **COURT INVESTIGATOR FEES GENERALLY**
A fee for the services of the Court Investigators Office shall be imposed upon the person(s) so responsible for payment per Probate Code section 1851.5. The rate of this fee depends on the nature of the investigation and is determined by the court

on an annual basis. All rates are subject to change. The amount of the fee payable shall be determined by the fee schedule in effect on the date the petition triggering the investigation is filed, the date the accounting being reviewed is filed, or the due date of any reviews mandated by law. A list of current fees is available from the Court Investigators Office or the Family Law Clerk's Office. The assessed fee is payable within 30 days after the Assessment and Order for Payment is mailed by the Court Investigators Office.
(Subd (a) amended effective January 1, 2010; adopted effective July 1, 2009.)

b. **PAYMENT OF COURT INVESTIGATOR FEES**
Any and all assessments not waived by the court shall be paid to the court.
(Subd (b) adopted effective July 1, 2009.)

c. **DEFERRAL OR WAIVER OF COURT INVESTIGATOR FEES**
Upon application by the conservator or proposed conservator or the conservatee or proposed conservatee, the court may defer or waive a portion or all of the assessed court investigator fees if the court finds that ordering payment of the assessed fees at the time of the assessment would constitute a hardship for the conservatee or conservatee's estate pursuant to Probate Code section 1851.5. The court may also defer fees pursuant to Probate Code section 2628. There shall be a rebuttable presumption that the assessed court investigator fees constitute a hardship on a conservatee or proposed conservatee if the conservatee qualifies for a fee waiver under Government Code section 68630 et seq. The court shall review the conservatee's ability to pay the assessed fee at every review of the conservatorship. If the court finds the conservatee is able to pay the fee at the time of a review, or if the court otherwise becomes aware of a change in circumstances permitting payment of the fees by the conservatee, the court shall order the fees paid.
(Subd (c) adopted effective July 1, 2009.)

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

15.55 APPOINTMENT OF COUNSEL FOR CONSERVATEE

a. **ELIGIBILITY FOR INITIAL APPOINTMENT**
An attorney wishing to be considered for appointment on any conservatorship case on or after January 1, 2008, must comply with California Rules of Court, rule 7.1101, and submit a request to the court to be placed on the panel of appointed attorneys in conservatorship cases. The request must be accompanied by a *Certification of Attorney Concerning Qualifications For Court Appointment in*

Conservatorships or Guardianships (Judicial Council form GC-010). An attorney whose application is approved by the court is thereafter eligible for appointment in conservatorship cases.
(Subd (a) adopted effective July 1, 2009.)

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

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

(Rule 15.55 adopted effective July 1, 2009.)

15.56 EX PARTE APPLICATIONS FOR TEMPORARY CONSERVATORSHIP AND OTHER ORDERS

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

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

c. **EX PARTE NOTICE REQUIREMENTS**

(1) Before submitting an ex parte application for the court's consideration, the applicant shall comply with the procedures in Probate Code section 1051, California Rules of Court, rule 7.55, and all applicable local rules. Unless otherwise stated in the Solano County Local Rules, the applicant must comply with all requirements for a declaration setting forth that notice of the ex parte request has been given to all required persons or the reason notice has not been given. At the time of submission of the application, a completed *Declaration Re Notice Upon Ex Parte Application for Orders – Conservatorships* (Solano County Local Form no. 1070-C) or a declaration in substantial compliance therewith, shall accompany all applications for ex parte orders and shall be filed before the ex parte hearing. The moving party shall make available a copy of the filed *Declaration Re Notice Upon Ex Parte Application for Orders* to the judicial officer, and to the opposing party or attorney if one appears, at the time of the ex parte hearing, or the ex parte hearing may be ordered rescheduled.
(Subd (1) adopted effective July 1, 2009.)

(2) Unless otherwise ordered by the court, notice of the ex parte application for temporary orders shall be given by the petitioner to all those who are entitled to notice per Probate Code section 2250, subsection (e). The notice shall include the date, time, and place the request will be made, a summary of the relief requested, and the facts upon which the request will be made. In its discretion, the court may require that the entire moving papers package be served in a prescribed manner upon another party, interested person, or his or her attorney, at a specified time before the ex parte hearing. Notice may be excused pursuant to these rules.
(Subd (2) adopted effective July 1, 2009.)

