

SOLANO COUNTY LOCAL RULES EFFECTIVE JANUARY 1, 2016

FILING INSTRUCTIONS FOR REPLACEMENT PAGES

The Solano County Superior Court is pleased to offer replacement pages for revised rules effective January 1, 2016. These replacement pages are intended for those who already have a complete set of local rules and wish to update just those portions of the rules that have changed.

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.

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<u>RULE</u>	<u>REMOVE OLD PAGES</u>	<u>INSERT NEW PAGES</u>
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**Superior Court of California
County of Solano**

Local Rules of Court

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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.)

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3.9 TENTATIVE RULINGS

a. AVAILABILITY OF TENTATIVE RULINGS

Per California Rules of Court, rule 3.1308, the court has adopted a tentative rulings procedure for civil law and motion. A tentative ruling on a civil matter will be available after 2:00 p.m. on the court day immediately preceding the scheduled hearing on that matter by 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 notifies the court and all other parties of the party’s intention to appear.

The party desiring to be heard shall advise the court of his or her intention to appear by either:

- (1) Submitting a *Request for Oral Argument* through the court’s website; or,
- (2) Telephoning 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.

In either case, the party giving notice of his or her intention to appear shall advise the court that the party has notified all other parties of the party’s intention to appear and argue.

(Subd (b) amended effective January 1, 2016; adopted as Rule 3.15 effective January 1, 1998; relettered as subd (b) effective January 1, 2010; previously amended effective July 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.)*

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

All motions shall include notice of this local rule in substantially the following form: “Notice: The Superior Court in and for Solano County has adopted a tentative rulings system that is described in the court’s local Rule 3.9. Failure to comply with Rule 3.9 may seriously affect parties’ rights in this case.”

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

(Rule 3.9 amended effective January 1, 2016; 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, July 1, 2013, and July 1, 2015.)

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.)

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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.)

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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

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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.)

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- (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,

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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.)

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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.)

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3.18 FILING OF NOTICES OF UNAVAILABILITY

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

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

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“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.)

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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.
- (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 with sufficient time for the requesting party to provide notice to the other party before 10:00 a.m. that day, 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 after 10:00 a.m., the emergency order hearing will be set two court days out.

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- (4) Before the ex parte hearing, the moving party shall file a declaration under penalty of perjury indicating whether or not notice of the ex parte hearing was given. The moving party may satisfy this requirement by filing a completed *Declaration Re Notice Upon Application For Emergency Orders (Family Law)* (local form 5006-FL), a completed Judicial Council form approved for this purpose, or a declaration in compliance with California Rules of Court, rule 5.151(e)(2).

(Subd (c) amended effective January 1, 2016; adopted effective January 1, 2013; previously amended July 1, 2014.)

(Rule 5.4 amended effective January 1, 2016; adopted effective January 1, 2013, previously amended July 1, 2014.)

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.)

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(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

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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

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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.)

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

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

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

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

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

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

**Superior Court of California
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**Rule 5 – Family Law
APPENDIX 5-C**

STANDING ORDERS

<u>Standing Order</u>	<u>Title</u>
2015-001-FL	Standing Order Incorporating Solano County DCSS Additional Orders Into All Solano County DCSS Judgments and Orders

FILED
SOLANO SUPERIOR COURT

2015 AUG 11 AM 8:33

BY S/ones
DEPUTY CLERK

IN THE SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SOLANO

In Re: All Matters Involving the Solano County
Department of Child Support Services

Standing Order No. 2015-001-FL

**STANDING ORDER
INCORPORATING SOLANO COUNTY
DCSS ADDITIONAL ORDERS INTO
ALL SOLANO COUNTY DCSS
JUDGMENTS AND ORDERS**

**TO ALL PARTIES IN MATTERS INVOLVING THE SOLANO COUNTY
DEPARTMENT OF CHILD SUPPORT SERVICES:**

1. Whereas the Solano County Department of Child Support Services (“DCSS”) has a set of standard orders routinely included in its petitions, orders, and judgments;
2. Whereas recent changes to the formatting and method of filing of petitions, orders, and judgments do not provide space for the inclusion of said standard orders; and,
3. Good cause exists to continue including such standard orders in future petitions, orders, and judgments;

IT IS HEREBY ORDERED:

1. Effective August 1, 2015, the Solano County Department of Child Support Services standard orders shall be incorporated by reference as orders of this court in all judgments and orders made in proceedings where the Solano County Department of Child Support Services is

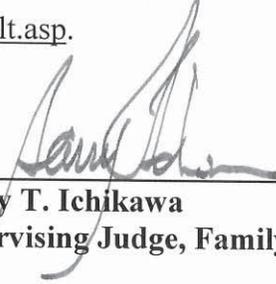
1 a party or a substitute payee and where the inclusion of such orders was requested in a petition
2 (including any amended petitions), supplemental complaint(s), or in a *Request for Order*.

3 Petitions, supplemental complaints, or *Request for Order* forms filed on or after August 1, 2015
4 shall include the website where the standing orders may be accessed by the public. All orders
5 and judgments filed on or after August 1, 2015 shall include the website where the standing
6 orders may be accessed by the public.

7 2. The Solano County Department of Child Support Services shall post a copy of this
8 Order and a copy of said Standard Orders on the Solano County Department of Child support
9 website: www.solanocounty.com/depts/dcss/default.asp.

10
11 **Date:**

July 31, 2015



Garry T. Ichikawa
Supervising Judge, Family Law Division

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County of Solano**

Rule 7 – Probate

PART ONE: Probate Proceedings Generally

7.8 PROBATE NOTES AND PREGRANTS IN PROBATE MATTERS

Probate notes on selected probate matters will be available approximately one week prior to the scheduled hearing date. The availability of probate notes may fluctuate depending on the court’s calendars and staffing availability. Probate notes are available by signing onto the court’s web site at www.solano.courts.ca.gov and selecting the link for “Probate Notes and Pre-grants” (next to “Tentative Rulings”).

Pregrant orders are the court’s tentative rulings on decedent estates, trusts, and miscellaneous probate petitions. Pregrant orders are not posted for conservatorship or guardianship 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 selecting the link for “Probate Notes and Pre-grants” (next to “Tentative Rulings”) or by telephoning the court at (707) 207-7331.

(Rule 7.8 amended effective January 1, 2016; adopted effective July 1, 2009; previously amended effective January 1, 2010 and January 1, 2012.)

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.)

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Rule 7 – Probate

PART ONE: Probate Proceedings Generally

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.

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PART ONE: Probate Proceedings Generally

(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.)

**Superior Court of California
County of Solano**

Rule 7 – Probate

PART TWO: Probate Proceedings Other Than Trusts

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,

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Rule 15 – Guardianships and Conservatorships

PART ONE: Guardianships

(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.)

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(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.)

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- 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

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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.)

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PART ONE: Guardianships

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

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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.)

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(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 within 21 days from the date the petition for a temporary guardianship is filed.

(Subd (a) adopted effective January 1, 2016; previous subd (a) adopted effective July 1, 2009; previous subd (a) repealed effective January 1, 2013; amended 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 file an *Ex Parte Application to Waive or Shorten Notice of Hearing on Temporary Guardianship or Conservatorship* (Solano County Local Form no. 3710).

(Subd (b) amended effective January 1, 2016; adopted effective January 1, 2013; previous subd (b) repealed effective January 1, 2013.)

(Rule 15.6 amended effective January 1, 2016; adopted as Rule 7.57 effective July 1, 2008; adopted effective July 1, 2009; amended effective January 1, 2013.)

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.)

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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.

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(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.)

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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

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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.)

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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.)*

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(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.)

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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]

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