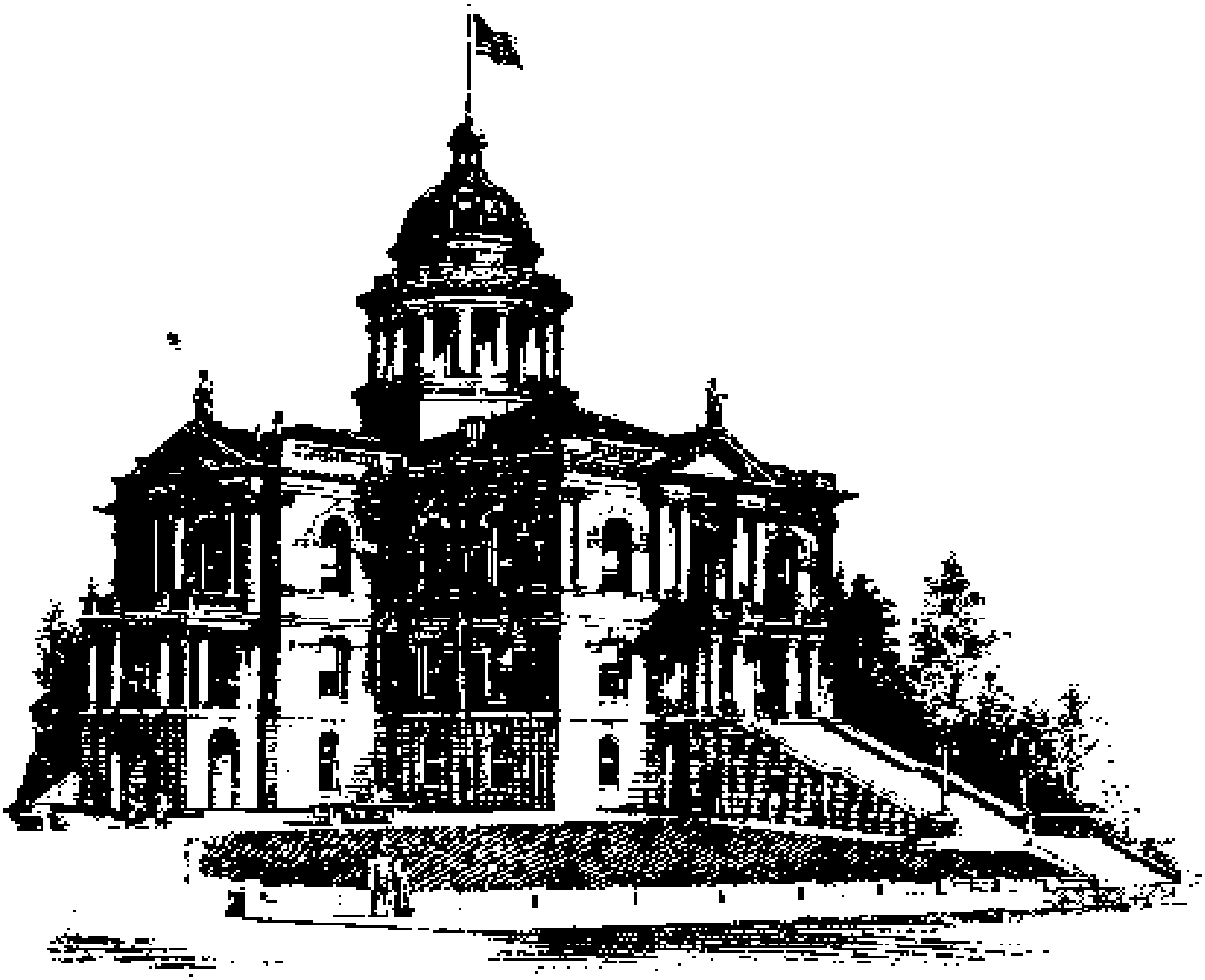
Superior Court of California, County of Placer



Local Rules of Court

Price: $20.00

Revision: January 1, 2013

www.placer.courts.ca.gov

NOTICE

Rules May be Purchased at the Following Superior Court Locations:

Superior Court, located at:

Santucci Justice Center	Tahoe
10820 Justice Center Drive	2501 N. Lake Blvd./P.O. Box 5669
Roseville, CA 95678	Tahoe City, CA 96145
(916) 408-6000	(530) 584-3460
8:00 a.m. – 3:00 p.m.	8:00 a.m. – 3:00 p.m.

[Effective date 1/1/09]

Or visit our website at www.placer.courts.ca.gov

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QUICK REFERENCE GUIDE TO CHANGES TO LOCAL RULES

The following rules have been changed since the last revision on July 1, 2012 – the effective date for all of these changes is January 1, 2013. Changes are highlighted with the use of bold text.

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10.00 LOCAL RULES - GENERAL

RULE 10.1 SCOPE OF RULES FOR THE SUPERIOR COURT

These Local Rules of Court apply to the Superior Court of California, in and for the County of Placer. [Effective date 7/1/05]

RULE 10.2 EFFECTIVE DATE OF RULES

These rules shall take effect on **January 1, 2013**. Changes since the last publishing have been highlighted with the use of bold text. These rules shall on their effective date supersede all local court rules previously adopted by the Placer County Superior Court. **[Effective date 1/1/13]**

RULE 10.3 EFFECTS OF RULES AND CITATION OF RULES

These rules shall be known and cited as "Local Rules of the Placer County Superior Court." [Effective date 7/1/05]

RULE 10.4 DEPARTMENTS

Each courtroom within the coordinated court system carries a numerical designation, not to be confused or associated with any particular judge of the court, as judges may sit in different courtrooms at different times.

Department		Location:
1	-	101 Maple Street, 2nd Floor, Auburn [Effective date 1/1/09]
2	-	101 Maple Street, 2nd Floor, Auburn [Effective date 1/1/09]
3	-	101 Maple Street, 3rd Floor, Auburn [Effective date 1/1/09]
4	-	101 Maple Street, 3rd Floor, Auburn [Effective date 1/1/09]
5	-	101 Maple Street, 3rd Floor, Auburn [Effective date 1/1/09]
6	-	101 Maple Street, 4th Floor, Auburn [Effective date 1/1/09]
12	-	11270 B Avenue, DeWitt, Auburn
13	-	Criminal Div, 2785 Richardson Drive, DeWitt, Auburn
14	-	2501 N. Lake Boulevard (P.O. Box 5669), Tahoe City
30	-	10820 Justice Center Drive, Santucci Justice Center, 1st Floor, Roseville

31 - 10820 Justice Center Drive, Santucci Justice Center, 1st Floor, Roseville

32 - 10820 Justice Center Drive, Santucci Justice Center, 1st Floor, Roseville

33 - 10820 Justice Center Drive, Santucci Justice Center, 1st Floor, Roseville

40 - 10820 Justice Center Drive, Santucci Justice Center, 2nd Floor, Roseville

41 - 10820 Justice Center Drive, Santucci Justice Center, 2nd Floor, Roseville

42 - 10820 Justice Center Drive, Santucci Justice Center, 2nd Floor, Roseville

43 - 10820 Justice Center Drive, Santucci Justice Center, 2nd Floor, Roseville

44 - 10820 Justice Center Drive, Santucci Justice Center, 2nd Floor, Roseville

[Effective date 1/1/09]

RULE 10.5 POLICY CONCERNING USE OF COURT FACILITIES, FILES, DOCUMENTS AND EXHIBITS IN TRIALS OR PROCEEDINGS HEARD BY A PRIVATE JUDGE

For the purposes of this local rule the term "private judge" includes any attorney or retired judge sitting as a judge pro tem arranged privately between the parties to the litigation. A private judge hearing, trial or proceeding is a hearing, trial or proceeding in which all expenses are born by the litigants.

A. Stipulation must include waiver of clerk's minutes: Any stipulation for private judge must include a waiver for the necessity of clerk's minutes. The presiding judge will not approve or allow the filing of the private judge's consent to serve or oath of office without the parties having first filed such a waiver.

B. Documents to be filed by the private judge: The private judge shall have the responsibility for filing with the clerk of the court, notices setting hearings, interim rulings, the statement of decision or final judgment and (where applicable) notices of any post trial proceedings.

C. In the event of appeal:The clerk of the court has the responsibility to provide the clerk's transcript and exhibits to the appellate court. Parties requesting a reporter's transcript shall have the responsibility to notify the reporter of a designation of the record or request for preparation of the reporter's transcript, and to submit these documents to the clerk of the court for filing with copies provided directly to the reporter. The parties are responsible for arranging transcript preparation, correction, certification, and filing with the Court of Appeal.

RULE 10.6 SANCTIONS FOR VIOLATIONS OF LOCAL RULES

Any unjustified failure to comply with the requirements of any local rule may result in the imposition of monetary sanctions, including the assessment of fines, court costs or attorney's fees against an offending attorney or party, or any other sanctions as determined by the court, including such non-monetary sanctions as issue preclusion, exclusion of evidence, the striking of pleadings and the dismissal of an action or cause of action**.** Monetary sanctions are payable to the Superior Court of the State of California, in and for the County of Placer. [Effective date 1/1/06]

RULE 10.7 SUBSECTION DELETED [Effective 7/1/2011]

RULE 10.8 EX PARTE ORDERS

The Court will not issue any orders on ex parte requests unless the order requested is necessary to prevent injustice, irreparable harm, immediate danger, or states a proper statutory basis for granting ex parte relief, and due to time constraints, a noticed motion cannot be made. Further, failure to timely request a noticed motion must not have been due to any failure or lack of diligence on the part of the requesting attorney or party. [Effective date 7/1/02]

All ex parte requests, including a request for orders shortening or extending time, for temporary relief or other requests will be heard only with a scheduled appointment except in cases of emergency. Appointments will be scheduled through the office of the clerk of the appropriate Court. On appearance, attorneys and/or parties requesting the order shall present a written application to the clerk of the Court accompanied by sufficient declarations and/or points and authorities to support the order, and the proposed order.

Notice shall be given to all parties within the time limits set forth in CRC 3.1203. All ex parte applications shall comply with CRC 3.1204 and must include a written declaration setting forth details of the notice given to other parties (date, time, place of notice, to whom notice was given) or why notice could not be given. In cases where less than 6 business hours notice is given, the declaration shall state facts to justify such shortened notice. Further, ex parte requests for continuance, pursuant to Rule 20.5, shall include a list of mutually agreeable proposed trial dates. [Effective date 7/1/07]

RULE 10.9 FILING OF DOCUMENTS

A. The Clerk of the Court shall adhere to the guidelines set forth herein in the acceptance and rejection of documents presented for filing.

B. In accordance with Government Code section 69846.5, all documents shall be endorsed and file-stamped with the date the document was presented and accepted for filing. No backdating or backfiling of documents is authorized**.** [Effective date 7/1/02]

C. All documents submitted for filing shall contain the submitting attorney's California State Bar Number as a part of the attorney's name, address and telephone number on the first page of all papers presented for filing; papers presented by pro per litigants shall contain the party's name, address and telephone number. All papers presented for filing by an attorney which do not contain such state bar number shall be rejected for filing by the clerk unless otherwise ordered by the Court.

D. The clerk shall not accept for filing or file any papers which do not comply with CRC 2.100 *et seq* or any other rule which specifies document requirements. [Effective date 7/1/07]

E. The clerk shall file only original documents presented for filing. Copies of original documents may be "received" but not filed unless otherwise ordered by the Court.

F. The clerk shall not accept for filing, whether offered separately or as attachments to other documents, those documents set forth in CRC 3.250, unless such documents are offered as relevant to the determination of an issue in a law and motion proceeding or other hearing, or are ordered filed by the Court. [Effective date 7/1/07]

G. All documents must be typewritten, computer-printed or prepared by a photocopying or other duplication process according to CRC 2.104. However, no Judicial Council or local Court form will be rejected solely on the ground that it is handwritten or handprinted, in accordance with CRC 2.119. [Effective date 7/1/07]

H. Documents not received for filing within the statutory time limits, before a scheduled hearing, shall be filed and endorsed at the clerks office and an endorsed copy shall be delivered by the attorney or self-represented litigant to the courtroom where the hearing is scheduled. [Effective date 1/1/08]

I. Transcripts of depositions shall not be filed or lodged within the Court file without prior order of the Court. In civil cases, transcripts of Court proceedings, unless ordered prepared by the Court, will not be lodged within the Court file nor filed by the clerk without prior order of the Court.

J. Except for noncompliance with CRC 2.100 *et seq*, these local rules of Court, or failure to pay the filing fee without a Court order waiving the fee, a complaint must be filed on demand and cannot be refused. However, any obvious discrepancy will be pointed out to the filing party so that the error can be corrected prior to filing. Once filed, any corrections must proceed by amendment or Court order; a party cannot alter papers to correct mistakes once the complaint is filed with the Court. Unsigned complaints shall not be filed without Court order. [Effective date 7/1/07]

K. No answer or other responsive pleading shall be refused for filing except for: (1) failure to pay the required filing fee without having obtained a waiver, (2) a violation of CRC 2.100 *et seq* or these local rules, or (3) lack of signature. [Effective date 7/1/07]

L. Briefs submitted to the Court for appellate matters shall comply with format and preparation in accordance with CRC 8.204. Briefs shall be typewritten. [Effective date 7/1/07]

M. Placer County Superior Court only accepts the state mandated Judicial Council form entitled Case Management Statement, Form CM110. [Effective date 1/1/04]

N. All persons submitting documents for filing are expected to provide the clerk with a self-addressed, postage paid envelope for the return of conformed or endorsed copies if the return of copies is requested. Documents not accompanied by a postage-paid envelope will be placed in the attorney's document pickup box located in the clerk’s office. Documents placed in the pickup box are expected to be claimed within thirty (30) days of being placed therein. All documents remaining

unclaimed in excess of thirty (30) days will be deemed to have been abandoned and will be discarded by the clerk without notice.

O. The filing requirements imposed by this rule, upon good cause shown, may be waived or modified by the Court as to a particular document tendered for filing. [Effective date 7/1/01]

P. The clerk's office will only accept one (1) original document for the file and two (2) copies to conform on each document. Parties should be encouraged to take their conformed copies and make photocopies. [Effective date 7/1/02]

Q. Documents will be accepted only from an attorney of record, or the party, if the party is self-represented. [Effective date 7/1/03]

R. Parties/Counsel must write their case number on all checks submitted at time of filing. [Effective date 7/1/05]

S. When submitting a Writ of Execution or abstract, a copy of the judgment must be submitted. [Effective date 7/1/08]

T. For a motion in Probate, Conservator or Guardianship matters, a motion fee must be submitted. See Court fee schedule under civil motions for the current fee. [Effective date 7/1/08]

U. A civil motion fee will be charged for all orders, stipulations with orders and ex parte hearings, on all civil cases. [Effective date 7/1/05]

RULE 10.10 PLACE OF FILING

A. Except as provided in subsections B through E, or as otherwise ordered by the Court, all filings presented to the Superior Court, shall be filed at the clerk's office in the Santucci Justice Center, located at 10820 Justice Center Drive in Roseville, CA, between the hours of 8:00 AM and 3:00 PM, Monday through Friday, excluding court holidays, or at the clerk's office in the Auburn Historic Courthouse, located at 101 Maple Street in Auburn, CA, between the hours of 8:00 AM and 12:00 PM, Monday through Friday, excluding court holidays. [Effective date 7/1/2011]

B. The Tahoe Court does not accept Adoption, Family Support, Juvenile, or Probate papers. These documents must be filed at the appropriate clerk's office, as specified in subsections A, C through E. All other filings within the Superior Court's jurisdiction, presented for filing to the Superior Court's Tahoe Division, shall be filed at the clerk's office, located at 2501 North Lake Boulevard, in Tahoe City, CA, between the hours of 8:00 AM and 3:00 PM, Monday through Friday, excluding court holidays. [Effective date 7/1/2011]

C. All Juvenile filings, presented for filing to the Superior Court, shall be filed at the Auburn clerk's office, located at 11270 "B" Avenue in Auburn, CA, between the hours of 8:00 AM and 3:00 PM, Monday through Friday, excluding court holidays. [Effective date 7/1/2011]

D. Except as provided in subsection B, or as otherwise ordered by the Court, all Traffic citations, criminal complaints, and all non-traffic violations, including animal control and building

code violations, shall be filed at the clerk's office in the Santucci Justice Center, located at 10820 Justice Center Drive in Roseville, CA, between the hours of 8:00 AM and 3:00 PM, Monday through Friday, excluding court holidays. [Effective date 7/1/2011]

E. All child support complaints filed by the Placer County Department of Child Support Services shall be filed at the clerk's office in the Santucci Justice Center, located at 10820 Justice Center Drive in Roseville, CA, between the hours of 8:00 AM and 3:00 PM, Monday through Friday, excluding court holidays. [Effective date 7/1/2011]

F. Filings presented to the Superior Court, with the exception of Juvenile filings, may be placed in any of the court's after-hours drop boxes until 4:00 PM, Monday through Friday, excluding court holidays. Filings placed in the court's after-hours drop boxes after 4:00 PM will be filed by the court on the next court day. An after- hours drop box is available at all of the Clerk's Offices, as specified in subsections A through B and D through E. Filings not placed in the court's after hours drop box will not be accepted for filing. [Effective date 7/1/2011]

RULE 10.11 APPLICATION FOR WAIVER OF COURT FEES AND COSTS

The clerk, prior to accepting for filing any application for waiver of court fees and costs, wherein the applicant has indicated that he or she is receiving financial assistance under one or more of the following programs, shall require the applicant to show or give the supplemental information as follows:

A. SSI & SSP - Supplemental Security Income and State Supplemental Payments Programs: Applicant must exhibit current MediCal identification card to the clerk prior to filing of the application.

B. TANF (Temporary Assistance for Needy Families, formerly AFDC): Applicant must provide clerk with either TANF identification number (Placer County: 31-Letter-Six Digit Number) or exhibit current Food Stamp identification card prior to filing of the application. [Effective date 1/1/06]

C. Food Stamps - Food Stamp Program: Applicant must exhibit current food stamp identification card to clerk prior to filing of the application.

D. County Relief, General Relief (G.R.) or General Assistance (G.A.): Applicant must exhibit or provide any one of the following: Exhibit current MediCal identification card; current food stamp identification card; or provide TANF identification number prior to filing of the application. [Effective date 1/1/06]

Fee waivers expire six (6) months from date waiver is granted. The party requesting a waiver must immediately notify the Court of any change in financial status. [Effective date 7/1/03]

RULE 10.12 COURT FILES

A. No papers shall be removed from any Court file of actions or placed therein except by authorized Court personnel. The clerk shall not deliver any papers filed except for purposes of

inspection in the office of the clerk, to the possession of any person other than an employee of the Court unless so ordered by the Court. [Effective date 7/1/01]

B. **Use of Personal Digital Devices (e.g. cell phones, tablet computers): Use of personal devices to take photographs is not permitted in the clerks' offices or courtrooms, except as provided in this rule or in Local Rule 10.19. Personal devices may be used in the clerks' offices solely to make a digital copy or photograph of the official public court file after first informing the clerk of this intended purpose. [Effective date 1/1/13]**

~~Use of Picture Cell Phones: Picture cell phones are not to be used while in clerk's offices or courtrooms, or while viewing files or documents in Court. [Effective date 7/1/05]~~

C. Release of Original Court Files by Clerk: Absent a court order, the clerk shall not release an original court file to any person not an employee of the court. The clerk may allow any person to view a non-confidential case file within the courthouse pursuant to public access rules.

Assigned and temporary public judges, when taking matters under submission or for other good cause, may obtain copies of all or designated portions of the court file at no cost.

Private judges, including private temporary judges, and counsel/parties in such privately adjudicated cases, may obtain copies of all or designated portions of the court file. Copy costs shall be borne by the requesting party or parties. [Effective date 1/1/11]

RULE 10.13 DEPOSITS INTO COURT TRUST ACCOUNT

A. Funds deposited with the Court, in civil actions, whether as a deposit, undertaking, cash bond or trust deposit shall be accompanied by the name of the depositor, depositor's mailing address, and depositor's federal tax identification or social security number**,** and the purpose for the deposit. Funds received without such tax information will not be accepted by the clerk for deposit. Once deposited with the Court, such funds, except those in small claims cases and those required when filing for a stay of execution in unlawful detainer cases, shall draw interest, at the current rate specified by the financial institution where the funds are deposited, from the date of deposit.
[Effective date 7/1/03, Revised 7/1/10]

B. Upon release of such civil fund deposits and payment of interest, the Court will provide the depositor, at the address given, an Internal Revenue Service Tax Form 1099(I) for the then current tax year and shall report such earned interest to the Internal Revenue Service, in accordance with existing Court policies. [Effective date 7/1/08]

RULE 10.14 COURT INTERPRETERS

Court interpreters shall be utilized only as directed by the Court.

A. If an interpreter is required by any party to an action, counsel shall advise the Court of the need for an interpreter at least five (5) court days prior to the trial or hearing. [Effective date 7/1/01]

B. In juvenile or criminal proceedings, where an interpreter is required at hearing or trial for a non-English speaking party or witness, counsel for the prosecution or defense must notify the Court, in writing, as soon as the need for the interpreter is determined. For each non-English speaking party or witness, the Court must be provided with the date of the hearing, the name of the person for whom the interpreter is requested, the person's role in the proceeding and the foreign language spoken, including the dialect where applicable. The Court will make arrangements for the foreign language interpreter to be present at the trial or hearing and, pursuant to CRC 10.810, will pay the related costs. Counsel must immediately notify the Court upon learning that the services of the interpreter are not required. Failure to timely notify the Court of the cancellation of the need for an interpreter may result in an order for reimbursement to the Court for any cancellation fee the Court is required to pay to the interpreter. [Effective date 7/1/07]

RULE 10.15 COURT REPORTERS

A**.** Pursuant to California Rule of Court 2.956, the Court does not provide court reporters for hearings in the following matters:

Case Management Conferences
Civil Harassment
Civil Law & Motion
Unlawful Detainer
All Family Law Matters, except contempt matters
Civil Trials
Infractions

Any litigant who wishes to obtain a record of a hearing for any of the above types of matters must arrange for a court reporter at his or her expense. The Court's staff reporters may be available by calling Court Services at (916) 408-6153 sufficiently in advance of the hearing. Fees will also be charged for the use of staff reporters in the above-mentioned calendars as follows: Half day (more than one hour and less than 4 hours): $240.00; Full day (4 hours or more): $480.00. Checks for such services should be made payable to the Placer County Superior Court and ~~given to the courtroom clerk at time of hearing~~ **paid for at the Clerks' Office**. **[Effective date 1/1/13]**

If a Court staff reporter is not available, litigants may arrange for the attendance of a private certified court reporter to report proceedings.