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

d. **DECLARATION OF DUE DILIGENCE**

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

(1) Search the public records in any county where the person was last known or believed to reside, including real and personal property indexes in the recorder's and assessor's offices, the local telephone directory and directory assistance, the county's voter registration, the county's vital statistics office, and any non-confidential court files concerning or involving the person;

(2) Search all appropriate Internet search engines;

(3) Inquiry of the person's current or former employer(s);

(4) Inquiry of the person's current or former landlord(s) and neighbors;

(5) Inquiry of the person's last known residential address and any neighbors of that address;

(6) Inquiry of any relatives, friends, or other individuals who might have knowledge of the person's whereabouts; and,

(7) Inquiry of any appropriate county, state, and federal correctional systems in which the petitioner believes or has reason to believe the person is or may be incarcerated.

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

e. **ORDER DISPENSING WITH NOTICE**

A petitioner seeking an order dispensing with notice for one or more persons shall submit an *Order Dispensing with Notice* (Judicial Council form GC-021) to the court prior to or at the hearing on the petition for conservatorship. The court will not grant an order dispensing with notice unless the petitioner has filed a *Declaration of Due Diligence* pursuant to Solano County Local Rules, rule 15.56, subdivision (d).

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

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

15.57 INDEPENDENT EXERCISE OF POWERS

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

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

15.58 CONSERVATORSHIP INVENTORIES AND APPRAISALS

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

b. **REVIEW HEARING FOR INVENTORIES AND APPRAISALS**
At the time of the appointment of a conservator of the estate or a conservator of the person and the estate, the court shall set a review hearing to take place four (4) months after the date of appointment. The date of the initial compliance review hearing shall be listed as part of the order appointing the conservator. The court may set additional review hearings as needed for the initial and any subsequent inventories and appraisals.
(Subd (b) adopted effective July 1, 2009.)

c. **FILING OF INVENTORIES AND APPRAISALS**
The conservator shall file the inventory and appraisal required by Probate Code section 2610 at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.58, subsection (b).
(Subd (c) adopted effective July 1, 2009.)

d. **SERVICE OF INVENTORIES AND APPRAISALS**
At the time that the conservator of the estate presents an inventory and appraisal to the court pursuant to Probate Code sections 2610 or 2620 or any other section of the Probate Code, the conservator shall also serve an exact copy of the inventory and appraisal on the Court Investigators Office.
(Subd (d) adopted effective July 1, 2009.)

e. **SERVICE OF NOTICE OF HEARING ON OBJECTIONS TO INVENTORIES AND APPRAISALS**
A person who files an objection to the inventory or appraisal of a conservator shall timely serve a notice of hearing on the Court Investigators Office. This notice of hearing shall only be required for a hearing set by the objecting party that is not already on calendar. No notice of the hearing is required for the review hearings set automatically by the court.
(Subd (e) adopted effective July 1, 2009.)

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

15.59 CONSERVATORSHIP ACCOUNTINGS

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

b. **SUPPLEMENTAL REPORT TO ACCOMPANY ACCOUNTING**
In addition to the information required by Probate Code section 2620, each accounting shall include a report containing the following information:

(1) An explanation of any unusual items appearing in the account;

(2) A report of the stewardship of the fiduciary in the management of the assets of the conservatee's estate during the period covered by the account;

(3) In cases where a bond has been ordered, a statement attesting that bond premiums have been paid regularly; and,

(4) If income-producing property is inventoried in the conservatorship and the account fails to indicate that income is being produced by the property, an explanation as to the lack of income.

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

c. **REVIEW HEARING FOR ACCOUNTINGS**

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

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

d. **FILING OF ACCOUNTINGS**

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

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

e. **SERVICE OF ACCOUNTINGS**

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

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

f. **SERVICE OF NOTICE OF HEARING ON OBJECTIONS TO ACCOUNTINGS**

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

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

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

15.60 ALLOWANCE OF FEES

a. **GUIDELINES FOR COMPENSATION**

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

(1) The nature and difficulty of the services rendered to the conservatee and/or the conservatee's estate;
(2) The results achieved from those services;
(3) The benefit to the conservatee and/or the conservatee's estate of those services;
(4) The productivity of the conservator's and/or attorney's time spent in performing the services;
(5) The expertise and experience of the person requesting the fees;
(6) The hourly rate of the person performing the services; and,
(7) The total amount of compensation requested in relation to size and income of the conservatee's estate, if applicable.