Additionally, the parties shall be responsible for all transcript costs pursuant to California Government Code section 69953.
[Effective date 1/1/12]

RULE 10.16 USE OF DVD/VCR PLAYERS BY ATTORNEYS IN COURT

DVD/VCR combination units are available at certain court sites in Placer County. Attorneys wishing to play a VCR or DVD in court are advised to contact the appropriate clerk's office to inquire about availability in advance.

Please be advised that if using a DVD that is "homemade" (not store-bought) the Court cannot guarantee that it will work in the court DVD player. In this case, attorneys are recommended to

furnish their own player. If furnishing the player, the appropriate clerks' office should be notified at least two working days in advance of the court date. [Effective date 7/1/05]

RULE 10.17 STANDARDS OF PROFESSIONAL CONDUCT FOR ATTORNEYS

The court recognizes the existence of the California Attorney Guidelines of Civility and Professionalism ("Guidelines"), adopted by the State Bar of California (effective as of July 20, 2007). The complete text of the Guidelines is available on the State Bar's website at**:** (~~http://calbar.ca.gov/calbar/pdfs/reports/Atty-Civility-Guide.pdf~~). **http://ethics.calbar.ca.gov/. [Effective date 1/1/13]**

The Guidelines are not intended to supplant the mandated Rules of Professional Conduct for attorneys in California, or any other rules or laws governing attorney conduct. Under Section 21 of the Guidelines, judges are encouraged to support and promote the civility Guidelines in court proceedings.

Upon a motion of any party, including those made pursuant to Code of Civil Procedure sections 128, 128.5, 128.7, 177, and 177.5, conduct inconsistent with the standards of professional conduct recognized by this rule, may be considered in the discretion of the court in determining if sanctions or other relief are warranted. [Effective date 7/1/09]

RULE 10.18 ELECTRONIC RECORDINGS, COPIES

Pursuant to Government Code section 69957, certain court proceedings may be electronically recorded when a court reporter is not available. The electronic recording serves as the official record of the proceeding in these instances. The court will post notice outside of a courtroom where the proceedings are being recorded pursuant to this Local Rule.

In cases where an electronic recording serves as the official record, a party may request a copy by completing a Request for Copy of Electronically Recorded Proceeding form and submitting the form to the clerk's office at the Santucci Justice Center at 10820 Justice Center Drive in Roseville, CA.

Pursuant to Government Code section 70631, a fee of $10 will be charged for each copy requested. [Effective date 7/1/2010]

RULE 10.19 RECORDING DEVICES IN CLERK'S OFFICE

Recording devices are not to be used while conducting business with the Clerk's Office. Exceptions may be made:

1. To accommodate for a disability where no other means are available to reasonably accommodate the disability.

2. If the Court user provides and utilizes two recording devices simultaneously and provides one recording free of charge to the Court immediately upon completion of using the device.

3. For media requests, which must be handled according to California Rule of Court, rule 1.150.

[Effective date 1/1/11]

20.00 CIVIL PROCEDURE
(including Small Claims filings)

RULE 20.1 CIVIL CASE MANAGEMENT SYSTEM - UNDER THE DELAY REDUCTION ACT

RULE 20.1.1 CIVIL CASES SUBJECT TO THESE RULES

A. These rules are adopted pursuant to the Trial Court Delay Reduction Act (Government Code Sections 68600, et seq.). They shall apply to all civil actions within the Superior Court, and all Limited Jurisdiction actions filed on or after July 1, 1996.

B. These rules shall apply to all cases included within the definition of "general civil cases" provided by CRC 3.712(a). Unlawful Detainer actions, coordinated civil actions as provided by CRC 3.712(c), and forfeiture proceedings under §11488, et seq. of the Health & Safety Code are exempt from these rules. [Effective date 7/1/07]

RULE 20.1.2 POLICY

It is the policy of this Court that all included cases shall be tried or otherwise disposed of within the following time limits from the date of filing:

GENERAL CIVIL - Class 1	-	12 MONTHS
GENERAL CIVIL - Class 2	-	18 MONTHS
GENERAL CIVIL - Class 3	-	24 MONTHS
GENERAL CIVIL - COMPLEX	-	36 MONTHS

RULE 20.1.3 GENERAL CIVIL CASES

The category "General Civil" shall include all the civil cases subject to these rules not otherwise designated as "General Civil - Complex." [Effective date 7/1/01]

RULE 20.1.4 GENERAL CIVIL - COMPLEX CASES

A "General Civil - Complex" case is one which is the "exceptional case" as identified in CRC 3.714(c). [Effective date 7/1/07]

RULE 20.1.5 CATEGORY DESIGNATION AND CHANGE OF DESIGNATION

A. All actions shall be deemed "General Civil - Class 1" actions at the time they are filed. At the first case management conference, the Court will evaluate each case and assign each case to the

appropriate classification for disposition pursuant to the case disposition time goals in CRC 3.714 (b). [Effective date 7/1/07]

B. Upon good cause shown and under any of the following circumstances, the Court at any time may enter an order changing the designation of a case: [Effective date 1/1/04]

1. Upon noticed motion, to be heard on the law and motion calendar of the presiding judge. A telephonic appearance for this conference will be accepted by contacting CourtCall. For information about CourtCall and to schedule an appearance, contact CourtCall at (888) 882-6878. Any request for a CourtCall appearance must be made at least two (2) court days prior to the hearing. No tentative rulings will be issued with respect to motions for redesignation. [Effective date 7/1/08]

2. Upon the Court's own motion. [Effective date 7/1/01]

RULE 20.1.6 FILING AND SERVICE OF PLEADING; EXCEPTIONS

A. Complaint. Except as provided in paragraph E below, plaintiff shall within sixty (60) days after filing of any complaint serve the complaint on each defendant along with:

(1) A copy of the Notice of First Case Management Conference;

B. Cross-Complaint. The following shall be served with any cross-complaint:

(1) A copy of the Notice of First Case Management Conference;

(2) A blank copy of the Case Management Conference Statement, Judicial Council Form CM110; and [Effective date 1/1/04]

(3) A copy of the Placer County Court's Local Rules of Court §20.1 through 20.1.14, inclusive. [Effective date 7/1/05]

[Effective 7/1/08]

C. Proofs of service. Proofs of service of complaints and cross-complaints must be filed at least ten (10) calendar days before the Case Management Conference.

D. Exceptions for longer periods of time to serve or respond.

(1) Time to serve may be extended for good cause. Upon ex-parte application to the Court, supported by declaration containing facts constituting good cause, any party may obtain an extension of time to serve a pleading, provided that such application is made within the time specified to obtain service or any extension thereof. The filing of a timely application for an extension will automatically extend the time to serve by five (5) days, whether or not the application is granted.

(2) Time to respond may be extended for good cause. Before the time to respond has expired, any party served with a complaint or cross-complaint, with notice to all other parties in the action, may make *ex parte* application to the Court upon good cause shown for an extension of time to respond. The filing of a timely application for an extension will automatically extend the time to respond by five (5) days, whether or not the application is granted. [Effective date 7/1/01]

E. Letters do not constitute proper filings in civil cases; therefore, letters will not be accepted or considered by the Court. Parties shall file a proper application or motion, and supporting declaration[s], with notice to all other parties when requesting the Court's consideration of an issue. A proposed order shall be provided with all *ex parte* applications. [Effective date 1/1/07]

F. Request to Set Trial for Unlawful Detainers. Parties are to submit form UD-150, "Request to Set Case for Trial – Unlawful Detainer", along with Placer County Superior Court Local Form "Notice of Time and Place of Trial". Parties are to submit a copy for each party, including one for the Court. In addition, parties are to submit a self-addressed stamped envelope for each party. [Effective date 7/1/06]

(1) Plaintiffs in Unlawful Detainer cases must submit to the Court sufficient copies of the Notice of Restricted Access (enclosed in the packet) with self-addressed envelopes for all parties and one for all occupants. [Effective date 7/1/05]

G. Plaintiffs in a small claims action MUST provide to the Court a self-addressed stamped envelope for each of the parties named in the action and a Notice of Entry of Judgment (Form SC-130) complete with names and addresses typed in at the top of the form.
[Effective date 7/1/04]

H. Association of Counsel. Association of Counsel must include the name and bar number of the lead attorney who is associating in. [Effective date 7/1/08]

I. An amended answer may be filed, once as of right without leave of Court, within ten (10) days of the original answer. Other than stated herein, leave of Court is required for the filing of an amended answer. [Effective date 7/1/06]

RULE 20.1.7 CIVIL CASE MANAGEMENT CONFERENCES

A. Date of first case management conference. A first case management conference will be scheduled and held in all **civil** cases **except those filed under C.R.C. 3.740** approximately one hundred and twenty (120) calendar days from the date of the filing of the complaint. The date of the conference shall be set by the clerk at the time the complaint is filed. **[Effective date 1/1/13]**

B. Case at issue. The case shall be at-issue at the time of the first case management conference absent a showing of extraordinary circumstances. [Effective date 1/1/07]

C. Participation in case management conference**s; notice of intent to appear**.
Appearance at the first case management conference is not required. Appearances at subsequent case management conferences will be required only if deemed necessary by the Court.

If an appearance is not required by the court but an attorney or unrepresented party wishes to appear at the case management conference, the attorney or unrepresented party must provide written notice of the intent to appear. The notice shall be faxed to the clerk's office and provided to all other parties no later than 3:00 p.m. on the Thursday prior to the case management conference. Notices may be faxed to the attention of the CMC Clerk at (916) 408-6275. [Effective date 1/1/13]

D. Case management calendar notes. The Court will issue ~~a~~ case management **calendar notes approximately** ~~order not less than~~ twelve (12) calendar days prior to the case management conference. **The notes will state whether an appearance is required, the procedural status of the case, any future dates set by the court (including any further case management conferences, trial dates, order to show cause hearings, etc.). The calendar notes will be based on information included in the parties' case management conference statements and in the file. The court may decline to consider untimely case management conference statements.** ~~The case management order will include the case disposition date, whether the case has been referred to arbitration and the arbitration completion deadline, the mandatory settlement conference date, the civil trial conference date, the trial date, and any other orders the Court deems necessary as provided in CRC 3.728 (13). The case management order will be based on the information provided in the Case Management Statements filed by the parties. The Court will not consider untimely Case Management Statements in issuing the case management order. The case management order will be mailed to all attorneys and parties without attorneys who have appeared in the action.~~ **[Effective date 1/1/13]**

The case management conference calendar notes are accessible at the court's website, www.placer.courts.ca.gov. If internet access is not available, counsel and parties may call (916) 408-6119 to access the notes. All counsel and parties are responsible for reviewing the case management calendar notes for each case management conference before the hearing. [Effective date 1/1/13]

~~Calendar notes will also be available on the Court's website not less than twelve (12) calendar days prior to the case management conference. The calendar notes will state whether an appearance is required, what the procedural status of the case is, and what future dates the Court has set in the case. The Court's website is located at www.placer.courts.ca.gov. [Effective date 7/1/08]~~

E. Case management order. The court will enter a case management order after the case management conference. The order will include future hearing dates set by the court and any other orders the court deems necessary, including matters listed in C.R.C. 3.728. Unless the court otherwise directs, the clerk will mail a copy of the case management order to each attorney or unrepresented party only when (a) no hearing is held and the court sets trial and trial-related dates, or (b) the case management conference is dropped and an order to show cause hearing is set. [Effective date 1/1/13]

~~If an attorney or party without an attorney wishes to appear at the case management conference to discuss the dates set by the Court, or any other matter which the attorney or party without an attorney believes should be considered by the Court prior to issuing the case management order, the attorney or party without an attorney must provide written notice that an appearance is requested to the Court and all other parties. The notice shall be faxed to the Clerk's Office of the Court and all other parties not later than 3:00 p.m. on the Wednesday prior to the case management conference. Upon receipt of the written request, the Court will place the matter back on the case management conference calendar and all parties will be required to appear. [Effective date 1/1/07]~~

F. Telephone appearances. Attorneys or unrepresented parties may appear at case management conferences by telephone. Telephone appearances shall be made through CourtCall and must be scheduled directly through CourtCall at least two (2) court days prior to the hearing. The court will not allow exceptions to the CourtCall scheduling deadline except for the court's own error. CourtCall may be contacted at (888) 882-6878 (telephone), (888) 883-2946 (facsimile), or www.courtcall.com (internet). [Effective date 1/1/13]

~~Appearances at case management conferences, when required, may be made through CourtCall. Requests for CourtCall appearances must be made directly to CourtCall at (888) 882-6878 at least two (2) court days prior to the hearing.~~

~~All dates set by the Court in the case management order shall be firm unless modified by Court order. [Effective date 1/1/07]~~

RULE 20.1.8 CASE MANAGEMENT CONFERENCE STATEMENT

A. No earlier than thirty (30) days but at least fifteen (15) calendar days before any scheduled first case management conference, each party shall file with the Court and serve on all other parties a completed Case Management Conference Statement, along with proof of service. [Effective date 7/1/08]

RULE 20.1.9 ARBITRATION

A. Election of plaintiff under CRC 3.812 (b). Plaintiffs are encouraged to elect to arbitrate in appropriate cases prior to the first case management conference. The election shall be indicated in the Case Management Conference Statement. [Effective date 1/1/07]

B. Stipulation to arbitrate. Parties may stipulate to judicial arbitration in appropriate cases prior to the Case Management Conference. A written stipulation to arbitrate will be deemed to be without a limit as to the amount of the award unless it expressly states otherwise. Each party shall pay their pro-rata share of the expenses and fees of the neutral arbitrator. [Effective date 7/1/08]

C. Referral to Arbitration. When a case is referred to judicial arbitration, the Court will set a deadline for the completion of arbitration. This deadline shall not be modified unless the trial date is also modified by the Court. Failure to arbitrate by the date given by the Court may result in the

arbitration referral being vacated. The deadlines for filing of the arbitration award and a request for trial *de novo* shall be governed by the appropriate statute. Failure to timely file a request for trial *de novo* shall result in entry of judgment based on the arbitration award and vacation of the mandatory settlement conference and trial dates. [Effective date 7/1/08]

D. If the parties agree to judicial arbitration, they will be responsible for payment of the arbitrator's fees pursuant to California Code of Civil Procedure §1141,28(b).
[Effective date 1/1/04]

RULE 20.1.10 SETTLEMENT CONFERENCES

A. All long cause civil trials will be set for a judicially supervised mandatory settlement conference before a regularly assigned judge or a designated temporary judge.

B. Not later than ten (10) days prior to the scheduled conference, all parties shall serve and file a settlement conference statement with the Clerk of the Court. The Court may impose monetary sanctions payable to the Superior Court of the State of California, in and for the County of Placer, for failure of any party to timely file a settlement conference statement in accordance with this rule. [Effective date 7/01/08]

C. The first page of each settlement conference statement shall specify, immediately below the number of the case, (1) the date and time of the settlement conference and (2) the trial date. Each settlement conference statement shall include a full and complete statement of the following information to the extent known or contended (Paragraph numbering of statements shall coincide with the following):

1. The attorney or party who is submitting the statement and the party whom the attorney represents.
2. Lead counsel and the represented party for all other parties in the case.
3. A statement of the facts, including any background information necessary to understand the case.
4. Any factual stipulations reached by the parties.
5. Contested issues of facts, including detail of the claimed damages and defenses.
6. Contested issues of law.
7. A statement disclosing the highest offer and lowest demand, and the date of the last settlement discussions.
8. The limits of any available insurance coverage.
9. A statement as to whether or not the case has been through arbitration (attach a copy of any arbitrator's award).
10. A statement as to any special problems relating to settlement.

D. **All parties and all attorneys who will appear at trial shall attend the settlement conference, together with adjusters, corporate officers or other designated persons with authority to negotiate in good faith to reach settlements.**

Telephone appearances at mandatory settlement conferences are highly disfavored. With prior approval of the court and for good cause shown, telephone appearances may be

permitted for insurance adjusters or other persons. Any person requesting a telephonic appearance must provide written notification of the request to all other parties and must determine whether any party opposes the request prior to submitting the request to the court. The request shall be submitted in writing to the Master Calendar Department no later than ten (10) days prior to the conference. Requests must be presented by hand delivery, mail, or facsimile to (916) 408-6121. The Master Calendar Department will contact the requesting person prior to the conference after the court has determined whether to grant the request. [**Effective date 1/1/13]**

~~The conference shall be attended by the attorney who will represent the parties at trial, or by the unrepresented party. All parties including plaintiffs and defendants, shall attend the conference, together with adjusters, corporate officers or other designated persons with authority to negotiate in good faith to reach settlements. Telephone standby may be permitted for insurance adjusters that are out of state, with prior approval of the Presiding Civil Judge. [Effective date 1/1/07]~~

E. If settlement is reached or the case settles at any time prior to the settlement conference date or the trial date, the settlement conference clerk must be telephonically notified immediately. A dismissal or stipulated judgment or *Notice of Settlement (Judicial Council Mandatory Form CM200)* shall promptly be filed with the Clerk of the Court prior to the time standard disposition date. [Effective date 7/1/08]

RULE 20.1.11 SANCTIONS

Sanctions may be imposed upon any party and/or counsel for failure to appear, failure to file any statement or document required by these rules, or failure to participate effectively in any conference in good faith. When a case is found not to be ready to proceed to trial or is otherwise out of compliance with the time standards as imposed in the Civil Case Management System as set forth in these rules, the Court may impose sanctions which may include dismissal of the case, payment of money, or other appropriate sanction. Also see Rule 10.6. [Effective date 7/1/01]

RULE 20.2 LAW AND MOTION PROCEDURES IN CIVIL MATTERS OTHER THAN FAMILY LAW

A. The Placer County Civil Law and Motion calendar is a limited calendar. Parties/counsel shall reserve a hearing date prior to the submission of paperwork for filing. [Effective date 7/1/08]

B. When the regularly scheduled law and motion calendar is heard by a Commissioner, the parties must file written notice indicating whether or not they stipulate to the Commissioner. Failure to file such notice of stipulation or non-stipulation at least five (5) Court days prior to the hearing date for the motion will be deemed a stipulation to the Commissioner as temporary judge per CCP §259(d) for all purposes other than trial. [Effective date 1/1/11]

RULE 20.2.1 REQUIRED CONFERENCE BEFORE FILING

Prior to filing any motion or demurrer, the moving party must make a reasonable and good faith attempt to resolve the matter, and if resolution is not possible, must attempt to coordinate hearing

dates with any opposing parties. A declaration setting forth facts supporting such attempt must be filed with the motion. Orders for examination are exempt from the requirements of this section. [Effective date 7/1/01]

RULE 20.2.2 DROPPING AND CONTINUANCE OF LAW AND MOTION HEARINGS

A. When a matter is to be dropped or continued, counsel for the moving party in the matter shall promptly notify the civil law and motion calendar clerk. Law and Motion matters will only be continued if all parties consent to the continuance. [Effective date 1/1/06]

B. No matter may be dropped or continued within three (3) court days of the scheduled hearing date without advance permission of the assigned department. [Effective date 7/1/01]

RULE 20.2.3 TENTATIVE RULINGS; OBLIGATIONS OF COUNSEL

A. On the afternoon of the Court day before each regularly scheduled law and motion calendar, the Court will cause to be recorded a tentative ruling on each matter on the next day's calendar. The tentative rulings will be available after 12:00 noon by telephoning a voice-mail message at (916) 408-6480. The tentative ruling shall become the final ruling of the Court unless a party advises all other parties and the Court of a request for oral argument. Such request shall be made by calling (916) 408-6481 and leaving recorded message with the Court no later than 4:00 p.m. on the Court day preceding the hearing. The message shall state the name and number of the case, the party requesting the oral argument, and a statement that the other parties have been notified of the request. When a request for oral argument is made, or appearance is required by the Court, limited argument will be allowed. This tentative ruling procedure is applicable only to the regularly scheduled civil law and motion calendar. It is not applicable to the Presiding Judge's Case Management, OSC, or Presiding Judge Motion calendars, or any other calendars absent court order; for those calendars, no tentative ruling will be issued. [Effective date 1/1/12]

B. All noticed motions and demurrers in departments, which issue tentative rulings shall include the following information in the notice:

> "Pursuant to Local Rule (20.2.3) on the afternoon of the court day before each regularly scheduled law and motion calendar, the Court will cause to be recorded a tentative ruling on each matter on the next day's calendar. The tentative rulings will be available after 12:00 noon by telephoning a voice-mail message at (916) 408-6480. The tentative ruling shall become the final ruling of the Court unless a party advises all other parties and the Court of a request for oral argument. Such request shall be made by calling (916) 408-6481 and leaving a recorded message with the Court no later than 4:00 p.m. on the court day preceding the hearing." [Effective date 1/1/10]

C. The tentative ruling procedure outlined in section "A." above is not available in the Tahoe Division of Placer County Superior Court. For Tahoe tentative rulings, Counsel may call (530) 584-3464 before noon the day before the hearing. The tentative ruling shall become the final ruling of the Court unless a party advises all other parties and the Court of a request for oral argument. Such request shall be made by calling the above

number no later than 3:00 p.m. the court day preceding the hearing. [Effective date 1/1/08]

D. The Court discourages the submittal of proposed orders for the law and motion calendar, other than Judicial Council form orders. Your order must conform to the tentative ruling or the ruling of the Court if oral argument is requested. Therefore, it will often require submittal of an Order after Hearing. The prevailing party shall prepare the order and give notice to all parties. [Effective date 1/1/12]

RULE 20.2.4 PAGE LIMITATIONS AND SPECIFIC CONTENT REQUIREMENTS FOR MOTIONS; DEMURRERS; MOTIONS TO STRIKE; SUMMARY JUDGMENT/ADJUDICATION; DISCOVERY MOTIONS; MOTIONS TO WITHDRAW; MOTIONS TO AMEND PLEADINGS; REQUESTS FOR SANCTIONS; MINOR'S COMPROMISES; PETITIONS FOR WITHDRAWAL OF FUNDS; CLAIMS OPPOSING FORFEITURE

A. Applications to exceed page limit. Any application to exceed the page limitations pursuant to CRC 3.**1**113 (e) **shall be** accompanied by a copy or draft of the memorandum of points and authorities which the party wishes to file. **[Effective date 1/1/13]**

B. Discovery motions. In any motion to compel answers to interrogatories or responses to a request for production, motion to compel attendance at a deposition, or motion to deem requests for admissions admitted, where no response to the discovery has been received, the moving party shall attach to the motion a copy of the discovery documents at issue, together with a copy of the proof of service of the discovery documents.