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

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

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

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

PART TWO: Conservatorships

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

15.61 ORDERS FOR SUPPORT AND SUBSTITUTED JUDGMENT

a. **SUBSTITUTED JUDGMENT**

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

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

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

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

15.62 PAYMENTS TO CAREGIVER SPOUSE OF CONSERVATEE

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

(1) A description of the services rendered by the spouse that are above and beyond the care normally provided by one spouse to another.
(2) A description of the special skills possessed by the spouse enabling him or her to perform these services.
(3) The benefit to the conservatee of having his or her spouse perform the services instead of a professional caregiver.
(4) The hours worked by the spouse.
(5) The hourly rate being paid to the spouse and a justification of that rate. Justification may include a comparison to the rate charged by a professional for the same or similar services.
(6) Whether caregiving services are being provided through IHSS and if so, the frequency and type of the services provided.
(7) Whether insurance is in place to cover the caregiver spouse in case of injury and if so, the amount of the periodic premium being paid by the spouse or the conservator.

(Rule 15.62 adopted effective July 1, 2009.)

15.63 TERMINATION OF CONSERVATORSHIP

a. **NOTIFICATION OF CONSERVATEE'S DEATH**
The conservator shall file a declaration with the court within 30 days of the conservatee's death, indicating the date of death, place of death and whether the conservatee died testate or intestate. If the conservatee died testate, the conservator shall notify the conservatee's nominated executor within 30 days of the conservatee's death, unless the will fails to nominate an executor or the conservator is the nominated executor.
(Subd (a) adopted effective July 1, 2009.)

b. **TERMINATION OF CONSERVATORSHIP FOR REASONS OTHER THAN DEATH OF CONSERVATEE**
Termination of a conservatorship for reasons other than the death of the conservatee shall be by noticed petition pursuant to Probate Code sections 1580 et seq., 1860 et seq., or 2626. The filing of a certification of competency issued by the superintendent of a state hospital pursuant to Welfare and Institutions Code Section 7357, or other provisions of law, does not by itself terminate a conservatorship.
(Subd (b) adopted effective July 1, 2009.)

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

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

15.64 CONSERVATORSHIPS FOR DEVELOPMENTALLY DISABLED INDIVIDUALS

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

(Rule 15.64 adopted effective July 1, 2009.)

PART TWO: Conservatorships

15.65 SANCTIONS

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

(Rule 15.65 adopted effective July 1, 2009.)

15.66 ADDITIONAL PROVISIONS FOR CONSERVATORSHIPS OF THE PERSON

a. **REVIEW HEARING FOR LEVEL OF CARE ASSESSMENT**
At the time of the appointment of a conservator of the person or a conservator of the person and the estate, the court shall set a review hearing to take place four (4) months after the date of appointment to review the conservator's written assessment of the conservatee's level of care per Probate Code section 2352.5. The date of the initial compliance review hearing shall be listed as part of the order appointing the conservator. The court may set additional review hearings as needed.
(Subd (b) adopted effective January 1, 2012.)

(Rule 15.66 adopted effective January 1, 2012.)

15.67 – 15.99 [RESERVED]

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART THREE: Miscellaneous

15.100 COMPLAINTS CONCERNING COURT INVESTIGATORS

a. **WHO MAY MAKE A COMPLAINT**

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

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

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

b. **PROCEDURE**

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

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

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

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

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

c. **PEREMPTORY CHALLENGE AGAINST COURT INVESTIGATOR**

Peremptory challenges against a court investigator shall not be allowed.

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

Rule 15.100 adopted effective January 1, 2012.

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

APPENDIX

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

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

APPENDIX

APPENDIX 15-A: SERVICE ADDRESSES FOR GUARDIANSHIPS

Revised effective January 1, 2013

For Relative Guardianships:

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

For Non-Relative Guardianships:

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

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

Superior Court of California
County of Solano

Superior Court of California
County of Solano

Rule 16 – Protective Orders

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

a. **DECLARATION REGARDING EX PARTE NOTICE GENERALLY NOT REQUIRED**
An applicant for ex parte restraining orders made pursuant to the Act need not submit a completed *Declaration Re Notice Upon Ex Parte Application for Orders* or a declaration in substantial compliance therewith.
(Subd (a) relettered effective January 1, 2012; adopted as subsection (a) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008, and July 1, 2008.)

b. **CONTENTS OF DECLARATIONS IN SUPPORT OF DOMESTIC VIOLENCE RESTRAINING ORDERS**
A mere expression in the declaration of violence or fear will not adequately support the granting of an ex parte order. The declarations must expressly include (1) the actual or approximate date(s) of the incidents alleged, (2) a detailed description of the facts of each incident, and (3) the specific harm caused or threatened.
(Subd (b) relettered and amended effective January 1, 2012; adopted as subsection (a) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008, and July 1, 2008.)

c. **DELIVERY TO LAW ENFORCEMENT AGENCY**
To obtain enforcement of temporary restraining orders, applicants or their counsel shall deliver a copy of such orders to one or more designated law enforcement agencies. The order shall have a file-endorsed stamp by the Clerk of the Superior Court in the upper right hand corner and the expiration date of the order shall be clearly marked on the face of the document. Temporary restraining orders and orders issued at the order to show cause hearing for delivery to law enforcement agencies shall include a specific expiration date.
(Subd (c) relettered effective January 1, 2012; previously adopted as subsection (a) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008.)

d. **NOTIFICATION DUTY ON TERMINATION, EXTENSION OR MODIFICATION**
Where an order is issued restraining or enjoining domestic violence and that order is terminated before the expiration date, extended beyond that date or otherwise modified, the party obtaining relief, or his or her attorney, shall immediately notify the designated law enforcement agency in writing of such termination, extension or modification.
(Subd (d) relettered effective January 1, 2012; adopted as subdivision (d) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008; relettered as subd. (b) of Rule 5.8 effective July 1, 2008.)

e. **NOTIFICATION DUTY ON EXTENSION OF TEMPORARY RESTRAINING ORDERS**
Where a temporary restraining order is issued ex parte to be effective until the date set for hearing, and thereafter the hearing date is continued to a subsequent date, the temporary restraining order shall terminate unless ordered by the court to remain in effect until a subsequent date. In the event the temporary order is continued by court order to a subsequent hearing date, applicant shall deliver a copy of such order to the designated law enforcement agency.
(Subd (e) amended effective January 1, 2008.)

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

16.2 CIVIL HARASSMENT (CCP § 527.6)

a. **ELIGIBILITY FOR CIVIL HARASSMENT ORDER**
Only natural persons may request a restraining order. Entities such as corporations, partnerships, or companies may not seek a civil harassment order.
(Subd. (a) adopted effective January 1, 2012.)

b. **REQUESTING OR RESPONDING TO CIVIL HARASSMENT ORDER ON BEHALF OF INCAPACITATED ADULT**
If a person seeks a civil harassment protective order on behalf of an incapacited adult plaintiff, or seeks to respond to a petition for civil harassment protective orders on behalf of an incapacitated adult defendant, the representative must submit an application for appointment of guardian ad litem prior to or concurrently with the appropriate pleading. If the representative has already been appointed as the protected person's guardian ad litem or has a power of attorney specifically granting authority concerning litigation, the guardian ad litem application shall not be required, but the representative shall provide the court with proof of his or her authority to act on the incompetent person's behalf.
(Subd. (b) adopted effective January 1, 2012.)

c. **MUTUAL INJUNCTIVE ORDERS**
Mutual injunctive orders shall not be granted absent the defendant filing a cross-complaint and providing proof of sufficient notice of the cross-complaint to the plaintiff.
(Subd. (c) adopted effective January 1, 2012.)

d. **MINOR SUBJECT TO JUVENILE COURT JURISDICTION**
If the plaintiff or defendant is a minor previously determined to be subject to juvenile court jurisdiction, any party with knowledge of that fact shall inform the court at the earliest opportunity so that the matter may be transferred for hearing to the juvenile court per CCP section 374.5.
(Subd. (d) adopted effective January 1, 2012.)

e. **ADDRESS OF PARENT OR GUARDIAN**
In order to enable the court's compliance with CCP section 372, subdivision (a)(2), a minor seeking a protective order who appears without a guardian ad litem but who lives with a parent or guardian shall provide the court with the address of at least one parent to whom the court shall send the order once it is issued. This address may be provided at the hearing, or in a confidential declaration filed with the court.
(Subd. (e) adopted effective January 1, 2012.)