C. Motions to withdraw as attorney of record. The withdrawal of an attorney after order granting a motion to withdraw will not be effective until the signed order allowing withdrawal is served on the client and all other parties. Proof of service of the signed order of withdrawal shall be filed with the Court. (CRC 3.1362 (e)) [Effective date 7/1/07]

D. Motions to amend pleading.

(1) A motion to amend a pleading shall include a copy of the proposed amended pleading. The amended pleading shall be serially numbered to differentiate it from prior amended pleading. [Effective date 7/1/08]

(2) A motion to amend a pleading shall also include a declaration by counsel specifying:

(a) The effect of the amendment;

(b) The allegations to be deleted from the prior pleading, and the page, paragraph, and line where those allegations appear in the prior pleading;

(c) The allegations to be added to the prior pleading, and page, paragraph, and line where those allegations appear in

the proposed amendment;

(d) Why the amendment is necessary and proper.

(3) A motion to amend a pleading shall designate the pages, paragraphs, and lines of the pleading which are thereby being amended. The proposed amended pleading should be executed in the same manner as the original pleading. An amendment shall not be made by alterations on the face of a pleading except by permission of the Court. All alterations shall be initialed by the Court or clerk. [Effective date 7/1/08]

E. Requests for monetary sanctions. When seeking monetary sanctions, the requesting party must so state in the notice of motion, and state against whom sanctions are sought. The request must be supported by citation to the appropriate legal authority. The motion shall be accompanied by a declaration setting forth facts supporting the amount of any monetary sanctions sought, including a statement of time spent in preparation of the motion, the estimated time to be spent at the hearing, the attorney's hourly rate, and any costs claimed.

F. ~~Minor's compromise.~~

~~(1) A petition for Court approval of a compromise or covenant not to sue pursuant to Code of Civil Procedure §372, Probate Code §2504 or 3500 shall be submitted on the mandatory Judicial Council form, shall be verified by the petitioner and, in addition to the matters required by CRC 3.1384, shall contain:~~

~~(a) The name, birth date, age, and sex of the minor or incompetent person;~~

~~(b) The nature and extent of the injury giving rise to the claim with sufficient particularity to inform the Court whether such injury is permanent or temporary;~~

~~(c) A doctor's report containing a diagnosis of the injury, a current report of present condition, and prognosis for future medical care;~~

~~(d) The facts and circumstances out of which the claim or injury arose, including the time, place, and persons involved;~~

~~(e) A full disclosure of all information concerning the reasonableness of the proposed compromise or covenant not to sue, including the amounts, if any, paid or to be paid to other claimants;~~

~~(f) If the settlement is structured, the present cash value of the settlement;~~

~~(g) A summary of all medical expenses paid or owing to each health care provider, and the source of any payments;~~

~~(h) If the money is to be deposited in an account subject to withdrawal only upon order of the Court, the name and address of the depository; and~~

~~(i) The amount of attorneys' fees requested. Attorneys fees allowed shall not, under normal circumstances, exceed 25% of the amount recovered. In computing fees, the expenses of litigation to be reimbursed shall not be included in the "amount recovered" for the purpose of fixing fees. Such expenses of litigation shall be separately itemized. Except in cases of hardship, parents should pay their proportionate share of attorneys' fees and costs.~~

~~[Effective date 7/1/07]~~ **[Repealed 1/1/13]**

~~G. Petition for withdrawal of funds. A petition for withdrawal of money deposited in a bank, trust company, or savings and loan association on behalf of a minor or incompetent person shall be verified by the guardian, conservator, or trustee and, in the case of a competent minor, by such minor if the minor is at least twelve (12) years of age. The petition for withdrawal shall contain the current age of the minor, the current amount on deposit, the amount and purpose of prior withdrawals, and the amount and purpose of the present withdrawal.~~ **[Repealed 1/1/13]**

H. Claim opposing forfeiture. No claim opposing forfeiture will be filed unless it contains proof of service of the claim on the District Attorney. [Effective date 7/1/01]

RULE 20.2.5 ORDERS AFTER HEARING; COMPLIANCE WITH ORDERS

A. In addition to the requirements of CRC 3.1312, the parties to a law and motion matter shall make a good faith attempt to resolve any dispute as to the form of an order after hearing. Counsel preparing the order after hearing shall secure the approval of opposing counsel as to the form of the order after hearing within ten (10) days of submitting the same for approval. Any unreasonable failure to approve the form of an order may subject the opposing party to sanctions in accordance with these rules. The order signed by the Court shall be served on all parties within five (5) days of receipt of the order signed by the Court. [Effective date 7/1/07]

B. Unless otherwise directed, any necessary compliance with the order after hearing shall be within ten (10) days of service of the signed order. [Effective date 7/1/01]

RULE 20.2.6 APPLICABILITY OF RULE 20.2

A. The requirements of Rule 20.2 are in addition to all applicable provisions of the Code of Civil Procedure, the California Rules of Court, and any other state statute or rule, and shall apply to the following matters, subject to the exceptions listed in subsection (B):

(1) Unless the context dictates otherwise, all motions, applications, petitions, or demurrers in all civil actions;

(2) In probate matters, to all demurrers, motions involving discovery, motions concerning the sufficiency of the pleading, and motions for summary judgment;

(3) Any pre-trial motion or demurrer concerning any petition for extraordinary relief or any petition for administrative mandate;

(4) Any hearing on any petition for extraordinary relief or any petition for administrative mandate which will be submitted to the Court for determination without a contested evidentiary hearing.

B. The requirements of this Rule 20.2 shall not apply to the following matters:

(1) Domestic relations matters;

(2) Probate matters other than those listed in subsection A(2) above;

(3) Notwithstanding subsections A(1), (3), and (4) above, civil matters collateral to criminal actions such as a petition for extraordinary relief or writ of habeas corpus. [Effective date 7/1/01]

RULE 20.3 SETTLEMENTS

A. It is the duty of counsel to notify the Court whenever a case has been settled. Failure to do so may result in sanctions including the assessment of one day's jury fees in cases in which a jury panel has been assembled to hear the case. If settlement is effected at any time prior to the trial date, a dismissal or stipulated judgment must be filed with the clerk prior to the trial assignment conference date.

B. For any civil case settled on a trial date, the party requesting the jury trial may be required to pay one day's jury panel fees pursuant to California Code of Civil Procedure, section 631.1. [Effective date 7/1/01]

RULE 20.4 ~~CIVIL JURY FEES AND EXPENSES~~

~~A. A jury fee deposit of $150.00 shall be made with the Clerk of the Court at least twenty-five (25) days before trial in a civil action. On the first day of trial the courtroom clerk will prepare a form for the party/attorney to sign regarding financial responsibility for jury costs. Subsequent to the trial's completion, the respective parties will be billed for the actual jury expenses. Failure to deposit such monies shall be deemed a waiver of trial by jury and the Court in its discretion may proceed to judgment without a jury, or upon such terms as may be just, with a jury.~~

~~[Effective date 1/1/04]~~

~~B. It is the obligation of the party or attorney who demands a jury trial in a civil action to pay all costs of the jury including fees, mileage and meals incurred during the trial.~~

~~C. After the deposit of jury fees pursuant to Local Rule 20.5(A), jury fees on deposit with the clerk shall not be returned if jury is waived, an action continued, or the case has settled, unless the Court is notified by 3:00 p.m. the court day prior to the scheduled trial date that a jury is not needed (California Code of Civil Procedure Section 631.3). [Effective date 7/1/04]~~
[Repealed 1/1/13]

RULE 20.5 CONTINUANCES OF CIVIL TRIALS AND SETTLEMENT CONFERENCES

No mandatory settlement conference, civil trial conference or trial of any civil case will be continued except upon noticed motion set before the Presiding Judge, or to another judicial officer as designated by the Presiding Judge, or upon an ex parte application based upon the stipulation of all parties. Ex parte applications to continue a mandatory settlement conference, civil trial conference or trial based on stipulation of the parties must be submitted at an ex parte hearing, subject to the requirements of Rule 10.8**.** No continuance, whether upon noticed motion or stipulation, shall be granted unless an affirmative showing of good cause is made, as provided in CRC 3.1332. No continuance of trial by stipulation shall be granted unless all parties also agree in writing to a mutually acceptable future trial date(s), and provide those dates to the Court at the time of the ex parte hearing. No tentative ruling will be issued on such motions. A trial conflict not noted in a timely filed Case Management Conference Statement shall not be deemed good cause unless such conflict arose after the trial date was set and could not reasonably have been avoided.
[Effective date 7/1/08]

RULE 20.6 CIVIL TRIAL CONFERENCE

A. At the time of trial setting of civil cases, the Court may set a Civil Trial Conference. The Civil Trial Conference will be held approximately ten (10) days prior to the scheduled trial date. At the Civil Trial Conference, the Court will determine the trial readiness of the case and the time estimated for trial. At the Civil Trial Conference, the Court may assign the case for trial to a specific trial department, return the case to Master Calendar for assignment, or make such other orders as may be necessary for the efficient management of the case. The trial attorneys are required to appear at the Civil Trial Conference.

All trial briefs and witness lists shall be filed with the clerk at the Civil Trial Conference. For jury trials, parties shall file a neutral statement of the case to be read to the jury at the beginning of the trial. [Effective date 1/1/11]

If no Mandatory Settlement Conference or other form of dispute resolution has been conducted prior to the Civil Trial Conference, the Court may conduct a settlement conference at the time of the Civil Trial Conference. In such cases, the presence of trial counsel, parties or insurance representatives, or other persons authorized to settle the case, is required. If a Mandatory Settlement Conference or alternative dispute resolution has occurred before the Civil Trial Conference, the

personal appearance of the parties and/or authorized representatives is not required, but such persons shall be available by telephone. [Effective date 7/1/08]

B. Exhibits shall be presented to the courtroom clerk on the first day of trial. [Effective date 1/1/06]

RULE 20.6.1 MOTIONS IN LIMINE

A. Application. This rule shall apply to all civil cases in which the parties have a right to a jury trial, and all other civil cases except family law, guardianship, conservatorship, and CEQA cases.

B. Compliance with California Rules of Court. All motions in limine shall comply with the requirements of California Rules of Court rule 2.100 to 2.119, and 3.1110 to 3.1116. [Effective date 7/1/11]

C. Filing and Service. Motions in limine must be filed and served 10 days before trial. Opposition to motions in limine must be filed and served 5 days before trial.

D. Numbering of Motions. Motions shall be numbered sequentially. In the event that more than five motions are filed by a party, an index to the motions shall also be filed.

E. Matters which should be addressed by oral motion. The court will entertain oral motions regarding the following routine matters:

1. Motion to exclude witnesses from the courtroom (excepting those for whom an exception exists such as parties and corporate representatives);

2. Motion to exclude oral or written references to settlement negotiations and mediation;

3. Motions to exclude evidence of, or reference to, insurance.

F. Motions to Preclude introduction of evidence or matter. Motions made for the purpose of precluding the mention or display of inadmissible and prejudicial matter shall be accompanied by a declaration that includes the following:

1. A clear identification of the specific matter alleged to be inadmissible or unduly prejudicial;

2. A representation to the court that the subject of the motion has been discussed with opposing counsel, and that opposing counsel has either indicated that such matter will be mentioned or displayed in the presence of the jury before it is admitted in evidence or that counsel has refused to stipulate that such matter will not be mentioned or displayed in the presence of the jury unless and until it is admitted in evidence;

3. A statement of the specific prejudice that will be suffered by the moving party if the motion is not granted;

4. If the motion seeks to make binding an answer given in response to discovery, the declaration must set forth the question and the answer and state why the use of the answer for impeachment will not adequately protect the moving party against prejudice in the event that evidence inconsistent with the answer is offered.

5. If the motion concerns deposition testimony, the motion shall be supported or opposed by attached excerpts of relevant deposition testimony, in conformance with California Rule of Court 3.116.

G. Improper purposes. A motion in limine shall not be used for improper purposes, including for the purpose of seeking summary judgment and/or summary adjudication of an issue or issues, which motions may only be made in compliance with Code of Civil Procedure section 437c and court rules pertaining thereto.

H. Order of Trial Issues. A motion in limine shall not be used for the purpose of seeking an order to try an issue before the trial of another issue or issues. Such motions may only be made in compliance with Code of Civil Procedure section 598.

I. Duty of Counsel to Meet and Confer. Counsel shall meet and confer prior to the first day of trial regarding motions in limine. Counsel shall be prepared to advise the court whether stipulations or agreements have been reached concerning any motions in limine.

J. Duty of Counsel to Advise. If a motion relating to the preclusion of evidence or other matters is granted, it is the duty of counsel to instruct associates, clients, witnesses, and other persons under their control, that no mention or display be made in presence of the jury of the matter that is the subject of the motion. The court may defer ruling upon a motion in limine, and may order that no mention or display of the matter that is the subject of the motion is to be made in the presence of the jury unless and until the court orders otherwise.
[Effective date 1/1/11]

RULE 20.7 SCHEDULE OF ATTORNEY FEES IN DEFAULT ACTIONS

A. Whenever obligations sued upon provide for the recovery of reasonable attorney fees, the fees in default cases shall be fixed pursuant to the following schedule:

(a) 25% of the first $2,000, with a minimum of $150.
(b) 20% of the next $4,000
(c) 15% of the next $4,000
(d) 10% of the next $10,000
(e) 5% of the next $30,000
(f) 2% of the next $50,000
(g) in excess of $100,000 as authorized by the Court

B. In any case wherein the attorney claims that he or she is entitled to a fee in excess of the schedule set forth, or in any case where relief is awarded other than monetary relief, the attorney may apply to the Court therefore and present proof to support his or her claim. The Court will then set the fee in accordance with the proof offered.

C. When a plaintiff is entitled to attorney's fees in a residential Unlawful Detainer default judgment, the Court will award the sum of $250 as an attorney fee. If a defendant has filed an answer which requires the matter to be set for trial and it is uncontested, the Court will award the sum of $325 as an attorney fee. If the matter is contested at trial, the Court will award $400 as an attorney fee. The Court may adjust these amounts upon a showing of sufficient justification. Attorney's fees in a commercial Unlawful Detainer shall be determined by the Court upon evidence presented at the hearing or by declaration if no hearing is held. [Effective date 7/1/03]

RULE 20.8 TELEPHONE APPEARANCES

A. Calendars Where CourtCall Appearances are Permitted:

Telephone appearances through CourtCall are allowed without prior permission on the following calendars: (1) Case Management Conference, (2) Presiding Judge OSCs, and (3) Presiding Judge motions. Requests for CourtCall appearances must be made directly to CourtCall at (888) 882-6878 at least two (2) court days prior to the hearing. Cell phones will not be permitted. Please note that CourtCall is available at the Tahoe Court for Case Management Conferences only.

B. Calendars Where CourtCall Appearances are Not Permitted:

CourtCall appearances are not allowed on all other civil matters including ex parte applications and law and motion matters. [Effective date 1/1/07]

1. A party or counsel for a party may appear and present oral argument by telephone on matters pending before the Court only with prior approval of the Court department in which the matter is pending. Any such telephonic appearance will be scheduled at such time as the Court may designate. [Effective date 7/1/08]

2. Parties to an ex parte application may request a telephonic appearance from the department in which the ex parte application is set to be heard. If the request is granted, the party or counsel must provide the department with a telephone number where they can be reached. [Effective date 1/1/07]

3. A party or counsel requesting a telephonic appearance in law and motion matters shall so indicate in the moving or responding papers by specifying in the caption, "TELEPHONIC APPEARANCE REQUESTED." The telephone number at which the requesting party can be reached on the scheduled hearing date shall also be provided and may not be a cell phone number. With respect to matters set on the civil law and motion calendar, a request for telephonic appearance in the moving or responding papers shall not relieve a party from also requesting oral argument pursuant to Local Rule 20.2.3. The request for telephonic appearance on law and motion matters

will be ruled on in the tentative ruling. If telephonic appearance is granted and oral argument has been requested, the Court will contact the attorney or party appearing by telephone at the time the matter is ready to be heard. [Effective date 1/1/09]

4. A party or counsel requesting a telephonic appearance in all other civil matters shall so indicate in the moving or responding papers by specifying in the caption, "TELEPHONIC APPEARANCE REQUESTED." A party or counsel requesting a telephonic appearance on matters other than ex parte applications and law and motion matters shall contact the Court on the court day prior to the hearing to determine if the Court has granted the request. [Effective date 1/1/06]

RULE 20.9 EXERCISE OF PEREMPTORY CHALLENGE UNDER CODE OF CIVIL PROCEDURE SECTION 170.6

A. If a case was previously placed on telephone stand-by, the parties to such action shall have two (2) hours from the time notice of the assignment of the case to a particular judge for trial or hearing is actually received to exercise any challenge to the assigned judge under CCP §170.6. [Effective date 1/1/07]

B. Challenges exercised in accordance with these provisions may be exercised by facsimile motion transmitted to Master Calendar by the party or the party's counsel. Any such facsimile motion shall be followed by an original written motion filed with the Court. [Effective date 1/1/07]

RULE 20.10 ADULT ADOPTIONS

Pursuant to Civil Code of Procedure Section 1279.5, the Court Clerk shall require a CLETS background check on all individuals who are petitioning for adult adoptions. [Effective date 7/1/05]

RULE 20.11 INSTALLMENT PAYMENTS

There will be an administrative charge of $35 to set up a payment plan requested by the party responsible for payment of any Court fees. [Effective date 1/1/07]

RULE 21.0 SMALL CLAIMS

Postponement of Hearing. Postponements of small claims hearings must be made at least two (2) weeks prior to the hearing date. A fee of $10.00 is to accompany the Request for Postponement and notice given to the other side. [Effective date 7/1/06]

RULE 21.1 SMALL CLAIMS PLAINTIFF'S CLAIM – FORM SC 100

Plaintiffs shall file a minimum of three (3) complete copies of this five-page form. Three (3) copies assumes one (1) plaintiff and one (1) defendant. If additional plaintiffs or defendants are named, an additional copy for each additional defendant and plaintiff must also be filed.
[Effective date 1/1/07]

RULE 21.2 SMALL CLAIMS NOTICE OF ENTRY OF JUDGMENT –

FORM SC 130

Plaintiffs shall file a minimum of three (3) complete copies of this two-page form. Three (3) copies assumes one (1) plaintiff and one (1) defendant. If additional plaintiffs or defendants are named, an additional copy for each additional defendant and plaintiff must also be filed. Only the Plaintiff's box on page one (1) shall be completed by the plaintiff; the Court will complete the rest of the form. [Effective date 1/1/07]

RULE 21.3 SMALL CLAIMS ADDRESSED STAMPED ENVELOPES; CHECKS

A. Plaintiffs shall provide an addressed stamped envelope for each plaintiff and each defendant when filing a claim. If a claim is mailed to the Court for processing, an additional self-addressed stamped envelope must be provided in order for the processed documents to be returned by mail. [Effective date 1/1/07]

B. Checks shall be made payable to the "Placer County Superior Court." [Effective date 1/1/07]

RULE 22.0 CEQA PETITIONS [Effective 7/1/08]

A. Title of pleading - The title of any pleading seeking relief under the California Environmental Quality Act, whether by petition or complaint, shall clearly identify that the matter is a CEQA action. [e.g. "CEQA claim: Complaint for Damages"].

B. Copy of pleading to Legal Research - A courtesy copy of the petition or complaint shall be sent to the Legal Research Department of the Court.

C. Copy of request for hearing to Legal Research - A courtesy copy of the request for hearing shall be sent to the Legal Research Department of the Court.

D. Status conference - Upon filing of the request for hearing, a Status Conference shall be set within fifteen (15) days to determine the status of the preparation of the administrative record, to set a briefing schedule, and to set a date for the hearing on the merits. The timelines set forth in PRC §21164.7(c) shall be followed in setting the briefing schedule and hearing on the merits, unless good cause is shown as set forth in PRC §21164.7(c). A courtesy copy of the Status Conference order after hearing shall be sent to the Legal Research Department of the Court.

E. Preparation of administrative record - The administrative record shall be prepared in accordance with the timelines set forth in PRC § 21167.6(b). Within twenty (20) calendar days after receipt of a request to prepare the administrative record, the public agency responsible for the preparation shall personally serve on petitioners a preliminary notification of the estimated cost of preparation, including the agency's normal cost per page, any other reasonable costs the agency may anticipate, and an estimate of the probable number of pages. The preliminary notification shall also state, to the extent that the information is known to the agency, the location of documents that are anticipated to be incorporated into the administrative record; the contact person or persons responsible for identifying individuals having custody of those documents, whether agency personnel or other persons; and a list of dates and times specifying when, during normal business hours, those documents will be made available to petitioners or other parties for inspection. The agency shall supplement the

preliminary notification from time to time as additional documents are located or are determined to be appropriate for inclusion in the record. The public agency shall include a certification of accuracy with the administrative record that is lodged with the Court.

Petitioner's election to prepare the administrative record pursuant to PRC §21167.6(b)(2) shall be filed and served upon all parties and the public agency within five (5) court days of service of the preliminary notification. If Petitioner so elects, Petitioner shall submit the administrative record after preparation to the public agency for a certification of accuracy. After certification, the public agency shall then lodge the administrative record with the Court.

The certification of accuracy shall include a statement as to the number of volumes and pages contained in the administrative record.

F. Format of administrative record -

(1) Binding and length of volumes of the administrative record
The administrative record must be provided in one or more volumes of not more than three hundred (300) pages that are separately bound in 3-ring binders. The pages of the administrative record must be numbered consecutively and bound on the left margin. The cover of each volume of the records must be the same size as its pages and contain the same material as the cover of a brief, but must be labeled "Administrative Record."

(2) Index
At the beginning of the first volume of the administrative record, there must be an index of each paper or record in the order presented in the record referring to each paper or record by title or description and the volume and page at which it first appears.