(Rule 16.2 adopted effective January 1, 2012.)

16.3 WORKPLACE VIOLENCE (CCP § 527.8)

a. **MINOR SUBJECT TO JUVENILE COURT JURISDICTION**
If the plaintiff or defendant is a minor previously determined to be subject to juvenile court jurisdiction, any party with knowledge of that fact shall inform the court at the earliest opportunity so that the matter may be transferred for hearing to the juvenile court per CCP section 374.5.
(Subd. (a) adopted effective January 1, 2012.)

b. **ADDRESS OF PARENT OR GUARDIAN**
In order to enable the court's compliance with CCP section 372, subdivision (a)(2), a minor seeking a protective order who appears without a guardian ad litem but who lives with a parent or guardian shall provide the court with the address of at least one parent to whom the court shall send the order once it is issued. This address may be provided at the hearing, or in a confidential declaration filed with the court.
(Subd. (b) adopted effective January 1, 2012.)

(Rule 16.3 adopted effective January 1, 2012.)

16.4 POSTSECONDARY SCHOOL VIOLENCE (CCP § 527.85)

a. **STUDENT CONSENT TO FILING OF APPLICATION**
Proof of a student's consent to the filing of the application may be shown through the student's signature on the petition or the attachment of an original written consent signed by the student.
(Subd. (a) adopted effective January 1, 2012.)

(Rule 16.4 adopted effective January 1, 2012.)

16.5 ELDER OR DEPENDENT ADULT ABUSE [Reserved]

Superior Court of California
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Rule 17 – Miscellaneous

17.1 PHOTOGRAPHY, VIDEOTAPING, AND ELECTRONIC RECORDINGS

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

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

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

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

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

b. **PHOTOGRAPHY, VIDEOTAPING, AND ELECTRONIC RECORDINGS IN COURTROOMS**

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

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

c. **VIOLATIONS**

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

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

(Rule 17.1 adopted effective January 1, 2012.)

17.2 COURT REPORTER TRANSCRIPTS

a. **MINIMUM TRANSCRIPT FORMAT STANDARDS**

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

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

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

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

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

(Rule 17.2 adopted effective January 1, 2013.)

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010	Family	Meet and Confer Orders	March 2008	Mandatory
145-CR	Criminal	Waiver of Constitutional Rights in Support of Defendant's Motion to Change Plea (Misdemeanor)	July 2015	Optional
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
258(a)-CR	Criminal	Waiver and Plea to Driving Under the Influence (No Priors)	July 2015	Optional
258(b)-CR	Criminal	Waiver and Plea to Driving Under the Influence (One Prior)	July 2015	Optional
258(c)-CR	Criminal	Waiver and Plea to Driving Under the Influence (Two Priors)	July 2015	Optional
300	Family	Order After Hearing/Stipulation and Order	December 2006	Optional
303	Family	Stipulation & Order re: Partial Child Custody Evaluation	March 2000	Optional
304	Family	Parenting Orders Attachment	September 2007	Optional
306	Family	Supervised Visitation/Supervised Exchange Order	August 2002	Optional
309	Probate	Order Appointing Regional Center to Evaluate Proposed Ward or Conservatee	July 2008	Mandatory
314	Family	Time Sharing Arrangement Table	October 2007	Optional