(3) Organization
The administrative record must be organized in the following order:

(1) The Notice of Determination;
(2) All resolutions or ordinances adopted by the lead agency approving the project or required by law;
(3) The Draft or revised Draft Environmental Impact Report and initial study;
(4) The comments received on and the responses to those comments prepared for the Draft Environmental Impact Report or Negative Declaration, including any modification of the environmental documents and project made after the comment period;
(5) The remainder of the Final Environmental Impact Report, including all appendices and other materials;
(6) The staff reports prepared for the approving bodies of the lead agency;
(7) Transcripts or minutes of all hearings; and
(8) The remainder of the administrative record.

G. Disputes re contents of administrative record - If any party disputes the accuracy of the administrative record, or wants the administrative record modified by the deletion or addition of documents, such dispute or modification shall be resolved by appropriate noticed motion pursuant to CCP §1005. Any such motion shall be heard by the assigned CEQA judge. Such motion shall be heard prior to the hearing on the merits of the petition. Alternatively, the parties may stipulate to a modification of the administrative record.

H. Briefs - The briefs shall contain specific references to the administrative record, by record volume and page number and the document title, in support of any factual contentions asserted by a party in its brief. A reference to "the whole file" is not a specific reference. Each party shall submit an appendix to their brief(s) which contains copies of the pages of the administrative record cited in their briefs. The pages of each appendix shall be in BATES stamp order. Within five (5) calendar days of filing, the briefs shall be transmitted, in Microsoft Word or PDF format, by email to the Legal Research Department of the Court.

30.00 FAMILY LAW

RULE 30.1 CHILD CUSTODY/VISITATION CHILD CUSTODY RECOMMENDED COUNSELING [Effective date 1/1/12]

A. Mediation Procedures:

1. In any action in which custody and/or child visitation is disputed, the parties must attend Child Custody Recommending Counseling unless rule 30.1(D) below applies. This rule applies to any action which raises the issues of custody and visitation including dissolution, legal separation, domestic violence, and paternity actions. The Child Custody Recommending Counselor shall be referred to in this document as CCRC. [Effective date 1/1/12]

2. A moving party shall provide the court with a minimum of three copies of any Order to Show Cause (OSC) or Notice of Motion (NOM) requesting a hearing on issues of custody and/or visitation.

3. Unless rule 30.1(D) applies, all filings which request custody and/or visitation orders, including an Order to Show Cause or Notice of Motion, shall be referred to Child Custody Recommending Counseling. Such referral documents shall be processed without the requirement of a judicial officer's signature. A stamped signature on such referral shall carry the same authority as an original signature. [Effective date 1/1/12]

4. Assignment of a CCRC shall be made by the Court's Child Custody Recommending Counseling Coordinator or the Director of Family Court Services. All parties shall provide the court with a current address and phone number and the address and phone number of the opposing party, if available. The Court shall consider the geographical locations of the parties in assigning a CCRC. [Effective date 1/1/12]

5. A notice of assignment shall be mailed by the Court to all parties and attorneys of record. Regardless, any party receiving notice of the assignment of a CCRC shall forthwith notify the opposing party of the appointment of the CCRC. [Effective date 1/1/12]

6. The parties shall arrange all appointments with the CCRC. In the absence of good cause found by the court, all parties shall attend Child Custody Recommending Counseling Orientation and Child Custody Recommending Counseling prior to any contested hearing on issues of custody and/or visitation. [Effective date 1/1/12]

7. Upon a showing of good cause, telephone Child Custody Recommending Counseling may take place when either party will suffer extreme hardship by traveling to the Child Custody Recommending Counseling appointment. The request for telephone Child Custody Recommending Counseling shall be made to the appointed CCRC in advance of the Child Custody Recommending Counseling appointment. Telephone Child Custody Recommending Counseling may be authorized by the Court, the Director of Family Court Services, or any individual CCRC to whom a Child Custody Recommending Counseling assignment has been made. [Effective date 1/1/12]

8. If one party fails to appear for a Child Custody Recommending Counseling appointment, a recommendation and/or report will be prepared by the CCRC based upon the interview with the appearing party. The CCRC will make reasonable efforts to contact the non-appearing party by telephone for their input prior to completing the report. [Effective date 1/1/12]

9. If the Court determines that a party was notified of the Child Custody Recommending Counseling appointment and failed to appear, the non appearing party may be ordered to pay for a subsequent Child Custody Recommending Counseling appointment. That party may be ordered to pay the fee to the Court or directly to the CCRC as the Court shall determine, prior to the commencement of the subsequent Child Custody Recommending Counseling appointment. [Effective date 1/1/12]

10. If neither party appears for a scheduled Child Custody Recommending Counseling appointment, any request for a re-referral to Child Custody Recommending Counseling shall be initiated by filing a subsequent motion and paying the filing fees associated with such motion. Both parties may be ordered to pay the Child Custody Recommending Counseling fee to the Court or directly to the CCRC as the court shall determine, prior to any re-referral to Child Custody Recommending Counseling. [Effective date 1/1/12]

11. A willful failure to participate in Child Custody Recommending Counseling prior to any hearing on contested issues of custody and/or visitation may result in sanctions. [Effective date 1/1/12]

B. Child Custody Recommending Counseling Orientation

1. Unless excused by the Court for good cause shown, all parties disputing child custody and/or visitation issues must attend a Child Custody Recommending Counseling Orientation Class prior to attending child custody Child Custody Recommending Counseling. [Effective date 1/1/12]

2. The moving party shall serve the Order to attend Child Custody Recommending Counseling Orientation upon the other party along with any notice or order to show cause. [Effective date 1/1/12]

3. In the absence of an agreement approved and ordered by the court (discussed below in section (E), upon conclusion of Child Custody Recommending Counseling Orientation parties shall be referred to an offsite CCRC. [Effective date 1/1/12]

4. Parties who appear in Court without having participated in Child Custody Recommending Counseling Orientation may be ordered to attend the orientation program unless waived by the Court for good cause shown. The Court may continue the matter to a date set by the Court to allow both parties to complete Child Custody Recommending Counseling Orientation and Child Custody Recommending Counseling. The Court may make temporary orders for support, custody, or such other relief as may be appropriate, pending completion of the Child Custody Recommending Counseling process. [Effective date 1/1/12]

5. A willful failure to participate in Child Custody Recommending Counseling Orientation may result in imposition of sanctions. [Effective date 1/1/12]

C. Emergency Child Custody Recommending Counseling

1. For good cause shown, the Court may order parties to participate in emergency offsite or emergency onsite Child Custody Recommending Counseling and subsequently thereafter participate in further Child Custody Recommending Counseling. Good Cause for emergency Child Custody Recommending Counseling includes but is not limited to: concerns of serious physical or emotional abuse, sexual abuse, and exposure to domestic violence, child neglect, and substance abuse creating a risk of harm to a minor child, risk of parental flight, or other emergency circumstances deemed appropriate by the court. [Effective date 1/1/12]

D. Six Month Waiting Period: In the absence of further Order of the Court for good cause shown, parties are limited to no more than one referral to Child Custody Recommending Counseling in a six-month period. [Effective date 1/1/12]

E. Child Custody Recommending Counseling Agreements

1. If parties reach an agreement in Child Custody Recommending Counseling, the agreement shall be forwarded to the court for approval. [Effective date 1/1/12]

2. Unless one or both of the parties is represented by counsel, if the parties reach agreement at the Child Custody Recommending Counseling Orientation, the agreement shall be forwarded to the court for approval. [Effective date 1/1/12]

3. In the event one or both of the parties is represented by counsel, any agreements reached at Child Custody Recommending Counseling Orientation shall firstly be approved by counsel before the agreement of the parties shall become an Order of the Court. [Effective date 1/1/12]

4. If the parties reach agreement in Child Custody Recommending Counseling, the CCRC shall report the agreement to the Child Custody Recommending Counseling Coordinator. The Coordinator shall direct the CCRC's letter and/or written agreement to a judicial officer for review and approval. Once approved and signed by a judicial officer, the agreement of the parties shall become a Temporary Order of the Court. Any party objecting to the agreement as written or otherwise objecting to the temporary order shall file a motion objecting to entry of the order within fifteen days after service of the signed order of the court. In the absence of a properly filed and noticed motion filed within fifteen days from service of the signed order, such temporary order shall become a valid and enforceable order. [Effective date 1/1/12]

F. Non-confidential Child Custody Recommending Counseling.

1. In the absence of a stipulation to the contrary, all Child Custody Recommending Counseling shall be deemed to be non-confidential Child Custody Recommending Counseling. [Effective date 1/1/12]

2. In the event the parties are unable to reach an agreement in Child Custody Recommending Counseling, the CCRC shall report such fact to the Court and shall make a recommendation in writing to the Court. The recommendation of the CCRC shall contain the reasons for the recommendation and any other pertinent information disclosed by any party to the Child Custody Recommending Counseling, or obtained by the CCRC through contact with third parties. The CCRC's recommendation shall include proposals for living arrangements for each minor child, times and places of parenting exchanges, and any restrictions and/or conditions for the exercise of parenting time. [Effective date 1/1/12]

3. The Child Custody Recommending Counseling Coordinator shall file the Child Custody Recommending Counseling recommendation and report in a confidential envelope. It shall be

the responsibility of the parties or their attorneys to bring the matter before the Court by properly filed and noticed motion. The Child Custody Recommending Counseling report shall not be attached to any pleadings. [Effective date 1/1/12]

4. The Court shall receive the recommendation of the CCRC into evidence at the time of the hearing of the matter for which Child Custody Recommending Counseling was ordered. No foundational or authentication evidence of the recommendation shall be necessary prior to admission of the recommendation. [Effective date 1/1/12]

5. Any party may cross-examine a CCRC with regard to that CCRC's recommendation, subject to the notice and appearance fee requirements set forth in this rule. [Effective date 1/1/12]

6. Any party may subpoena a CCRC to testify in Court in a non-confidential Child Custody Recommending Counseling case. Such subpoenas shall direct the CCRC to report only at such times as the Court directs for the hearing of cases involving the testimony of CCRCs. Any subpoena of a CCRC must be served no less than twenty-eight (28) days prior to the hearing in question. The fee for the CCRC's appearance shall be set by the CCRC but shall not exceed $125.00 per hour. Any party issuing a subpoena for a CCRC shall deposit a check of $400 as an initial fee paid directly to the CCRC at the time of service of the subpoena to compensate for time spent by the CCRC preparing for testimony and to clear their private practice calendars to appear for the court hearing. The CCRC may bill the party who issued the subpoena for any remaining time spent (over 3 hours) in offering testimony at the rate of $125 per hour. This fee includes travel time, court time, and court preparation time. [Effective date 1/1/12]

7. In the event the hearing for which a CCRC has been subpoenaed is continued or otherwise cancelled, notice of the continuance or cancellation shall be provided to the CCRC at least ten days prior to the scheduled hearing. In the absence of ten days notice, the appearance fee of the CCRC shall be deemed earned and the party posting the fee shall not be entitled to a refund of any portion of the fee paid. [Effective date 1/1/12]

G. Challenges to Assigned CCRCs

1. Each party may seek removal of one CCRC without necessity of showing cause during the pendency of the case. The request to remove shall be made within seven calendars days from the mailing or noticing of the Child Custody Recommending Counseling assignment by the Court. A party or counsel may call the Child Custody Recommending Counseling Coordinator with the peremptory challenge, which must thereafter be confirmed by the party and/or attorney in writing. Fax notification of the challenge to the Court is acceptable. This rule does not apply when the assignment is for purposes of emergency Child Custody Recommending Counseling. [Effective date 1/1/12]

2. The ability to peremptorily challenge an assignment does not apply to the assignment of other evaluators appointed by the court, including custody evaluators appointed pursuant to Family Code section 3110.

3. The Director of Family Court Services or any judicial officer may relieve a CCRC at any time upon a showing of good cause. [Effective date 1/1/12]

4. Upon a re-referral to Child Custody Recommending Counseling, if both parties stipulate and agree in writing to a reassignment to a new CCRC, the Court shall consider a reassignment upon a finding of good cause. [Effective date 1/1/12]

H. Contact with CCRCs

1. Absent a stipulation to the contrary, there shall be no ex parte contact by either party or counsel to the Court or to any assigned CCRC or evaluator, except for procedural issues and as noted below. [Effective date 1/1/12]

2. Any information provided to a CCRC or evaluator shall be accompanied with a proof of service verifying service upon the other party with a copy of all submitted materials at least three days prior to any Child Custody Recommending Counseling appointment. [Effective date 1/1/12]

3. Each counsel may submit to the CCRC an "attorney input letter," which must not exceed one double-spaced page. The letter shall be provided to the opposing party and/or counsel at least three days before the scheduled Child Custody Recommending Counseling appointment. [Effective date 1/1/12]

4. The CCRC shall not be required to read more than thirteen pages of documents submitted by any one party. [Effective date 1/1/12]

5. The CCRC or evaluator shall not consider submitted documents from parties or their counsel in the absence of a proof of service verifying service upon the opposing parties at least three days prior to the scheduled Child Custody Recommending Counseling appointment. This applies to any written documents, audiotapes, videotapes, and photographs. Audiotapes shall not be considered if the party being taped was unaware of the taping. [Effective date 1/1/12]

RULE 30.2 ~~CONFERENCE PRIOR TO DOMESTIC RELATIONS LAW AND MOTION MATTERS~~ MANDATORY MEET AND CONFER REQUIREMENTS

A. <u>Meet and Confer Prior to Hearing</u>

Except as provided elsewhere in these rules or by provision of law, upon service of an Order To Show Cause, a Notice of Motion, a Request for Order, or any other documents for which a hearing has been set, the parties and/or attorneys must contact each other before the date of the hearing and make at least one peaceable attempt to settle all of the issues of the hearing. Each party and attorney must make good faith, reasonable proposals on all issues, attempting actual settlement thereof. This settlement attempt may be in writing, by fax or e-mail, by telephone, or in person. If the issues include child support or temporary spousal support, the parties or attorneys must exchange DissoMaster™, Xspouse™ or such other computerized support calculations as authorized by statute and California Rules of Court, rule 5.275, as part of their settlement attempts. If after meeting and conferring, the parties or their attorneys *both agree* that the hearing is not necessary, *both* parties or attorneys must immediately notify the court. Failure to meet and confer as required herein may result in the matter being delayed, or postponed,

or dropped from calendar, or sanctions or other remedies imposed in the court's discretion.

B. <u>Meet and Confer on the Date of the Hearing</u>
On the day of the hearing and prior to calling of the calendar, the parties and attorneys must meet and confer again to review the issues pending before the court, to inspect and exchange all relevant documents, and to exchange information in a good faith attempt to settle all of the issues of the hearing. They must also cooperate so as to clearly outline and efficiently present the settled and unsettled issues to the court at the hearing. Documents and information not exchanged prior to the hearing may not be considered by the court, in the court's discretion. Failure to meet and confer as required herein may result in the matter being delayed, or postponed, or dropped from calendar, or sanctions or other remedies imposed in the court's discretion.

C. <u>Meet and Confer Rule for Parties Subject to Restraining Orders</u>
This meet and confer rule does not require the parties themselves to meet and confer personally if there are any restraining orders, issued by any court whatsoever, requiring one party to "not contact" or "stay away" from any other party to the same action, if such restraining orders are in effect at the time of the law and motion proceeding. However, the parties' attorneys, if any, must meet and confer as stated herein, and any party representing himself or herself must meet and confer with the opposing party's attorney, if the opposing party is represented. At the hearing, the court may in its discretion order the parties themselves to meet and confer under conditions that the court deems appropriate.

D. This meet and confer rule *does not apply*, except as stated in the immediately preceding paragraph, to moving papers that are filed under or concern:

(i) The Domestic Violence Prevention Act (Family Code §§ 6200 – 6409, as plead in Judicial Council forms DV-100 through DV-810);

(ii) Civil harassment actions (Code of Civil Procedure § 527.6, as plead in Judicial Council forms CH-100 through CH-151);

(iii) Workplace violence (Code of Civil Procedure § 527.8, as plead in Judicial Council forms WV-100 through WV-150); or,

(iv) Elder or dependent adult abuse (Welfare and Institutions Code §15657.03, as plead in Judicial Council forms EA-100 through EA-150).

E. All litigants must be provided with the court's standard form Meet And Confer Orders (Placer County Local Form no. PL-FL011) as in effect at the time of the proceeding, as said standard form may be amended from time to time. A copy of the standard form Meet and Confer Orders shall also be included in any moving papers served on a litigant in any family law matter.

F. This rule does not apply to moving papers that are filed by the Department of Child Support Services ("DCSS"), so long as the DCSS has and uses adequate "meet and confer" procedures of its own that meet the purposes of these mandatory meet and confer requirements as required by the assigned judicial officer for DCSS cases.

[Effective date 1/1/13]

~~All counsel shall meet and confer before each scheduled domestic relations law and motion hearing and make a reasonable effort to resolve disputed issues pending before the Court. Counsel shall exchange, in advance of the hearing, and at the first practical opportunity, all documents which are intended to be offered to the Court, including declarations, evidence or exhibits.~~

~~In the event that the meet and confer requirements are not satisfied, the Court may take any of the following actions:~~

~~A. Continue the hearing.~~
~~B. Set a hearing for the imposition of sanctions.~~
~~C. Assess reasonable attorneys fees against the non-complying party.~~
~~D. Strike all or part of the non-complying party's motion or response, as the case may be.~~
~~E. Make such other orders as the Court may deem appropriate.~~

[Effective date 1/1/13]

RULE 30.3 TEMPORARY SUPPORT ORDERS

[Effective 1/1/12]

A. DURATION OF SUPPORT ORDERS

Unless otherwise specifically stated, all temporary orders shall remain in effect until further order of the court, unless sooner terminated by operation of law.

B. STIPULATIONS TO ESTABLISH OR MODIFY SUPPORT ORDERS

Stipulations concerning temporary child support orders shall comply with Family Code section 4065 and shall contain a declaration by the parties that the right to support has not been assigned to the county pursuant to Welfare and Institutions Code section 11477 and that no public assistance application is pending.

In cases in which the Department of Child Support has intervened, the signature of a representative of the Department of Child Support Services must appear on the stipulation.

C. CHILD SUPPORT

Statewide Uniform Guideline

Child support shall be calculated by application of the formula commonly known as the Statewide Uniform Guideline for Determining Child Support, subject to deviations therefrom as provided by law.

D. SPOUSAL OR DOMESTIC PARTNER SUPPORT

1. Application of Local Temporary Spousal or Domestic Partner Support Formula
The following rule shall be a discretionary guideline for awarding temporary support in marital and domestic partnership dissolution cases:

a. "No child" support cases
In cases where there is no child of the relationship for whom the parties to the action have a legal duty to provide support, the Alameda County Guideline formula will be applied for temporary spousal or domestic partner support using 40% of the net income of the payor minus 50% of the net income of the payee.

b. Child support cases
In cases where there is a child of the relationship for whom the parties to the action have a legal duty to provide support, temporary spousal or domestic partner support shall be calculated according to the Alameda County Guideline.[1]
[Effective date 1/1/12]

RULE 30.4 STANDARD DISCOVERY IN FAMILY LAW CASES

In any family law proceeding wherein a party is seeking either child or spousal support, each party shall exchange the following documentation without the necessity of a request therefore, at least five (5) calendar days prior to the scheduled hearing:

A. Copies of the two (2) most recent paychecks or stubs.

B. Federal and state income tax returns for the last two (2) years.

C. Copies of any current W-2, W-4 and 1099 forms.

D. Business entity Federal and State income tax returns for the last two (2) years.

E. Any other documentation requested by the opposing party, provided such request is made in writing at least ten (10) days prior to the scheduled hearing. The party required to produce such additional documentation, however, may raise in writing any objection to the production of said documentation, provided that such objection be conveyed to the requesting party prior to the date of the

[1] In child support cases, Alameda County Guideline uses 35% for the payor and 40% for the payee in calculating temporary spousal and domestic partner support orders.

scheduled hearing and provided, further, that the objecting party brings the subject documentation to the scheduled hearing. The Court shall resolve any objection at the hearing. Failure to object as herein provided may be deemed a waiver of any objection to the production of the requested documentation.

F. If a party fails to comply with this rule, upon request of a party or upon the Court's own motion, the Court may take any of the following actions at the scheduled hearing:

1. Continue the hearing.

2. Set a hearing for imposition of sanctions.

3. Assess reasonable attorney fees against the non- complying party.

4. Strike all or part of the non-complying party's motion or response, as the case may be.

5. Make such other orders as the Court may deem appropriate.
[Effective date 7/1/01]

RULE 30.5 **SUBSECTION DELETED** [Effective date 1/1/11]

RULE 30.5.1 **APPOINTMENT OF CUSTODIAL EVALUATION PURSUANT TO EVIDENCE CODE SECTION 730 AND FAMILY CODE SECTION 3110 REPORT** [Effective date 7/1/03]

A. In the event the Court orders a custody evaluation pursuant to Evidence Code section 730 upon stipulation of the parties, the report of the evaluator shall be received into evidence without further need for authentication unless an objection is filed one week prior to the scheduled hearing. [Effective date 7/1/01]

B. Court orders for a 3110 child custody evaluation shall specify how much each party shall pay for their share of the evaluation. The court order will specify the division of fees between the parties. The average fee is $750 for each parent. [Effective date 1/1/11]

C. The commencement of the 3110 child custody evaluation will not begin until the retainer fee has been paid and the Director of Family Court Services has received notice of the payment. The Director of Family Court Services shall then assign a court connected child custody evaluator. [Effective date 1/1/11]

D. Child custody evaluators shall complete a billing statement and submit to the Director of Family Court Services for review and payment. The billing statement shall outline time spent interviewing the parties, making collateral contacts, reviewing the court file and writing a detailed report. In no case shall an evaluator be paid more than $1,500 for a single evaluation, unless authorized by stipulation of the parties/attorneys to pay the evaluator for extra time. [Effective date 1/1/12]

E. The child custody evaluator shall not be required to read and review more than 30 additional pages of collateral documentation received from each party. All collateral documents must be

received with a Proof of Service. These pages are in addition to the pages already contained in the file prepared for the child custody evaluator by the Family Court Services Office. [Effective 1/1/12]

F. The public may contact the Office of Family Court Services at the Santucci Justice Center to locate qualified child custody evaluators or check the Placer Superior Court's website at www.placer.courts.ca.gov. [Effective 1/1/12]

G. Each court connected child custody evaluator will complete form FL 325 to certify that they have met all of the qualifications for court-connected evaluators under this rule for a given year (Rule of Court 5.225). [Effective date 1/1/12]

RULE 30.6 CONTACT BETWEEN COURT-APPOINTED EVALUATORS AND MINOR CHILDREN

The following rule is adopted pursuant to California Rules of Court, Rule 5.220: [Effective date 7/1/05]

A. Disclosure of Non-confidential nature of evaluations. There shall be a presumption that any person conducting an evaluation for the Court, except a Court appointed CCRC engaged in a confidential Child Custody Recommending Counseling, shall disclose to any minor child over the age of five (5) years that the Child Custody Recommending Counseling or evaluation is not confidential. When a minor child of any age is represented by counsel, the decision whether the child shall be informed of the lack of confidentiality shall be solely with counsel for the minor.
[Effective date 1/1/12]

B. Evaluation of parents with children. It shall be preferred, but not required, that when a child is seen with one parent or party as part of an evaluation, that the child be seen with the other parent or party.

C. Interviews with siblings. Where a mental health expert is appointed to evaluate the parties or the children pursuant to Evidence Code §730, interviews with siblings shall be, at least in part, conducted separate from other siblings. This subdivision shall not apply to CCRCs or probation officers. [Effective date 1/1/12]

D. Interview of only one parent or party. Unless otherwise ordered by the Court, an evaluation may be based upon the interview of only one parent or party only in the following situations:

1. When the other parent or party refuses to participate in the evaluation;

2. Where the other parent or party fails to participate in the evaluation process through his or her own fault;

3. Where the other parent or party engages in conduct which is obstructive, obnoxious, threatening toward the evaluator, or the other party has repeatedly canceled appointments and has not made himself or herself readily available for appointments;

4. When the other parent or party is not reasonably available for interview or evaluation in person due to any reason, and evaluation of that parent is impractical, unduly burdensome, or impossible;

5. When an evaluation of the other parent or party is unnecessary to resolve the issues before the Court.

E. Use of Reports or Evaluations. All reports or evaluations concerning child custody or visitation shall be deemed confidential, and shall not be open to inspection by the public. Said reports or evaluations shall be maintained within each file in an envelope clearly marked as containing confidential material.

1. Access to Reports. Access to reports shall be restricted to the following persons:

a. The attorneys for any party, including a minor child's attorney;

b. Any party representing himself or herself *in propria persona*;

c. Other evaluators retained for the purpose of litigation, whether or not court appointed;

d. Court appointed child custody CCRCs, court appointed child custody evaluators**,** and court appointed probate guardianship investigators may consult with one another and have access to each others prior and current reports regarding the same family. [Effective date 1/1/12]

Access to reports by minor children shall not be allowed, except through counsel appointed to represent the minor. No party, attorney for a party, or other evaluator shall disclose to or discuss with a minor child any portion of a report or evaluation, except by written order of the Court, for good cause shown.

Except upon order of the Court, no portion of any report of a Court appointed evaluator shall be disseminated to any person or entity not concerned with the litigation in which the issue of custody or visitation is pending. This provision does not prohibit a party or counsel for a party from providing a personal therapist for any party or minor child from receiving all or a portion of the evaluation.

The following documents are deemed to be confidential and are not available for inspection by the parties or their attorneys regarding Child Custody Recommending Counseling and child custody evaluation reports: 1) Access/CPS notes and reports, 2) CII records, 3) medical reports, 4) mental health professional's reports, 5) restricted law enforcement reports, 6) substance abuse reports, and 7) CCRC's and evaluator's notes**,** 8) Placer Family Court Services Client DV Information Sheet and Placer County Child Custody Recommending Counseling Information Packet. Parties seeking to inspect such reports must petition the Court for an order permitting such inspection. To the extent that the contents of such reports have been disclosed in another manner, or have otherwise been made discoverable, such documents will no longer be deemed confidential. [Effective date 1/1/12]

2. Use of Report information. The information provided in any evaluation made to the Court shall be used only in the litigation pending before the Court, except by order of the Court.

F. Grievance Procedures. Any grievance concerning a court-ordered evaluation or child custody Child Custody Recommending Counseling report shall be directed to the Director of Family Court Services. Those grievances which are not, on their face, frivolous, or made in bad faith, shall be the subject of inquiry by the Court or its personnel. The results of the inquiry shall be communicated either in writing or verbally to the person making the grievance. The person filing the complaint shall be provided the Family Court Services complaint packet. The complaint packet shall be returned to the Director of Family Court Services for review. If the complaint concerns the Director of Family Court Services, the complaint shall be reviewed by the Supervising Family Court Judge or Court Executive Officer. [Effective date 1/1/12]

G. Fee for Subpoena. Should an attorney or pro per litigant subpoena the court employed child custody evaluator to testify at a court hearing or at a deposition, a fee of $150 shall be paid to the Court at the time the subpoena is served {Government Code 68096.1(b)}. This fee shall be applied to the time spent by the evaluator to prepare for testifying. The party who files the subpoena may receive a refund if no time was spent preparing or may receive a subsequent bill if the time the evaluator spent preparing exceeds the $150 deposit. The rate of billing is equal to the evaluator's total hourly cost to the Court. Any deposition of the Court employed child custody evaluator shall be arranged and agreed to with the evaluator at least twenty (20) days in advance. [Effective date 7/1/03]

H. If the evaluator is a contractor with the Court and assigned under Family Code 3111, they may set their own hourly rate for testimony, which shall be paid at the time the subpoena is served on the evaluator. The contracted child custody evaluator may require a deposit at the time of service of the subpoena to compensate for the amount of time spent to prepare for testimony, deliver direct testimony, and for clearing their private practice as well as for travel time. Any deposition of the contracted child evaluator shall be arranged and agreed to with the evaluator at least twenty (20) days in advance. [Effective date 7/1/05]

RULE 30.7 APPROVAL AND INCORPORATION OF AGREEMENTS AND STIPULATIONS IN FAMILY LAW MATTERS

No property settlement agreement, or stipulation or agreement for entry of any order or judgment wherein the parties settle any issue relating to property, support, custody, visitation or paternity will be approved by the Court or incorporated by reference into a judgment without meeting the following requirements:

A. If both parties are represented by counsel, the agreement must be signed by both parties and their respective counsel.

B. If any one of the parties is represented by counsel, the agreement must be signed by both parties and the attorney for the represented party. The signature of the unrepresented party must be notarized, or acknowledged before a clerk of the Court under Civil Code §1181(a) and must appear immediately after the following statement: [Effective date 7/1/01]

"The undersigned party has been advised to consult an attorney regarding the subject matter of this agreement, but has declined to do so."

C. If neither party is represented by counsel, the agreement must be signed by both parties. The signatures of the parties must be notarized, or acknowledged before a clerk of the court under Civil Code §1181(a) and are to appear immediately after the following statement:

"The undersigned parties understand that they have the right to consult an attorney regarding the subject matter of this agreement and knowingly give up that right." [Effective date 7/1/01]

RULE 30.8 ORDERS AFTER HEARING IN FAMILY LAW CASES

A. Order After Hearing- Approval As To Form: After any hearing, except as noted below, wherein one or both of the parties is represented by counsel, the party preparing the Order After Hearing shall provide the prepared Order to the opposing counsel or party (if self-represented) for purposes of review and approval as to the form of the Order After Hearing. The opposing counsel or party (if self-represented) shall respond to the preparing party within ten days after service of the proposed order as to whether there are any objections to the form of the order as prepared. In the event no objection is made within the time proscribed, the party preparing the order may thereafter submit the Order to the court for approval and the Court shall presume the Order is accurately prepared. This rule does not apply to an Order After Hearing prepared in open court. This rule does not apply to Orders prepared by the Facilitator's Office. [Effective date 1/1/11]

B. An original and not less than three (3) copies of proposed orders sought under the Domestic Violence Prevention Act (Family Law Code section 6200, et seq.) and orders restraining harassment under CCP section 527.6 shall be lodged with the Court at the time of the filing of the motion or shall be brought to the hearing on the motion. [Effective date 7/1/01]

RULE 30.8.1 REVIEW HEARINGS

A. In the event the court sets a future review hearing, the court or the parties shall specify the issues to be addressed at that hearing. The hearing shall then be limited to the scope of those issues. Seven days prior to the review hearing, both parties shall file and serve a supplemental declaration clarifying the status of remaining issues to be addressed at the hearing. If the review hearing will address support or attorney fees, both parties shall file and exchange updated Income and Expense Declarations with all required attachments pursuant to CRC 5.128. [Effective date 1/1/12]

RULE 30.9 STATEMENTS OF ISSUES AND CONTENTIONS

A. Time for Filing. A Statement of Issues and Contentions and an updated Income and Expense Declaration must be filed by each party and served on the other side at least twenty-four (24) calendar days prior to the trial date. [Effective date 7/1/08]

B. Failure to File. In the event either party fails to file such a Statement of Issues and Contentions, the Court may award any other party reasonable attorney's fees and may impose sanctions payable to the Court. In addition, the Court may continue or vacate the existing trial

date, drop the case from the civil active list, or preclude the defaulting party from litigating certain or all issues. [Effective date 7/1/08]

C. Contents. Each party shall set forth the following information in the Statement of Issues and Contentions:

a. The party's contentions with respect to each asset and obligation sought to be disposed of by the Court, including any "credits" or "charges" to which the party claims entitlement;
b. A factual and legal analysis of all issues of tracing, characterization, reimbursement, credits and apportionment of property;
c. The party's contentions and specific proposals with respect to the issues of child custody, parenting time, and child support;

The party's contentions and specific proposals with respect to the issue of spousal support giving full consideration of the applicable factors under Family Code §4320. [Effective date 7/1/08]

RULE 30.10 FAMILY LAW FACILITATOR

The Family Law Facilitator, operating as the "Legal Help Center" is authorized to perform all duties set forth in Family Code §10005, all duties set forth in the Court's Self Represented Litigants Action Plan, and such other duties as the Court may prescribe. [Effective date 1/1/07]

RULE 30.11 SUBSECTION DELETED [Effective 7/1/09]

RULE 30.11.1 EX PARTE ORDERS

(A) Filing the Application: A party may seek affirmative relief by ex parte application. The moving party shall present applications for ex parte orders in family law matters to the filing clerk at the family law filing window at the Santucci Justice Center between the hours of 8:30 a.m. and 1:30 p.m. The matter will then be referred to the appropriate department. [Effective 7/1/09]

The application may be presented by the moving party to the civil clerk at the Tahoe Division Court located at 2501 North Lake Boulevard, Tahoe City, California between the hours of 8:00 and 3:00 p.m. The matter will be set for hearing in Department 14. [Effective 7/1/09]

(B) Contents of Application: An ex parte order will be issued only if the application is accompanied by an affidavit or declaration adequate to support its issuance. Counsel or pro per party will not be permitted to orally augment affidavits or declarations. An ex parte application for affirmative relief will not be granted absent a showing that immediate, significant and irreparable injury will occur unless the relief is granted. [Effective 7/1/09]

(C) Notice Requirements to the Adverse Party for Affirmative Relief: The party seeking ex parte relief is required to provide reasonable notice to the adverse party. Reasonable notice is presumed to be not less than 24 hours. The moving party shall deliver his or her moving papers to the

adverse party at the earliest reasonable opportunity in advance of the ex parte appearance, using the most expeditious means available, including, but not limited to personal delivery or facsimile transmission. Reasonable notice means that the other party is informed of the relief being requested by the moving party. [Effective 7/1/09]

(D) Notice Requirements to the Court for Affirmative Relief: The party seeking ex parte relief is required to provide at least 24 hours notice to the Court that an ex parte application will be filed. The party shall complete the Local Form entitled "Notice of Ex Parte Hearing" at least 24 hours before the ex parte hearing. The completed form shall be faxed to the Court at (916) 408-6285 or presented to the filing clerk at the family law window at the Santucci Justice Center. [Effective 7/1/09]

A party filing in the Tahoe Division shall fax the notice to (530) 584-3471 or present to the civil clerk at 2501 North Lake Boulevard, Tahoe City, California between the hours of 8:00 a.m. and 3:00 p.m. [Effective 7/1/09]

(E) Exception to Notice Requirements to the Adverse Party for Affirmative Relief: The 24-hour notice to the adverse party referenced above can be waived by the Court if the affidavit or declaration clearly shows that giving notice would frustrate the purpose of the proposed order. [Effective 7/1/09]

(F) Hearings on Ex Parte Matters: The moving party is directed to file the application for ex parte orders and the supporting documents at the family law filing window at the Santucci Justice Center. The adverse party is directed to appear in Department 41. In the event the matter is not referred to Dept. 41, the adverse party will be directed to the appropriate department by the courtroom clerk in Dept. 41. If after 15 minutes of the noticed time to appear, the moving party does not appear, the courtroom clerk in Dept. 41 may release the responding party. The court may impose sanctions for a moving party's failure to appear at or cancellation of an ex parte hearing without good cause after the moving party notices the ex parte hearing. [Effective 7/1/09]

All hearings in the Tahoe Division will be in Department 14 and the hearings shall be conducted as set forth above. [Effective 7/1/09]

RULE 30.11.2 ORDERS SHORTENING TIME

(A) An order shortening time for a hearing will not be granted absent a showing of good cause. The failure of moving party to handle legal matters in a timely fashion is insufficient basis for granting an order shortening time. [Effective 7/1/09]

(B) Stipulation for Orders Shortening Time for Hearing and/or Service of a Notice of Motion or Order to Show Cause: If both parties and/or attorneys stipulate to an order shortening time for hearing or service of a notice of motion or order to show cause, then the moving party shall submit the following documents to the clerk at the family law filing window at the Santucci Justice Center, or civil clerk at the Tahoe Division: (1) a stipulation signed by both parties and/or attorneys demonstrating that the order shortening time is agreed upon; (2) a list of at least three proposed agreed upon dates for the hearing; (3) a written affidavit or declaration demonstrating good cause for the order shortening time; (4) the Notice of Motion or Order to Show Cause and all supporting documents. Such documents shall be reviewed by the Court without a hearing. [Effective 7/1/09]

(C) No Stipulation for Orders Shortening Time for Hearing and/or Service of a Notice of Motion or Order to Show Cause: If the parties and/or attorneys do not stipulate to an order shortening time for hearing or service of a notice of motion or order to show cause, then the following provisions apply [Effective 7/1/09]:

(1) Notice to Adverse Party: The moving party must give notice to the adverse party at least 24 hours prior to presenting the proposed order shortening time and moving papers to the court. [Effective 7/1/09]

(2) Service of Documents on Adverse Party: The moving party shall deliver his or her moving papers to the adverse party at the earliest reasonable opportunity in advance of presenting the moving papers to the court, using the most expeditious means available, including, but not limited to, personal delivery or facsimile transmission. [Effective 7/1/09]

(3) Filing the Application: The moving party shall submit the following documents to the clerk at the family law filing window at the Santucci Justice Center, or civil clerk at the Tahoe Division: (a) a written affidavit or declaration demonstrating good cause for the order shortening time; (b) a written affidavit or declaration stating the date, time and method in which the adverse party was given notice that the application for an order shortening time would be filed; (c) the Notice of Motion or Order to Show Cause and all supporting documents. [Effective 7/1/09]

(4) Opposing the Application: If the adverse party opposes the granting of the order shortening time, the adverse party may file a declaration stating the basis for such opposition. Such declaration must be filed with the court and served on the moving party within 24 hours of having been given notice by the moving party that the proposed order shortening time would be presented to the court. [Effective 7/1/09]

(5) Determination by the Court: The application for order shortening time and the opposition, if any, shall be reviewed by the Court without a hearing. [Effective 7/1/09]

RULE 30.12 ORDER PERMITTING JOINDER OF THIRD PARTY ASSERTING INTEREST IN FAMILY LAW ACTION

Any person not a party to a family law action who asserts an interest in a family law proceeding relating to custody of any child of the parties may petition the Court for an order permitting his or her joinder as a party to the family law action. In custody matters, the person seeking to be joined as a party shall file Placer County Form “Petition for Joinder of Party Asserting Interest in Custody”. [Effective date 1/1/06]

RULE 30.13 FAMILY LAW CASE MANAGEMENT

[Effective 1/1/08]

Upon notice to the parties, the court may implement case management procedures as set forth below in this rule:

(1) Purpose of the Rule. In order to promote the prompt disposition of family law actions, to expedite the processing of the case, and to reduce the stress and costs of family law litigation by offering status reviews, early resolution of issues, and opportunities to settle.
[Effective date 1/1/11]

(2) Case Management Calendar. Every new Family Law Petition for Dissolution, Legal Separation, Nullity, Custody and Support of Minor Child, and to Establish Paternity, filed after September 11, 2006, will be included in the Family Law Case Management Calendar. The Court will continue to monitor and supervise the case until a judgment or dismissal is entered.
[Effective date 7/1/07]

(3) Case Management Conferences. When a case is filed, the court clerk will set the First Case Management Conference, which will be approximately one hundred and twenty (120) days from the date of filing, and the court clerk will issue a "Notice of First Case Management Conference."
[Effective date 7/1/07]

(4) Service of the Notice of Case Management Conference. The Petitioner must, within sixty (60) days after filing the Petition, serve Respondent with all documents required under the Family
Code along with: (1) a copy of the Notice of Case Management Conference; and, (2) a blank copy of the Placer County Superior Court Family Law Case Management Conference Statement.
[Effective date 7/1/07]

(5) Placer County Superior Court Family Law Case Management Conference Statement.
Counsel or self-represented parties shall serve on the other party and file with the Court a Family Law Case Management Statement at least fifteen (15) calendar days before the Case Management Conference. See Local Form. If a Case Management Conference Statement is sent to the Court later than this deadline, it will be returned without being filed. The Case Management Conference Statement must include a brief statement of the nature of the case, the contested issues, what efforts have been made to meet and confer to resolve disputed issues, and whether an early settlement conference would assist parties to resolve issues. If children are involved, the report must state the current status of any requests for custody, visitation and support. [Effective date 1/1/08]

(6) Further Case Management Conferences. At the Case Management Conference, the Court may set further Case Management Conferences and may consider other case management options pursuant to Family Code §2451. [Effective date 7/1/07]

(7) Telephonic Appearances. Appearances at Case Management Conferences, when required or requested pursuant to Paragraph 8(ii) below, may be made through CourtCall. Requests for CourtCall appearances must be made directly to CourtCall at (888) 882-6878 at least two (2) court days prior to the hearing. [Effective date 7/1/07]

(8) Case Management Orders.

(i) If, upon review of the file and the Family Law Case Management Conference Statement, the Court determines that the matter is ready for trial, the Court may issue a Case Management Order. Such Order will be

issued at least six (6) calendar days before the Case Management Conference. The Case Management Order will include the mandatory settlement conference date, the trial readiness conference date, the trial date, and any other orders the Court deems necessary. The Case Management Order will be based on the information provided in the Family Law Case Management Conference Statement filed by the parties. [Effective date 7/1/07]

(ii) Any Case Management Orders will be posted on the Internet along with the Family Law Case Management Notes. If the Court issues a Case Management Order, no appearance at the scheduled Case Management Conference shall be required. However, if an attorney or self-represented party wishes to appear at the Case Management Conference to discuss the dates set by the Court, or any other matter which the attorney or self-represented party believes should be considered by the Court, the attorney or self-represented party must provide written notice that an appearance is requested to the Court and all other parties. The notice shall be faxed to the Family Law Clerk's Office of the Court and all other
parties no later than 3:00 p.m. on the Wednesday prior to the Case Management Conference. Upon receipt of the written request, the Court will place the matter on the Case Management Conference calendar and all parties will be required to appear. [Effective date 7/1/07]

(9) Case Management Conference Notes. Case notes will be posted on the Court's website and at the Family Law Clerk's Office not less than six (6) calendar days prior to the Case Management Conference. These notes will state whether an appearance is required, what the procedural status of the case is, and what future dates the Court has set in the case. The Court's website is located at: www.placer.courts.ca.gov. [Effective date 7/1/08]

RULE 30.14 TRIAL SETTING CASE MANAGEMENT CONFERENCES

[Effective date 7/1/08]

A. Setting a Trial Setting Case Management Conference. When a party determines that a case is ready for trial, that party shall file an At Issue Memorandum (Placer County Local Form FL-100). The court clerk, after the required time has passed for the filing of a Counter At Issue Memorandum, will set a Trial Setting Case Management Conference and will give notice to all parties of the date, time and department of such hearing.

B. Telephonic Appearances. Appearances at the Trial Setting Case Management Conference may be made through CourtCall. Requests for CourtCall appearances must be made directly to CourtCall at (888) 882-6878 at least two (2) Court days prior to the hearing.

C. Persons Attending. Attorneys and parties not represented by an attorney shall appear at the Trial Setting Case Management Conference. Parties who are represented by an attorney are not required to attend the Trial Setting Case Management Conference.

D. The Issuance of Trial and Related Dates. At the Trial Setting Case Management Conference, the Court will determine the issues being set for trial and the estimated length of trial. The Court will then set the Trial date, the Trial Confirming Conference date, the Mandatory Settlement Conference date, and the final date by which parties shall file their Statements of Issues and Contentions and their updated Income and Expense Declarations as set forth in Local Rule 30.9.

E. Available Trial Dates. At least five (5) Court days prior to the Trial Setting Case Management Conference, the Court will post available Trial and Related dates on the Court's internet website. If all parties to the action agree on the Trial and Related dates, the parties may follow the procedure in Local Rule 30.14(F) and no appearances at the Trial Setting Case Management Conference will be required. If all parties to the action do not agree on the Trial and Related dates, appearances at the Trial Setting Case Management Conference will be required.

F. Stipulation Regarding Trial Dates. If all parties to the action agree on the Trial and Related dates, the parties shall complete a Family Law Stipulation Regarding Trial Dates (Local Form FL-102) and file such Stipulation at least two (2) court days prior to the Trial Setting Case Management Conference. Faxed signatures will be accepted. There will be no filing fee for the filing of Local Form FL-102. At the Trial Setting Case Management Conference, the Court will adopt the stipulated dates and no appearances at the Trial Setting Case Management Conference will be required.

RULE 30.15 MANDATORY SETTLEMENT CONFERENCES

[Effective date 7/1/08]

A. Setting Mandatory Settlement Conferences. Upon the Court's own motion or at the request of any party, the Court may set one or more Mandatory Settlement Conferences. Such Mandatory Settlement Conference date, if one is set, will be set at the Trial Setting Case Management Conference.

B. Telephonic Appearances. Telephonic appearances are not permitted for Mandatory Settlement Conferences.

C. Persons Attending. All parties and their attorneys, if applicable, must personally attend the Mandatory Settlement Conference, unless excused by the Court for good cause.