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320	Family	Order Appointing Counsel for Minors	November 2000	Optional
322	Family	Application and Order for Publication of Summons	September 2008	Mandatory
323	Family	Declaration in Support of Application for Order for Publication of Summons	September 2008	Mandatory
327	Family	Attachment to FL-327	March 2007	Mandatory
333-INT	All	Request for Interpreter	July 2015	Mandatory
345	Family	Order re: Testing for Alcohol or Illegal Use of Controlled Substances	July 2008	Mandatory
392	Family	Form of Papers	April 2007	N/A
397	Family	Attorney's Declaration re Mediation Video	January 2007	Optional
399	Family	Notice of Continued Hearing	April 2007	Optional
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)
890-UPA	Family	Status Conference Report – Family Law (Uniform Parentage Act)	July 2009	Mandatory (blue paper)
910	Civil	Request for Extension of Time (re Proof of Service of Summons)	December 2000	Optional
920	Civil	Request for Extension of Time (re Filing Response)	December 2000	Optional
1070	Family	Declaration re Notice Upon Ex Parte Application for Orders	December 2006	Mandatory

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1070-G	Probate	Declaration re Notice Upon Ex Parte Application for Orders (*Guardianship*)	July 2008	Mandatory
1320	Family	Declaration in Support of Request for Separate Mediation Sessions	June 1998	Optional
1325	Family	Request for Separate Mediation or Support Person	June 1998	Optional
3006-CV	Civil	Trial Management Conference Report	July 2015	Optional
3015-CV	Civil	Response to Petition: re Disposition of Weapons; Notice of Hearing	July 2015	Optional
3455	Probate	Objection to Appointment of Guardian	January 2007	Mandatory
3490	Probate	Confidential Court Investigators' Information and Referral Form (*Guardianship*)	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

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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
4803-TR	Traffic	Notice of Rights	January 2015	Mandatory
4899-TR	Traffic	Election for Traffic School	January 2015	Mandatory
5000	Adoption	Confidential Court Investigator's Information and Referral Form (*Stepparent Adoption*)	August 2008	Mandatory
5005	Adoption	Reference for Stepparent Adoption	August 2008	Mandatory
5006	Family Law	Declaration re: Notice Upon Application for Emergency Orders	July 2014	Optional
5010	Adoption	Consent of Child to be Adopted (*Stepparent Adoption*)	August 2008	Mandatory
5113	Family	Notice of Case Management Conferences and Assignment of Judicial Officer for All Purposes	July 2013	Mandatory
6011-JV	Juvenile	Request and Order for Appointment of CASA	January 2015	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

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

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

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FORM NUMBER	DIVISION	FORM NAME	REVISION DATE	MANDATORY OR OPTIONAL
1070-G	Probate	Declaration re Notice Upon Ex Parte Application for Orders (Guardianships)	July 2008	Mandatory
7060	Small Claims	Declaration re: Default in Payments & Order Setting Aside Order Providing Payment of Judgment in Installments	November 2000	Optional
3700	Probate	Declaration re: Venue (Guardianships)	July 2008	Optional
4899-TR	Traffic	Election for Traffic School	January 2015	Mandatory
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

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399	Family	Notice of Continued Hearing	April 2007	Optional
4803-TR	Traffic	Notice of Rights	January 2015	Mandatory
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

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6011-JV	Juvenile	Request and Order for Appointment of CASA	January 2015	Mandatory
333-INT	All	Request for Interpreter	July 2015	Mandatory
7023	Small Claims	Request for Dismissal	September 1999	Optional
920	Civil	Request for Extension of Time (re Filing Response)	December 2000	Optional
910	Civil	Request for Extension of Time (re Proof of Service of Summons)	December 2000	Optional
1325	Family	Request for Separate Mediation or Support Person	June 1998	Optional
3015-CV	Civil	Response to Petition: re Disposition of Weapons; Notice of Hearing	July 2015	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-CV	Civil	Trial Management Conference Report	July 2015	Optional
7020	Probate	Verification of Viewing of Conservatorship Video	July 2011	Mandatory
258(a)-CR	Criminal	Waiver and Plea to Driving Under the Influence (No Priors)	July 2015	Optional
258(b)-CR	Criminal	Waiver and Plea to Driving Under the Influence (One Prior)	July 2015	Optional

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258(c)-CR	Criminal	Waiver and Plea to Driving Under the Influence (Two Priors)	July 2015	Optional
145-CR	Criminal	Waiver of Constitutional Rights in Support of Defendant's Motion to Change Plea (Misdemeanor)	July 2015	Optional
545-CR	Criminal	Waiver of Rights (Felony)	July 2014	Optional
555-CR	Criminal	Waiver of Rights (Violation)	July 2014	Optional

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