RULE 30.16 TRIAL CONFIRMING CONFERENCES

[Effective date 7/1/08]

A. Setting Trial Confirming Conferences. At the Trial Setting Case Management Conference, the Court will set a Trial Confirming Conference. Such Trial Confirming Conference will be set at least ten (10) calendar days prior to the trial date.

B. Telephonic Appearances. Parties may appear by telephone at the Trial Confirming Conference by filing a Request to Appear by Telephone (Placer County Local Form FL-103) at least five (5) court days prior to the hearing date. Timely filed requests are

NAME, STATE BAR NO., ADDRESS & TELEPHONE NO. OF ATTORNEY OR UNREPRESENTED PARTY Attorney for:	FOR COURT USE ONLY
PLACER COUNTY SUPERIOR COURT 10820 JUSTICE CENTER DRIVE P.O. Box 619072 ROSEVILLE, CA 95661-9072	
PETITIONER: RESPONDENT:	
DECLARATION RE NOTICE TO OPPOSING PARTY OF □ EX PARTE HEARING □ ORDER SHORTENING TIME (Family Law)	CASE NO:

automatically granted without a court order. This will be a direct telephone call made by the courtroom clerk to the party at the time the matter is called for hearing.

C. Persons Attending. Attorneys and parties not represented by an attorney shall appear at the Trial Confirming Conference. Parties who are represented by an attorney are not required to attend the Trial Confirming Conference.

D. Purpose. At the Trial Confirming Conference, the Court will determine the readiness of the case for trial, assign the case out for trial to a specific department, or will return the case for a new Trial Setting Case Management Conference. The Court may also conduct a further settlement conference at the Trial Confirming Conference. All motions *in limine* and witness lists shall be filed with the courtroom clerk at the Trial Confirming Conference. Exhibits shall be presented to the courtroom clerk on the first day of trial.

1. I am □ counsel for □ Petitioner □ Respondent in this action.

2. The opposing party is represented by an attorney: □ Yes □ No
If you checked "yes", fill in the attorney's name address and telephone number:

3. I have given notice to_____ (name) of this □ Ex Parte hearing □ Request for Order Shortening time by:

[Complete either (a), (b), or (c)]
(a) Telephone call on _____ at _____ (a.m.) (p.m.)
Date
(b) In person on _____ at _____ (a.m.) (p.m.)
Date
(c) Other on _____ at _____ (a.m.) (p.m.)
Date

Describe other notice:_____

Or I have not given notice of this application for □ Ex parte orders □ Order Shortening Time for the following reason(s) indicated:

□ Giving notice would frustrate the purpose of the order (explain in detail) :_____
_____

NAME, STATE BAR NO., ADDRESS & TELEPHONE NO. OF ATTORNEY OR UNREPRESENTED PARTY Attorney for:	FOR COURT USE ONLY
PLACER COUNTY SUPERIOR COURT P.O. Box 5669 2501 North Lake Blvd. Tahoe City, CA 96145	
PETITIONER: RESPONDENT:	
DECLARATION RE NOTICE TO OPPOSING PARTY OF □ EX PARTE HEARING □ ORDER SHORTENING TIME (Family Law)	CASE NO:

□ I will suffer immediate and irreparable injury if notice is given (explain in detail):_____
_____

4. Describe the urgent circumstances that make it necessary for the Court to hear this matter prior to a normally scheduled court date: _____
_____

5. *Order Shortening Time Only*. Dates that Petitioner is unavailable for hearing (if known):_____
_____. Dates that Respondent in unavailable for hearing (if known):
_____
_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Signed at _____(city), California on _____(date).

_____ _____
TYPE OR PRINT NAME SIGNATURE OF DECLARANT
[Mandatory Form – Effective date 7/1/10]

1. I am □ counsel for □ Petitioner □ Respondent in this action.

2. The opposing party is represented by an attorney: □ Yes □ No
If you checked "yes", fill in the attorney's name address and telephone number:

3. I have given notice to_____ (name) of this □ Ex Parte hearing □ Request for Order Shortening time by:

[Complete either (a), (b), or (c)]
(a) Telephone call on _____ at _____ (a.m.) (p.m.)
Date
(b) In person on _____ at _____ (a.m.) (p.m.)
Date
(c) Other on _____ at _____ (a.m.) (p.m.)
Date

Describe other notice:_____

Or I have not given notice of this application for □ Ex parte orders □ Order Shortening Time for the following reason(s) indicated:

□ Giving notice would frustrate the purpose of the order (explain in detail) :_____
_____

□ I will suffer immediate and irreparable injury if notice is given (explain in detail):_____
_____

4. Describe the urgent circumstances that make it necessary for the Court to hear this matter prior to a normally scheduled court date: _____
_____

5. *Order Shortening Time Only*. Dates that Petitioner is unavailable for hearing (if known):_____
_____. Dates that Respondent in unavailable for hearing (if known):
_____
_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Signed at _____(city), California on _____(date).

_____ _____
TYPE OR PRINT NAME SIGNATURE OF DECLARANT
[Mandatory Form – Effective date 7/1/10]

NAME, STATE BAR NO., ADDRESS & TELEPHONE NO. OF ATTORNEY OR UNREPRESENTED PARTY Attorney for:	FOR COURT USE ONLY
PLACER COUNTY SUPERIOR COURT 10820 Justice Center Drive P.O. Box 619072 Roseville, CA 95661-9072	
PETITIONER: RESPONDENT:	
Notice of Ex Parte Hearing (Family Law)	_____ CASE NO:

1. I am □ counsel for □ Petitioner □ Respondent in this action.

2. I request that an ex parte hearing be set for the following date: _____ in Dept. 41 at _____am/pm.
(Date and time must be Mon-Fri. between 8:30am and 1:30pm at least 24 hours after this notice has been sent to the court and 24 hours after the other party has been notified.)

3. Pursuant to Placer County Superior Court Standing Order 09-001 (You must give 24 hour notice to the other side.), I am able to inform the opposing party _____(name) of this ex parte request by:

□ telephone call □ in person □ Other (describe)_____or
I have not given notice of this application for ex parte hearing because:

□ Giving notice would frustrate the purpose of the order (explain in detail):_____
_____
_

□ I will suffer immediate and irreparable injury if notice is given (explain in detail):_____
_____
_

Basis for request for ex parte orders:

1. Describe the issue(s) that must be considered at the ex parte hearing.
_____
_____

2. Describe in detail the emergency for the court to consider.
_____
_____
_____

3. Can any of the issues described above be deferred to a later hearing?
_____
_____

Dated: _____

_____ _____
TYPE OR PRINT NAME SIGNATURE OF DECLARANT

NAME, STATE BAR NO., ADDRESS & TELEPHONE NO. OF ATTORNEY OR UNREPRESENTED PARTY Attorney for:	FOR COURT USE ONLY
PLACER COUNTY SUPERIOR COURT P.O. Box 5669 2501 North Lake Blvd. Tahoe City, CA 96145	
PETITIONER: RESPONDENT:	
Notice of Ex Parte Hearing (Family Law)	_____ CASE NO:

Fax this form to the Court at (916) 408-6285, or bring to the Family Law filing window at 10820 Justice Center Drive, Roseville, CA .

[Mandatory Form – Effective date 7/1/10]

1. I am □ counsel for □ Petitioner □ Respondent in this action.

2. I request that an ex parte hearing be set for the following date: _____ in Dept. 14 at _____ am/pm. (Date and time must be Mon-Fri. between 8:30am and 1:30pm at least 24 hours after this notice has been sent to the court and 24 hours after the other party has been notified.)

3. Pursuant to Placer County Superior Court Standing Order 09-001 (You must give 24 hour notice to the other side.), I am able to inform the opposing party _____(name) of this ex parte request by:

□ telephone call □ in person □ Other (describe)_____or
I have not given notice of this application for ex parte hearing because:

□ Giving notice would frustrate the purpose of the order (explain in detail):_____
_____
_

□ I will suffer immediate and irreparable injury if notice is given (explain in detail):_____
_____
_

Basis for request for ex parte orders:

1. Describe the issue(s) that must be considered at the ex parte hearing.
_____
_____

2. Describe in detail the emergency for the court to consider.
_____
_____
_____

3. Can any of the issues described above be deferred to a later hearing?
_____
_____

Dated: _____

_____ _____
TYPE OR PRINT NAME SIGNATURE OF DECLARANT

Fax this form to the Court at (530) 584-3471, or bring to the Family Law filing window at the Tahoe Court.

[Mandatory Form – Effective date 7/1/10]

40.00 CRIMINAL RULES

RULE 40.1 DEFINITION OF TERMS

For the purpose of these rules the following terms and procedures shall apply:

A. Early Status Conference (ESC): Responsible counsel for the defense and prosecution shall attend the conference. The personal appearance of the defendant is mandatory unless excused, in advance, by the Court or an attorney appears for the defendant in compliance with Penal Code § 977. Prior to the ESC discovery shall have been exchanged. At the ESC the prosecuting attorney shall be prepared to make an offer to the defendant to settle the case. [Effective date 1/1/11]

B. Trial Confirming Conference (TCC): Responsible counsel for the defense and prosecution shall attend the conference. The personal appearance of the defendant is mandatory unless excused, in advance, by the Court or an attorney appears for the defendant in compliance with Penal Code § 977. The Court may, but is not required, to entertain further settlement discussions. If the case is not resolved by plea, counsel shall be prepared to advise the Court of the estimated length of trial, the nature and length of any *in limine* motions and any other matter affecting the scheduling of the case. Any calendar conflict of responsible trial counsel shall be resolved prior to the TCC by reassignment of the case to another attorney or by appropriate motion for continuance filed in a timely manner. [Effective date 1/1/11]

C. Trial Assignment (TA): The trial attorneys for the defense and prosecution shall attend trial assignment. In the event a trial attorney is unable to appear at trial assignment, another attorney may appear provided that he/she has complete authority for disposition of the case and is sufficiently familiar with the case so as to be able to meaningfully discuss the applicable factual and legal issues. Any trial attorney or attorney appearing for the trial attorney, who will be late or unable to appear at the trial assignment, must contact the trial assignment department as soon as reasonably possible prior to the commencement of the trial assignment calendar to explain the situation. The personal appearance of the defendant at trial assignment is mandatory unless excused, in advance, by the Court or an attorney appears for the defendant in compliance with Penal Code § 977. [Effective date 1/1/11]

D. Responsible Counsel: As used in these rules, the term "responsible counsel" means an attorney assigned to the case or an attorney appearing for an attorney assigned to the case with complete authority for disposition of the case and sufficiently advised of the factual and legal issues involved in the case so as to be able to discuss, in good faith, resolution of the case without necessity of trial. [Effective date 7/1/01]

RULE 40.2 MISDEMEANOR SETTINGS

A. At arraignment on a misdemeanor Complaint, the following court appearances will be set with the date(s) determined by the Court:

1. Early Status Conference (ESC)

2. If the defendant does not enter a time waiver for trial, the Court shall (1) set a TCC, TAC and Trial Date within the time requirements set forth in Penal Code § 1382 or (2) set an ESC within seven days.

[Effective date 7/1/12]

RULE 40.3 FELONY SETTINGS

A. At arraignment on a felony violation Complaint, the following court appearances shall be set and the dates determined by the Court:

1. Early Status Conference (ESC)

2. A Preliminary Hearing (PX) may be set within the Court's discretion. If the defendant does not waive time, the PX shall be set within the time requirements set forth in Penal Code § 859b.

B. If the defendant is held to answer, the Court shall set the following court appearances determined by the Court:

1. Arraignment on the Information shall be set within the time limits set forth in Penal Code § 1382.

2. If the parties stipulate that the Complaint be deemed the Information, the arraignment may take place immediately after the issuance of the holding order. The court would then set a TCC.

[Effective date 7/1/12]

RULE 40.4 CRIMINAL LAW AND MOTION

A. Except as otherwise provided by law or these rules, motions must be filed at least seven (7) days prior to the date of hearing in criminal matters. For the purpose of complying with the seven (7) day notice requirement of this rule, Section 12 *et seq*. of the California Code of Civil Procedure shall apply. All motions shall be made in writing accompanied by proof of service on all affected parties including, in the case of matters affecting sentencing or probation proceedings, the probation department. [Effective date 7/1/03]

B. Except as authorized herein, approval for shortened notice may only be obtained by appropriate written application for an order shortening time in compliance with the requirements of CRC 3.1200 *et seq*. [Effective 7/1/07]

C. In extraordinary circumstances, the Court may authorize the setting of criminal matters by oral request. In all such cases: (1) The fact of the request shall be personally communicated by counsel making the request to all other counsel affected and to the probation department in sentencing

and probation matters, and; (2) A declaration of such notice shall be filed at or before the time set for the hearing. The clerk shall place the appropriate form in the file indicating the setting.

D. Motions.

1. Where a motion concerns a defendant not in custody, it is the responsibility of counsel for the defendant to notify the defendant of the date and time of the hearing and to secure the appearance of the defendant unless excused, in advance, by the Court.

2. Where the motion pertains to a defendant in custody in the Placer County Jail, it will be the responsibility of the moving party to advise the clerk of such fact at the time of the filing of the motion. In addition, the moving papers shall contain the notation, "PLACER COUNTY JAIL" prominently placed above the case number in bold type. The clerk shall prepare an appropriate order for remand or production by the jail and forward the order promptly to the jail in advance of the hearing.

3. Where the motion pertains to a defendant in custody in a State Prison, State Mental Hospital, or other out-of-county facility, the pleading shall contain the notation, "State Prison Custody," "State Hospital Custody," or "[named county] Jail Custody," or other suitable notation above the case number in bold type. Where the motion pertains to a defendant in custody in a facility out of the county, the moving party shall prepare an appropriate request and order for production of the defendant, and shall forward such request to the Court for signature and processing on filing of the motion.

(a) In order to provide sufficient time for transportation of out-of-county custody defendants, at least fourteen (14) days notice shall be given of motions pertaining to such defendants. [Effective date 7/1/01]

RULE 40.5 DISCOVERY OF PLACER COUNTY PROBATION DEPARTMENT FILES

Rule 40.5 is adopted in compliance with Penal Code section 1203.10 and *County of Placer v. Superior Court (Stoner)* (2005) 130 Cal.App.4th 807, to define the process used to discover non-confidential contents of a defendant's criminal case file maintained by the Placer County Probation Department.

A. A defendant shall have the right to discover the non-confidential portions of his or her criminal case file(s) maintained by the Placer County Probation Department under the following circumstances:

1. The defendant must be pending either new criminal charges or a violation of probation.

2. The procedures in this rule apply only to the discovery of adult criminal files. The procedure for discovery of juvenile case files will be as defined in Welfare and Institutions Code section 827.

3. The procedures in this rule apply only to the discovery of the defendant's personal file(s). Discovery of files of other persons shall be governed by traditional rules and procedures.

B. The defendant and probation department are to observe the following procedure:

1. The request to review a file must be initiated by the defendant. The request must be in writing, but may be informal such as by FAX or memo, but shall reasonably identify the information being sought.

2. The probation department will have three (3) days to review the file to determine whether any of the requested information is confidential to the defendant and should not be disclosed.

3. The file(s) will be made available for review at the offices of the Placer County Probation Department, unless otherwise agreed by the parties.

4. The probation department will copy any non-confidential portions of the file(s) as requested by the defendant. The defendant shall pay for the copies at the rate authorized by Placer County code.

5. If the probation department determines that any portion of a file is confidential, the defendant shall be advised of the general nature of the information being withheld and the basis for considering it confidential. If the defendant wishes to contest the claim of confidentiality, the defendant must calendar a formal discovery motion with the Court. The Court will conduct an *in camera* review of the documents at issue to determine whether they are within the scope of the request for discovery and whether they are confidential. The Court will have the discretion to determine what documentation should be released and whether the release should be subject to a protective order. If either the probation department or the defendant disagrees with the Court's decision, such party may seek appropriate appellate review.

C. Nothing in this rule shall be construed to limit the obligation of the Placer County Probation Department to disclose material that is exculpatory in nature. (*Brady v. Maryland* (1963) 373 U.S. 83.) [Effective date 7/1/06]

RULE 40.6 REAL PROPERTY BONDS

A. A defendant or any other person may give as security any equity in real property which he or she owns provided, however, the value of the equity offered is equal to twice the amount of the cash bail required. (PC 1298)

B. Before a property bond may be accepted by the Court, a hearing must be held for a Court determination as to the applicant's equity in the real property. To set the matter for hearing, a

noticed motion with proof of service to the District Attorney must be filed with the Clerk at least ten (10) days prior to the date set for the hearing. The suggested form of motion for real property bond is attached as Exhibit A to this Rule. The following documents must be submitted as attachments to the motion:

1. Copy of the proposed promissory note in the amount of the required bond. (Approved form of promissory note attached as Exhibit B to this Rule)

2. Copy of the deed of trust to be recorded securing the promissory note and naming a recognized California title company as the trustee and the Superior Court of the County of Placer as the beneficiary. [Effective date 7/1/03]

3. Current preliminary title report concerning the property which has been prepared by a recognized California title company.

4. A current appraisal of the property performed by a certified real estate appraiser. The appraiser shall include a statement of the appraiser's training and experience.

5. Statements from all lien holders having liens against the property, showing the amount presently due on the obligation.

C. The Court may require additional evidence in order to ascertain the true equity in the property held by the applicants. All costs incurred to process the property bond and to comply with this Rule shall be borne by the applicant.

D. If the Court approves the property bond, the applicant shall record the deed of trust and then shall deliver to the Clerk the following documents:

1. The original signed promissory note.

2. Copy of the deed of trust showing its recorded status. The original deed of trust shall be returned by mail from the recorder's office to the Clerk.

3. An updated preliminary title insurance policy showing the recorded deed of trust for the subject note in the priority previously approved by the Court.

E. Upon the delivery to the Clerk of the foregoing documents, the applicant shall be entitled to obtain an ex parte order of the Court for the release of the designated defendant.

F. The Clerk shall deposit the original deed of trust and promissory note with the Clerk of the Court (Court Executive Officer) for safekeeping, maintaining copies of same in the case file. [Effective date 7/1/2012]

G. In the event the property bond is ordered forfeited, upon entry of summary judgment and order of the Court, the Clerk shall prepare an appropriate form of order for the Court's signature to release the original deed of trust and promissory note for the commencement of foreclosure proceedings. [Effective date 7/1/2012]

H. In the event the property bond is ordered exonerated, the defendant or defendant's representative shall prepare an appropriate form of order for the Court's signature directing the Clerk of the Court (Court Executive Officer) to release the original deed of trust and promissory note for the appropriate endorsement of the request for full reconveyance on the deed of trust and for the return of such endorsed deed of trust and original promissory note to the maker. [Effective date 7/1/2012]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER

THE PEOPLE OF THE STATE OF CALIFORNIA,	)	
	)	CASE NO:_____
	)	
	)	MOTION FOR
vs.	)	REAL PROPERTY BOND
	)	
	)	DATE:_____
	)	TIME:_____
	)	DEPT:_____
Defendant(s)	)	TRIAL DATE:_____

Applicant(s) _____ hereby make application for the approval of Real Property Bond.

Defendant's name:_____

Bond fixed in the amount of: $_____

Applicant(s) is/are the sole owner(s) of real property located at: Address:

Applicant's equity in such real property is equal to at least twice the amount of the required bond.

Attached in support of this motion are the following exhibits:

(1) A copy of the proposed promissory note in the amount of the required bond.

(2) A copy of the deed of trust to be recorded securing the promissory note and naming a recognized California title company as the trustee and the Superior Court of the County of Placer as the beneficiary. [Effective 7/1/03]

(3) A current preliminary title report concerning the property which has been prepared by a recognized California title company.

(4) A current appraisal of the property performed by a real estate appraiser. The appraisal includes a statement of the appraiser's training and experience.

(5) Statements from all lien holders having liens against the property, showing the amount presently due on the obligation.

I (we) declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____at _____, California.

_____
Signature

_____
Signature

CERTIFICATE OF MAILING
[Effective date 7/1/09]

I certify that I am over the age of 18 years and not a party to this action. Further, I certify that a true and correct copy of the foregoing motion (with all attachments) was mailed, first class, postage prepaid, at _____, California, in a sealed envelope addressed to: District Attorney, 10810 Justice Center Drive, Roseville, CA 95678, and that the mailing of the foregoing and execution of this certificate occurred this ____ day of _____, 20____.

_____

EXHIBIT A

PROMISSORY NOTE
[Effective date 7/1/08]

$_____ Date:_____

UPON DEMAND, for value received, the undersigned ("Maker") promises to pay in lawful money of the United States, to Placer County Superior Court ("Holder"), or order, at 10820 Justice Center Drive, Finance Office, Roseville, California 95678, or any other place designated in a writing submitted by Holder to Maker, the sum of $_____.

Whether or not suit is filed, Maker agrees to pay all reasonable attorneys' fees, costs of collection, costs, and expenses incurred by Holder in connection with the enforcement or collection of this Note.

This Note binds each of the undersigned, if more than one, jointly and severally, and shall be binding on them and their successors and assigns.

This Note is secured by a Deed of Trust, dated _____,
to _____[name of trustee], executed by Maker in favor of Holder.

_____
Signature of Maker

_____
[Typed name of Maker]

_____
Signature of Maker

_____
[Typed name of Maker]

EXHIBIT B

RULE 40.7 DECLARATION OF CONFLICTS OF INTEREST

The following rule is to guide the Court and counsel regarding the circumstances under which a conflict of interest is to be declared concerning the representation of a criminal defendant.

A. Application of the Rule: The conflicts rule shall be applicable to declarations of conflict by any appointed counsel, whether such counsel is the Placer County Public Defender, Conflicts Firm, or private attorney appointed by the Court.

B. Construction of Rule: Whenever possible, consistent with legal ethics and the fundamental right of any criminal defendant to be represented by counsel who is free of conflicts of interest, this rule shall be liberally construed to *avoid* a declaration of conflict so as to give full and appropriate effect to contractual arrangements between the County of Placer and appointed counsel.

C. Multiple Defendant Cases:

1. Counsel appointed by the Court shall not represent different defendants involved in the same or related criminal conduct, whether or not the defendants are separately or jointly charged.

2. Privately retained counsel shall not represent multiple defendants charged in the same criminal proceeding unless a full and knowledgeable waiver is obtained from each defendant in writing and orally in open court after inquiry by the Court.

3. Declarations of conflict in multiple defendant cases may be made by any attorney without the prior approval of a supervising attorney.

4. Whenever a conflict is declared, to the extent possible, the Public Defender shall retain the client having the more serious or complex case from that of the Conflicts Firm; the Conflicts Firm shall retain the client having the more serious or complex case from that of private appointed counsel.

D. Conflicts with Current Clients:

1. Counsel appointed by the Court shall not represent a defendant where an *adverse* witness or victim is a client currently being represented by such counsel. For the purposes of this rule, “currently being represented” means:

a. A client who has an active, pending charge or violation of probation,

b. A defendant for whom counsel is actively seeking post- judgment relief, or

c. Counsel currently is counsel of record for a minor in a juvenile delinquency or dependency proceeding, whether or not there currently is a pending petition in such juvenile proceeding.

2. Absent unusual circumstances, the fact that counsel represents a witness *supporting* the defendant will not disqualify counsel from representing the defendant.

3. A declaration of conflict under this section shall require the approval of a senior or supervising attorney.

E. Former Clients as Witnesses or Victims:

1. A declaration of conflict shall not be made merely from the fact that a former client is a victim or witness in the current action.

2. A declaration of conflict may be made if all of the following circumstances are present:

a. Counsel is in possession of confidential information concerning the former client. "Confidential information" does not include information that is part of the public record or may readily be obtained by opposing counsel, such as records of conviction, employment and school records.

b. The confidential information is relevant to the current proceeding.

c. Counsel will or may be called upon to use the confidential information against the former client in the defense of the client in the current case.

3. A declaration of conflict under this section shall require the approval of a senior or supervising attorney.

(a) Declaration of Conflict in Other Circumstances:

(1) Merely because a conflict existed in the past does not mean that there is a conflict in the current case. Each case is to be evaluated as to current conflicts. It is presumed, for example, that the Public Defender shall represent a defendant on a current probation violation, even though there had been a conflict in representation on the original case.

(2) Counsel may declare a conflict in the following additional cases:

aa. Where there is a substantial appearance of conflict. Examples of such circumstances include former clients who were frequently represented by counsel, or cases where the former client has had a recent and substantial case with counsel.

bb. Where a witness or victim is a member of the office staff of counsel or a member of such staff's family. Merely having knowledge of or acquaintance with the witness or victim shall not be grounds for a

declaration of conflict of the entire office of counsel, but may warrant re-assignment of the case within counsel's firm.

cc. Where a former client seeks to set aside a conviction and there is a colorable claim of ineffective assistance of counsel. "Colorable claim" means one which would credibly establish the possibility that the prior counsel had failed to perform with reasonable diligence and that, in absence of counsel's failings, the conviction would not have resulted. The colorability of the claim may be determined in a procedure generally in the style of a *Marsden* motion.

dd. Suit against counsel by the current client unless the suit is patently frivolous, the suit is based on grounds already determined by the Court in a *Marsden* motion to be without merit, and there is no conflict of interest other than as reflected in the suit. (*People v. Horton (1995)* 11 Cal.4th 1068, 1104-1107.)

ee. Any other circumstance where counsel reasonable believes a conflict should be declared.

(3) A declaration of conflict under this section shall require the approval of a senior or supervising attorney.

F. When a conflict is declared:

1. Conflicts shall be declared as soon as discovered.

2. Notice of the declaration of conflict made by the Public Defender shall be immediately given to the Conflicts Firm, including a brief explanation of the nature of the conflict.

3. Counsel shall safeguard any confidential information obtained from a client to avoid any unnecessary "contamination" of other counsel.

4. The file, absent any confidential information, shall promptly be given to the next appointed counsel. The following procedure shall be used when conflicts are discovered in cases in any department: If the conflict is declared in open court with Conflicts counsel present, the file shall be exchanged in open court. If Conflicts counsel is not present, the file shall be deposited in a box for that purpose located in the clerk's office for the department. (Effective 7/1/08)

5. Whenever a conflict appears possible, particularly in a multiple defendant cases, counsel will conduct themselves in a manner to minimize conflicts in any realignment of counsel.

6. When a conflict is declared, the new attorney generally will assume representation of the client in all pending matters, even though no conflict exists as to the other matters.

The Court shall inquire into the circumstances of the conflict, including, if necessary, holding proceedings *in camera*. Counsel, however, shall not be required to disclose confidential information, even to the Court. [Effective date 7/1/08]

RULE 40.8 EXPENSES OF DEFENSE

At the conclusion of the case, or upon discharge of counsel, counsel shall state to the Court the total number of hours spent on the case, if court appointed, and any expenses paid by public funds as costs, investigation, expert witness fees, and analysis of evidence. [Effective date 7/1/01]

50.00 JUVENILE COURT RULES

RULE 50.1 AUTHORITY

These local rules are intended to supplement state statutes which are found principally in the Welfare and Institutions Code and to supplement the California Rules of Court relating to Juvenile Court matters. To the extent that any of these rules conflict with either statutory requirement or the California Rules of Court, the local rules are of no legal effect. These rules cover Juvenile Court Law, but not Juvenile Traffic hearings or traffic hearing appeals. DHHS means Placer County Department of Health and Human Services. Unless otherwise specified, counsel means the attorney representing a party or the party if appearing *in propria persona*. [Effective date 7/1/08]

RULE 50.2 STANDING ORDERS

The Presiding Judge of the Juvenile Court may issue such Standing Orders for the administration of the Juvenile Court as the Court deems appropriate. All Standing Orders relating to juvenile matters issued by the Placer County Juvenile Court prior to the effective date of these local rules are hereby rescinded except such standing Orders as are attached to these local rules as an Appendix. The Court may hereafter issue new or amended Standing Orders by filing same with the Clerk of the Juvenile Court. [Effective date 7/1/01]

RULE 50.3 GENERAL COMPETENCY REQUIREMENT

All attorneys appearing in juvenile dependency proceedings must meet minimum standards of competence set forth in these rules. These rules are applicable to attorneys employed by public agencies, attorneys appointed by the Court to represent any party in juvenile dependency proceeding and attorneys who are privately retained to represent a party to a juvenile dependency proceeding. [Effective date 7/1/01]

RULE 50.4 SCREENING FOR COMPETENCY

A. Effective January 1, 1997, all attorneys who represent parties in Juvenile Court dependency proceedings shall meet the minimum standards of training and/or experience set forth in these rules. Each attorney of record for a party to a dependency matter pending before the Court on January 1, 1997 who believes he or she meets the minimum standards of competency shall complete and submit to the Court, on or before January 31, 1997, a Certification of Competency as set forth in Appendix A to these rules. After January 1, 1997, any attorney appearing in a dependency matter for the first time shall complete and submit a Certification of Competency to the Court within ten (10) days of his or her first appearance in a dependency matter.

B. Attorneys who meet the minimum standards of training and/or experience as set forth in Rule 50.5, as demonstrated by the information contained in the Certification of Competency submitted to the Court, shall be deemed competent to practice before the Juvenile Court in dependency cases except as provided in subdivision c of this rule.

C. Upon submission of a Certification of Competency which demonstrates that the attorney has met the minimum standards for training and/or experience, the Court may determine, based on conduct or performance of counsel before the Court in a dependency case within the six (6) month period prior to the submission of the certification to the Court, that a particular attorney does not meet minimum competency standards. In such case, the Court shall proceed as set forth in Rule 50.7 hereinafter.

D. Any attorney appearing before the Court in a dependency case pending on January 1, 1997 who does not meet the minimum standards of training or experience shall notify the Court to that effect and shall have until April 30, 1997 to complete the minimum number of hours of training required to fulfill the requirements of these rules. If the attorney fails to complete such training, the Court shall order, except in cases where a party is represented by retained counsel, that certified counsel be substituted for the attorney who fails to complete the required training. In the case of retained counsel, the Court shall notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute private counsel shall be solely within the discretion of the party so notified.

E. In the case of an attorney who maintains his or her principal office outside of this county, proof of certification by the Juvenile Court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile proceeding in this county. [Effective date 7/1/01]

RULE 50.5 MINIMUM STANDARDS OF EDUCATION AND TRAINING

A. Each attorney appearing in a dependency matter before the Juvenile Court shall not seek certification of competency and shall not be certified by the Court as competent until the attorney has completed the following minimum training and educational requirements. Prior to the certification, the attorney shall have either:

1. Participated in at least eight (8) hours of training or education in juvenile dependency law, which training or education shall have included information on the applicable case law and statutes, the Rules of Court, Judicial Council forms, motions, trial techniques and skills, writs and appeals, child development, child abuse and neglect, family reunification and preservation of reasonable efforts, or

2. At least six (6) months of experience in dependency proceedings in which the attorney has demonstrated competence in the attorney's representation of his or her clients in said proceedings. In determining whether the attorney has demonstrated competence, the Court shall consider whether the attorney's performance has substantially complied with the requirements of these rules.

B. In order to retain his or her certification to practice before the Juvenile Court, each attorney who has been previously certified by the Court shall submit a new Certificate of Competency to the Court on or before January 31st of the third year after the year in which the attorney is first certified and then every third year thereafter. The attorney shall attach to the renewal Certification of

Competency evidence that he or she has completed at least eight (8) hours of continuing training or education directly related to dependency proceedings since the attorney was last certified. Evidence of completion of the required number of hours of training or education may include a copy of a certificate of attendance issued by a California MCLE provider; a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider; a copy of the training or educational program schedule together with evidence of attendance at such program; or such other documentation as may reasonably be considered to demonstrate the attorney's attendance at such program. Attendance at a court sponsored or approved program will also fulfill this requirement.

C. The attorney's continuing training or education shall be in the areas set forth in subdivision (1)(a) of this rule, or in other areas related to juvenile dependency practice including, but not limited to, special education, mental health, health care, immigration issues, the rules of evidence, adoption practice and parentage issues, the Uniform Child Custody Jurisdiction Act, the Parental Kidnapping Prevention Act, state and federal public assistance programs, the Indian Child Welfare Act, client interviewing and counseling techniques, case investigation and settlement negotiations, mediation, basic motion practice and the rules of civil procedure.

D. When a certified attorney fails to submit evidence that he or she has completed at least the minimum required training and education to the Court by the due date, the Court shall notify the attorney that he or she will be decertified. The attorney shall have twenty (20) days from the date of the mailing of the notice to submit evidence of his or her completion of the required training or education. If the attorney fails to submit the required evidence or fails to complete the required minimum hours of continuing training or education, the Court shall order, except in cases where a party is represented by retained counsel, that certified be substituted for the attorney who fails to complete the required training. In the case of retained counsel, the Court shall notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute counsel shall be solely within the discretion of the party so notified. [Effective date 7/1/01]

RULE 50.6 STANDARDS OF REPRESENTATION

All attorneys appearing in dependency proceedings shall meet the following minimum standards of representation:

A. The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the Court with respect to matters which are beyond the expertise of the attorney and/or the Court; and obtaining such other facts, evidence or information, as may be necessary to effectively present the client's position to the Court.

B. The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts is unknown, this shall include a comprehensive interview with the client. If the client is a minor child who is placed out of home, in addition to interviewing the child, the attorney shall also interview the child's caretaker.

C. The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for a hearing and of the necessity for adhering to court mandated time limits.

D. The attorney shall vigorously represent the child within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the Court, to explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client’s interests, and to comply with local rules and procedures as well as with statutorily mandated timelines. [Effective date 7/1/01]

RULE 50.7 PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

A. Any party to a Juvenile Court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney in a Juvenile Court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.

B. The Court shall review a complaint within ten (10) days of receipt. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, 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 twenty (20) days from the date of the notice to respond to the complaint in writing.

C. After a response has been filed by the attorney of the time for a 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 has acted incompetently. The Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

D. If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acted contrary to the rules of the Court, the Court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of local rules, issue such reasonable monetary sanctions against the attorney as the Court may deem appropriate.

E. If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acted incompetently, the Court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six (6) months, that the attorney complete a specified number of hours of training or education in the area in which the attorney's conduct caused actual harm to his or her client, the Court shall order that competent counsel be substituted for the

attorney found to have been incompetent and may, in the Court's discretion, refer the matter to the State Bar of California for further action.

F. The Court shall notify the attorney and the complaining party in writing of its determination of the complaint. If the Court makes a finding under subdivisions (e) or (f), the attorney shall have ten (10) days after the date of the notice to request a hearing before the Court concerning the Court's determination shall become final.

G. If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request therefore, but in no case shall it be held more than thirty (30) days after it has been requested except by stipulation of the parties. The complainant and the attorney shall each be given at least ten (10) days notice of the hearing. The hearing may be held in chambers. The hearing shall not be open to the public. The Court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

H. At the hearing, each party shall have the right to present arguments to the hearing officer with respect to the Court's determination. Such arguments shall be based on the evidence before the Court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the Court made its initial determination with respect to the complaint. Within ten (10) days after the hearing, the Court or hearing officer shall issue a written determination upholding, reversing or amending the Court's original determination. The hearing decision shall be the final determination of the Court with respect to the matter. A copy of the hearing decision shall be provided to both the complainant and the attorney. [Effective date 7/1/01]

RULE 50.8 PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD

A. 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. If counsel for the minor becomes aware that the minor may have a right or interest which needs to be protected or pursued in another judicial or administrative forum, counsel for the minor shall notify the Court of such right or interest as soon as it is reasonably possible for counsel to do so.

B. Notice to the Court may be given by the filing of Judicial Council form JV-l80 or by the filing of a declaration. In either case, the person giving notice shall set forth the nature of the interest 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 of the proceedings being contemplated or conducted there.

C. If the person filing the notice is the counsel for the minor, the motion shall state what action on the child's behalf the attorney believes is necessary, whether the attorney is willing or able to pursue the matter on the child's behalf, whether the association of counsel specializing in practice

before that agency or Court may be necessary or appropriate, whether the appointment of a guardian *ad litem* may be necessary to initiate or pursue the proposed actions, whether joinder of an administrative agency to the Juvenile Court proceedings pursuant to Welfare and Institutions Code section 362 may be appropriate or necessary to protect or pursue the child's interests and whether further investigation may be necessary.

D. If the person filing the notice is not the attorney for the child, a copy of the notice shall be served on the attorney for the child, or, if the child is unrepresented, the notice shall so state.

E. The Court may set a hearing on the notice if the Court deems it necessary in order to determine the nature of the child's right or interest or whether said interest should be protected or pursued.

F. 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 of joinder hearing pursuant to section 362 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. [Effective date 7/1/01]

RULE 50.9 ACCESS TO MINORS

A. 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.

B. No party or attorney in a dependency proceeding shall cause the minor to undergo a physical, medical or mental health examination or evaluation without Court approval.

C. This rule does not apply to the Department of Health and Human Services (DHHS) case manager or other authorized DHHS social worker. [Effective date 7/1/01]

RULE 50.10 INTERVIEWING MINORS WHO ARE ALLEGED VICTIMS OF CHILD ABUSE

All attorneys representing parties in a dependency case in which child abuse has been alleged and other participants in the case, including a child advocate, shall attempt to minimize the number of interviews they take of the minor relating to the events surrounding the alleged abuse. To this end anyone wishing to learn facts about the alleged incident shall first review any interview taken or reports made by the investigating officer(s). [Effective date 7/1/01]

RULE 50.11 PRESENCE OF MINOR IN COURT

A. All minors are entitled to attend court hearings. Every minor ten (10) years of age or older shall be told of his or her right to attend court hearings and all minors over the age of ten (10) shall be given notice by the investigating/supervising social worker.

B. All minors shall attend court hearings unless excused for one of the listed reasons:

1. The minor's attorney waives the minor's appearance.

2. The minor chooses not to attend.

3. The minor is excused by the Court.

4. The minor is disabled, physically ill, or hospitalized.

C. No minor shall be brought to court solely for the minor to confer with his or her attorney, or for a visit with a parent, relative, or friend.

D. If the minor is present, the judicial officer hearing the case may review and speak with the minor. [Effective date 7/1/01]

RULE 50.12 GUARDIAN AD LITEM

A. For minors: For purposes of the Federal Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 *et seq*.) and Welfare and Institutions Code (WIC) section 326, the Department of Health and Human Services' (DHHS) case manager shall be deemed to be the minor's guardian *ad litem* unless the court orders otherwise.

B. For parents: The Court shall appoint any person that the Court deems qualified as a guardian *ad litem* to represent any incompetent parent or guardian whose child is before the Juvenile Court pursuant to a petition under Welfare and Institutions Code (WIC) 300. The determination of incompetency may be made by the Court at any time in the proceeding based upon evidence received from any interested party. [Effective date 7/1/01]

RULE 50.13 NOTICE TO GUARDIAN AD LITEM, ACCESS TO RECORDS, RIGHT TO APPEAR

In all proceedings, the guardian *ad litem* shall be given the same notice as any party, have the same access to all records relating to the case as would any party, and have the right to appear at all hearings. [Effective date 7/1/01]

RULE 50.14 PRE-HEARING DISCOVERY

A. Timely Disclosure of Informal Discovery: Pre-hearing discovery shall be conducted informally. Except as protected by privilege, all relevant material shall be disclosed in a timely fashion to all parties of the litigation.

B. Formal Discovery: Only after all informal means have been exhausted may a party petition the Court for discovery. Any noticed motions 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) judicial days before the hearing date. The date for the hearing shall be obtained from the Juvenile Division 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 two (2) judicial days prior to the hearing.

C. In contested proceedings, the social worker's narratives and other relevant case records shall be made available to all counsel at least ten (10) calendar days before the hearing and any updated records two (2) calendar days before the hearing. In all other cases, such documents shall be made available at least two (2) calendar days prior to the hearing.

D. Upon timely request, the parents and guardians shall disclose to the Department of Health and Human Services (DHHS) such non-privileged material and information within the parent's or guardian's control which is relevant. [Effective date 7/1/01]

RULE 50.15 MEET AND CONFER

All counsel shall meet and confer prior to any scheduled hearing including but not limited to any pre-trial conference, jurisdictional hearing, disposition, review and selection and implementation hearing. [Effective date 7/1/01]

RULE 50.16 TIMELINESS OF MOTIONS

All motions, including a motion under Welfare and Institutions Code (WIC) section 388 shall be filed and noticed at least ten (10) days prior to any scheduled selection and implementation hearing WIC section 366.26. [Effective date 7/1/01]

RULE 50.17 PRESENTATION OF EVIDENCE

A. Social Study Reports prepared by the Department of Health and Human Services (DHHS) shall be made available to all counsel before the hearing in accordance with the following time limitation unless otherwise ordered by the Court:

1. Jurisdictional and/or Dispositional reports are due at least forty-eight (48) hours before the hearing;

2. Review of Dependency Status and Status review reports are due at least ten (10) calendar days before the hearing;

3. All other reports shall be due a reasonable number of days before the hearing but in no event less than forty-eight (48) hours before.

B. If the social study report is not timely filed or made available to all counsel, then any affected party or the Court may request a continuance of the hearing to the extent permitted by law.

C. The names of any experts to be called by any party and copies of their reports, if not a part of the social study report prepared by the Department of Health and Human Services (DHHS), shall be provided to all counsel at least ten (10) days before the hearing. [Effective date 7/1/01]

RULE 50.18 TRAVEL AUTHORIZATION

Unless otherwise ordered by the Court, a minor's care provider may authorize travel by the minor within the State of California with the concurrence of the Department of Health and Human Services (DHHS) and, when possible, notice to the parents. Any travel for the minor out of the state of California shall require prior court approval. Any application to the Court for orders regarding travel of the minor shall state what efforts have been made to notify the parent(s) and their response, if any. [Effective date 7/1/01]

RULE 50.19 RELEASE OF INFORMATION

Information concerning the identity of persons suspected, detained, or charged as being within Section 300, 601, or 602 of the Welfare and Institutions Code may be released only to the extent and subject to the qualifications provided in Sections 827 of the Welfare and Institutions Code or by an order of the presiding judge of the juvenile court or a juvenile court judicial officer. Upon application for the release of a minor's juvenile records by the parties to a family law action, the juvenile court may at its discretion direct on the minute order of the court that the family law judicial officer will conduct the ex parte review of the juvenile court records pursuant to either Welfare and Institutions code section 827 or Family Law code section 3152. [Effective date 7/1/12]

SUPERIOR COURT OF CALIFORNIA COUNTY OF PLACER 11270 B Avenue Auburn, California 95603 Juvenile Division	For Court Use Only
CERTIFICATE OF COMPETENCY TO PRACTICE IN JUVENILE DEPENDENCY COURT	

I, _____, Attorney at Law, licensed to practice in the State of California, have completed the following:

☐ Eight (8) hours of training or education in juvenile dependency law or related subjects as set forth in CRC 5.660 and Local Rule 50.5.

Course Title: _____.
(Attach copies of MCLE certificates or other attendance documentation)

☐ Six (6) months experience in dependency proceedings.

Court Location: _____.

The experience, training or education occurred during the calendar year(s): _____.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and that this Certificate of Competency was executed on _____.

_____ _____
Attorney Signature State Bar Number

[Mandatory Form – Effective date 1/1/12]

60.00 COURT APPOINTED COUNSEL AND EXPERTS

RULE 60.1 COURT APPOINTED ATTORNEYS: STANDARDS OF EXPERIENCE AND ALLOWABLE FEES AND EXPENSES

The following procedures shall be used in fixing, invoicing and reimbursing allowable fees for attorneys appointed by the Court to represent individuals who are unable to employ counsel and who cannot be represented by the primary Public Defender firm or the appointment conflicts firm, or attorneys who are otherwise appointed by court order. [Effective date 7/1/05]

For additional information regarding the Assigned Counsel Program, including payment procedures, visit the Placer County website at:
www.placer.ca.gov/departments/ceo/assigned_counsel.aspx

Requests for specific exemptions from the requirements must be made to the Presiding Judge. [Effective date 7/1/08]

A. MEMBERSHIP IN PLACER COUNTY'S CONFLICT/ALTERNATE INDIGENT PUBLIC DEFENSE PANEL OF ATTORNEYS

APPLICATION AND CERTIFICATION FOR ATTORNEY PARTICIPATION

Attorneys appointed by the Court shall have completed and signed an Application for Assigned Indigent Criminal Defense Alternate/Conflict Counsel and Preference form. [Effective date 1/1/06]

B. APPLICATION FOR FEES

1. The Court shall allow attorney's fees and costs for services rendered and expenditures made by counsel properly appointed in criminal, juvenile, or other matters while such matters are pending before the Court. Such fees shall not include time spent traveling from one location to another. [Effective date 1/1/06]

a. Application for fees and expenses:

Application for investigation fees and expenses shall be made in writing as follows:

1. To the judge of the department to which the case has been assigned;

2. To the judge of the department to which the matter has been referred pursuant to Penal Code § 987.9;

3. In all other cases to the Presiding Judge.

b. Amount of fees:

1. Non-Capital or Life-Sentence Cases:

The initial application shall not exceed the sum of $1,000.00. Additional applications may be made upon a showing that further investigation is necessary in an amount not to exceed $500.00 per application.

2. Capital and Life-Sentence Cases:

Applications for fees in capital cases shall be governed by the provisions of Penal Code § 987.9. The initial application for capital and life-sentence cases shall not exceed $3,000.00. Additional application may be made upon a showing that further investigation is necessary in an amount not to exceed $1,000.00 per application.

A. Claims for Payment:

At the close of a case in which investigation expenses have been authorized under Penal Code Section 987.9, the attorney shall report to the authorizing judge the actual expenses incurred. The report shall be in writing and shall show the expenditures distributed within the following categories:

Witness Fees

Court Appointed Counsel

Doctors

Investigators

Professional Special Services

Travel and Transportation

Upon final approval by the authorizing judge, the attorney shall provide a copy of the written distribution report to the Court Executive Officer.

3. All Cases:

In no event shall the court grant fees or expenses not reasonably justified by the nature of the case, as supported by written application. The written application shall specify the nature and purpose of the proposed investigation and shall contain an estimate of the fees and expenses involved. Unusual or extraordinary requests shall be justified in detail.

c. Order for fees and expenses:

The order for investigation fees and expenses shall be set forth in a form approved by this court.

d. Maximum rates for investigative services:

Claims for investigative services, authorized pursuant to this rule, shall be paid at the rate not to exceed $20.00 per hour plus mileage at the current rate authorized for payment by the Placer County Auditor together with actual and necessary incidental expenses. All such amounts must be within the total fees and expenses authorized by the court.

e. Submission of claims:

Claims for investigation fees and expenses shall be made on a form approved by this court. A copy of the court order awarding fees, as well as a detailed accounting of all claimed fees and expenses must be attached. The attorney of record shall certify the accuracy of the claim and appropriateness of the fees incurred. The claim shall be submitted to the Court Executive Officer for subsequent approval by the department specified in paragraph A of this order.

[Effective date 1/1/11]

2. Application for the payment of such fees and costs shall ordinarily be made at the time of the final court disposition of the proceeding in which court-appointed counsel served, or within reasonable time thereafter. Upon special application to, and approved by, the Court, pre-trial interim fees may be reimbursed in cases involving the death penalty or life without the possibility of parole, or in exceptionally complex or lengthy cases. However, no pre-trial interim authorization for, and payment of**,** fees shall exceed those monetary values unless expressly increased in the interest of justice. [Effective date 1/1/06]

3. Application for fees and costs shall be made by written declaration. The form can be obtained from the following website:

www.placer.ca.gov/departments/ceo/assigned_counsel.aspx.

[Effective date 7/1/08]

4. Application for fees and costs shall be submitted to the Court for subsequent approval by the department which approved the assignment. [Effective date 7/1/08]

5. The Court may allow a reasonable alternative hourly fee, in consideration of the nature and complexity of the case and the degree of skill and effort required of counsel.
[Effective date 7/1/05]

6. In all cases, and provided that the requisite invoice complies with current procedures, the final fees allowed shall be determined based on the nature and complexity of the case and the degree of skill and effort in handling the matter. The Court may adjust fee claims in accordance with the herein stated standard. [Effective date 7/1/08]

7. Attorneys and other experts may bill for mileage at the current county approved rate, but cannot bill for travel time unless an exception is stated in a court order. [Effective date 7/1/05]

C. PAYMENT REQUESTS

Requests for payment must be submitted on the proper form and comply with current processes. Any other request for payment form will be rejected. Receipts for miscellaneous expenses must be original. Photocopies will not be accepted. [Effective date 7/1/08]

D. CASE TRANSFERS TO ANOTHER COUNTY

1. In the event that an attorney appointed by this Court must appear in a court of another county on a case transferred from this Court, the attorney shall be entitled to reasonable travel and living expenses necessarily incurred in connection with appearances in the court of the other county. Unless pre-approved in writing by the Presiding Judge in advance, the attorney shall: not be reimbursed for time spent traveling; travel by private automobile, and be reimbursed for necessary mileage at the rate allowed by the County of Placer at the time of the travel. In no event shall the attorney seek payment of fees for the time spent by the attorney while traveling. [Effective date 7/1/05]

2. The attorney's living expenses will be allowed at the rate provided by the California Administrative Office of the Courts. [Effective date 7/1/05]

3. Any request for reimbursement of travel or living expenses shall be made by written declaration and submitted to the Presiding Judge. All requests for such reimbursement shall at least include a complete inventory of costs and expenses, with all applicable original receipts attached. [Effective date 7/1/08]

E. APPOINTMENT OF MINORS' COUNSEL IN FAMILY LAW CASES

In the event that fees for counsel exceeds the $500 originally ordered for the case, the Court will order parties to appear via Order to Show Cause (OSC) to show why the parties should not be required to reimburse the Court for those costs and/or relieve minors' counsel. [Effective date 7/1/05]

F. CATEGORIES OF CRIMES OR OTHER MATTERS

1. Class 1: All homicides, whether capital or non capital, and all offenses having a maximum sentence of life or life without possibility of parole, or in the discretion of the Court, an aggregate state prison sentence of thirty (30) years or more.

2. Class 2: All crimes for which the upper term of punishment is five (5) years or more, but less than Class 1.

3. Class 3: All other felonies and juvenile matters where the petition seeks jurisdiction under Welfare and Institutions Code Sections 300, 601, and 602. [Effective date 7/1/03]

4. Class 4: All misdemeanor and civil cases. [Effective date 7/1/03]

G. MINIMUM EXPERIENCE REQUIREMENTS FOR APPOINTED ATTORNEYS

1. Class 1: Certified criminal law specialist or equivalent.

2. Class 2: Those who, as chief counsel, have handled twenty (20) crimes charged as felonies, five (5) of which were submitted to a jury for a decision: five (5) of which included contested Superior Court factual hearings such as Penal Code Section 1538.5 or Penal Code Section 995 motions; and the remainder of which proceeded to disposition. A maximum of ten (10) juvenile cases charged as felonies may be counted toward the requirement of the twenty (20) cases.

3. Class 3: Those who, as chief counsel, have handled five (5) felonies or twenty-five (25) cases charged as a misdemeanor, any two (2) felony or misdemeanor cases submitted to a jury for decision and any two (2) of which included a contested factual hearing under Penal Code Section 1538.5, and all of which have proceeded to disposition. [Effective date 7/1/03]

4. Class 4: All attorneys. [Effective date 7/1/03]

5. Upon a proper showing, a person may be eligible for a class by virtue of a showing of equivalent experience as determined by the Presiding Judge. Notwithstanding that an attorney meets the minimum qualifications for a particular class, the Court may exercise its discretion in the assignment of any particular attorney to a particular case. [Effective date 7/1/03]

RULE 60.2 SCHEDULE OF REIMBURSABLE HOURLY RATES FOR PUBLIC DEFENDERS ASSIGNED TO A CRIMINAL CASE [Effective date 7/1/05]

Class 1 (Class A2 Felonies):	$75.00	All non-capital homicides, and all offenses having a maximum sentence of life or life without possibility of parole, or in the discretion of the Courts, an aggregate state prison sentence of thirty (30) years or more.
Class 2 (Class B Felonies):	$65.00	All crimes for which the upper term of punishment is five (5) years or more, but less than Class 1.
Class 3 (Class C Felonies):	$60.00	All other felonies and Juvenile matters.
Class 4 (Misdemeanors):	$50.00	Misdemeanor and Civil cases.

[Effective date 7/1/05]

RULE 60.3 OTHER COURT APPOINTED EXPERTS - PSYCHOLOGICAL AND PSYCHIATRIC EXAMINATIONS AND EVALUATIONS; FEES

A. Juvenile Cases.

1. Consultation: A consultation may be ordered where the court wishes only a brief interview with the minor to determine whether there is any major psychological disturbance. Unless the court orders a full psychological evaluation, evaluations ordered under Evidence Code § 1017 shall be treated as a consultation. The examiner will submit a brief written evaluation of the findings.

a. Fee for office interview: $450
b. Fee for in-custody interview: $525

2. Full evaluation: When the court orders a full evaluation of a minor, it is expected that the examiner will conduct a full clinical evaluation of the minor and conduct a full battery of psychological tests of intelligence and personality. The examiner will be required to evaluate a reasonable quantity of written record submitted by the Probation Department, Welfare Department and other health care providers. All of the foregoing material will be scored and interpreted. The expert will submit all findings and conclusions, including a range of treatment alternatives, in a written report to the court.

a. Fee for office interview: $700
b. Fee for in-custody interview: $775

B. Criminal Cases.

1. Consultation: Evaluations pursuant to Penal Code § 1368, Welfare and Institutions Code § 3051, and evaluations ordered under Evidence Code § 1017, unless a full psychological evaluation is ordered by the court.

2. Full evaluation: Evaluations under Penal Code § 1026 and 288.1, including main jail interview if required. The examiner will be expected to conduct a full evaluation similar to the complete evaluation of a minor set forth above, including the administration of a full battery of psychological tests appropriate to an adult. The written report will reflect the scoring and interpretation of the testing and evaluation, with treatment recommendations, if appropriate to the referral.

The Court will reimburse at the following levels:

<u>Partial Evaluation</u>:

FY 10/11: $450

<u>Full Evaluation</u>:

FY 10/11: $700

In Custody or Detained Supplement: $75

C. Domestic Cases.

1. Burden of payment on parties. The court may order a custody or psychological evaluation of any party or minor pursuant to Evidence Code § 730. Court ordered custody or psychological evaluations in Family Law Cases (including Dissolution, Nullity, Legal Separation, Domestic Violence, Paternity, Guardianship, and actions for child custody) shall be paid for by the parties in the proportions and in the manner set forth by the court. In the event the court orders such an evaluation and no order is made specifying how payment is to be made, it shall be presumed that the parties shall share in the cost of the evaluation equally.

2. Exceptions. The court may, for good cause shown, order a custody or psychological evaluation in a Family Law Case, where the interests of justice require it, to be initially paid for by the Court. In such event, the court shall order the parties to share in the responsibility to repay the Court for the costs of the evaluation. [Effective 10/04]

D. Exceptional Cases.

Regardless of the fee schedule set forth above, additional fees may be requested if an examination or evaluation is of such a special or unusual nature that it is not possible to render services in accordance with the fee schedule. In those cases, a reasonably detained explanation of fees shall accompany each request for payment. The court shall then fix a reasonable fee.

[Effective date 1/1/11]

RULE 70.00 TRAFFIC

RULE 70.1 SUBSECTION DELETED [Effective date 1/1/11]

RULE 70.2 FAILURE TO APPEAR/FAILURE TO PAY FINE

The Court will not release a DMV hold for three (3) weeks if fines for Failure to Appear or Failure to Pay Fine are paid for with a personal check. Defendant may pay the full amount of the Failure to Appear and abstract fee by cash, cashiers check or money order, sign a promise to appear for the balance of charges on a case, and have the DMV hold released in the interim.
[Effective date 7/1/03]

RULE 70.3 SUBSECTION DELETED [Effective date 1/1/11]

RULE 70.4 OFFICIAL COURT FILE

Pursuant to Government Code section 68150 and Title 2, Division 4 (Court Records) of the California Rules of Court, the court may create, maintain, and preserve the court record in any form or forms of communication.

Effective with cases initiated on or after July 1, 2011, the electronic court record is the official court record for all traffic cases.

(Drafters Note: The court is authorized by statute to reproduce any record from electronic means without the need for a local rule. The absence of a local rule in that regard does not invalidate the certified record. This local rule is established to help educate the public on the use of the electronic file in traffic cases and the absence of similar rules in other case types in no way restricts the court's ability to implement or use electronic records in those case types.)

[Effective date 1/1/12]

RULE 80.00 PROBATE

[Effective date 7/1/07]

RULE 80.1 GENERAL PROBATE RULES

RULE 80.1.1 SCOPE OF RULES

A. Except as specifically provided in this chapter, the Local Rules found in Chapters 10.0 *et. seq.* and 20.0 *et. seq.* apply to all probate, conservatorship, and guardianship proceedings. [Effective date 7/1/07]

RULE 80.1.2 TELEPHONIC APPEARANCES

A. A party or counsel for a party ~~may~~ **who desires to** appear ~~and present oral argument~~ by telephone **at a hearing on a petition filed under the Probate Code** ~~on matters pending before the Court only with prior approval of the court department in which the matter is pending. Except upon good cause shown, no appearance by telephone will be permitted by any party or counsel whose home or office address is within fifty (50) miles of Auburn. Any such telephonic appearance will be scheduled at such time as the Court may designate. [Effective date 7/1/07]~~

~~B. A party or counsel requesting a telephonic appearance in probate, conservatorship, or guardianship matters shall~~ **may** so indicate in the moving or responding papers by specifying in the caption, "TELEPHONIC APPEARANCE REQUESTED." **A separate written request for telephonic appearance may also be filed.** The **name of the person intending to appear and the** telephone number at which ~~the requesting party~~ **he or she** can be reached on the scheduled hearing date shall ~~also~~ be provided and ~~may~~ **should** not be a cell phone number. The request for telephonic appearance will be **addressed** ~~ruled on~~ in the calendar notes. ~~If telephonic appearance is granted, the Court will contact the attorney or party appearing by telephone at the time the matter is ready to be heard~~. **[Effective date 1/1/13]**

B. Telephone appearances for law and motion matters filed in probate, guardianship and conservatorship cases are governed by Local Rule 20.8 when such motions are set on the civil law and motion calendar. If such motions are set on the probate, conservatorship or guardianship calendar, this rule shall apply. [Effective date 1/1/13]

RULE 80.1.3 NON-STIPULATIONS TO COMMISSIONER

A. When a regularly scheduled probate, conservatorship, or guardianship calendar is heard by a Commissioner, the parties must file written notice indicating whether or not they stipulate to the Commissioner. Failure to file such notice of stipulation or non-stipulation at least five (5) court days prior to the hearing date

for the matter will be deemed a stipulation to the Commissioner for all purposes other than trial. [Effective date 7/1/07]

RULE 80.1.4 CALENDAR NOTES

A. Calendar notes will be available ~~on the Court's website~~ approximately five **(5)** days prior to the hearing, and may be updated prior to the hearing. The calendar notes will ~~state when an appearance is required and what the procedural status of the case is.~~ **include the procedural status of the case, including procedural defects, will indicate whether an appearance is required, and may include additional information to assist the parties to prepare for the hearing. If no appearance is required but an interested person appears to oppose the petition, the court will ordinarily continue the hearing and allow the opponent to file and serve written opposition. The calendar notes are not a tentative ruling in the merits.**

The calendar notes are accessible at the court's website, www.placer.courts.ca.gov. If internet access is not available, counsel and parties may call (916) 408-6119 to access the notes. [Effective date 1/1/13]

RULE 80.1.5 DOCUMENTS SUBMITTED IN RESPONSE TO CALENDAR NOTES

A. Any documents submitted in response to calendar notes shall be filed and served at least two (2) court days prior to the hearing date. [Effective date 7/1/07]

RULE 80.1.6 OBJECTIONS

A. Any objections or oppositions to petitions or applications set for hearing must be filed and served at least two (2) court days prior to the hearing date. [Effective date 7/1/07]

RULE 80.1.7 CONTINUANCES

A. **Continuance of initial hearing.** ~~Any request to continue a hearing date made less than five (5) court days prior to the hearing date must be approved by the probate examiner.~~ **The petitioner may request to continue the initial hearing on any matter by contacting the probate clerk.**

When the request to continue is made at least fifteen (15) calendar days prior to the initial hearing, the clerk may approve the continuance request. If the notice of hearing was previously served, an amended notice of hearing must be served. Except for good cause shown, the amended notice must be served at least ten (10) days before the original hearing date.

When the request to continue is made fewer than fifteen (15) calendar days prior to the initial hearing, the request must be reviewed by the court. The initial hearing will ordinarily remain on calendar, and any continuance will be ordered in open court. [Effective date 1/1/13]

B. <u>Continuances of subsequent hearings</u>. All other requests to continue hearings must be reviewed by the court. The next hearing will ordinarily remain on calendar, and any further continuance will be ordered in open court. [Effective date 1/1/13]

C. <u>Compliance with required notice</u>. Nothing in this rule shall excuse any party from complying with the notice requirements of the Probate Code or the California Rules of Court. [Effective date 1/1/13]

RULE 80.1.8 PROBATE ACCOUNTS

A. For any account filed pursuant to Probate Code Section 2620, petitioner may lodge the required financial statements with the Court. The Court will retain the lodged documents until the Court has approved the account, at which time the lodged documents will be returned to the depositing petitioner, guardian, conservator, or successor fiduciary appointed by the Court. Any documents lodged pursuant to this rule shall be accompanied by an envelope to return the documents, with sufficient prepaid postage affixed thereto.
[Effective date 1/1/12]

RULE 80.2 DECEDENT'S ESTATES [Effective date 7/1/07]

RULE 80.2.1 ~~WILLS CONTAINING DISTRIBUTIONS TO A~~ ESTATES WHICH DISTRIBUTE TO INTER VIVOS TRUST

A. When a Petition to Administer Estate seeks to admit to probate a will which ~~contains~~ **includes a** distribution~~s~~ to a**n inter vivos** trust, **the petitioner must give** notice **of the hearing** to all trustees, successor trustees, **and** beneficiaries **(as defined in Probate Code § 24 (c)-(d))**.~~, and contingent beneficiaries of the trust must be given of the Petition to Administer Estate~~. **The petitioner must also file with the petition either an** ~~A properly~~ authenticated copy of the trust ~~must also be filed with the Petition to Administer.~~ **or** ~~In lieu of filing a copy of the trust,~~ a**n affidavit or** declaration ~~under penalty of perjury from~~ **by** a party or counsel ~~may be filed~~ **which** ~~stating who~~ **identifies** the trustees, successor trustees, **and** beneficiaries **(as defined in Probate Code § 24 (c)-(d)).** ~~and contingent beneficiaries of the Trust are.~~ **[Effective date 1/1/13]**

RULE 80.2.2 ~~ATTESTATION CLAUSES~~

~~A. If the attestation clause of any will sought to be admitted to probate does not contain language stating that the testator "was not acting under duress, menace, fraud, or undue influence," or language substantially similar thereto, a proof of subscribing witness must be filed in order to prove the will.~~
[Repealed date 1/1/13]

RULE 80.3 CONSERVATORSHIPS [Effective date 7/1/07]

RULE 80.3.1 REVIEW HEARINGS

A. Notice of all review hearings and accountings must be provided to the court investigator at least fifteen (15) calendar days prior to the hearing date ~~to assist in timely obtaining the court investigation report~~. The address of the Court's investigator is: **3090 Fite Circle, Suite 102, Sacramento, CA 95827.** ~~1275 Halyard Drive, Suite 200, West Sacramento, CA 95691~~. **[Effective date 1/1/13]**

RULE 80.3.2 PETITIONS SEEKING DEMENTIA ORDERS

A. If a Petition to Appoint a Conservator of the Person seeks orders related to dementia treatment or placement under Probate Code Section 2356.5, Petitioner shall file an *ex parte* application to appoint counsel for the conservatee, along with a proposed order which leaves the name and address of the court appointed counsel blank, at the time the Petition is filed. [Effective date 7/1/07]

RULE 80.3.3 LIMITED CONSERVATORSHIPS

A. When a Petition to Appoint a Limited Conservator is filed, Petitioner shall file an *ex parte* application to appoint counsel for the conservatee, along with a proposed order which leaves the name and address of the court appointed counsel blank, at the time the Petition is filed. [Effective date 7/1/07]

RULE 80.4 GUARDIANSHIPS [Effective date 7/1/07]

[Reserved.]

RULE 80.5 TRUST MATTERS [Effective date 7/1/07]

[Reserved.]

RULE 90.0 DEFINITION OF A JUDGE'S VACATION DAY, REQUIRED BY RULE 10.603, CALIFORNIA RULES OF COURT

A day of vacation for a judge of the Superior Court of California, County of Placer, is an approved absence from the Court for one full business day. Other absences from the Court listed in Rule 10.603, California Rules of Court, section (C) (2) (H) are excluded from this definition. [Effective 1/1/08]

RULE 100.0 APPELLATE DIVISION AND APPEALS

[Effective date 1/1/09; Revised 7/1/11]

RULE 100.1 LIMITED JURISDICTION CIVIL CASES

100.1.1 Use of trial court file - Pursuant to CRC 8.833(a), the original trial court file shall be used in any appeal of a limited jurisdiction civil in lieu of a clerk's transcript.

RULE 100.2 MISDEMEANOR CRIMINAL CASES

100.2.1 Use of the trial court file - Pursuant to CRC 8.863(a), the original trial court file shall be used in any appeal of a misdemeanor criminal case in lieu of a clerk's transcript.

RULE 100.3 INFRACTION CASES

100.3.1 Use of the trial court file - Pursuant to CRC 8.914(a), the original trial court file shall be used in any appeal of a infraction case in lieu of a clerk's transcript.

RULE 100.4 BRIEFS

100.4.1 Format of briefs - Pursuant to CRC 8.883(c)(8) and CRC 8.928(c)(8), all briefs filed in the appellate division shall be bound at the top.

RULE 100.5 PREPARATION OF CLERK'S TRANSCRIPT ON APPEAL

The charge for preparation of the Clerk's Transcript on Appeal, pursuant to Government Code section 68926.1 and California Rule of Court rule 8.122, shall be $40 per hour for all clerk's time spent in preparation of the Clerk's Transcript other than time spent making copies. The cost of copies shall be as set forth in Government Code § 70627(a). [Effective date 1/1/11]

RULE 100.6 USE OF ELECTRONIC RECORDINGS IN TRAFFIC INFRACTION APPEALS

A. Pursuant to California Rules of Court rule 8.915(a) and 8.917(c) and Placer Superior Court Local Rules 100.6 (B), an appellant in a traffic infraction matter may elect to proceed with a record of the oral proceeding through the use of the official electronic recording of the proceedings. The appellant must attach a copy of the stipulation required under California Rule of Court, rule 8.917(c) to his/her notice of appellant election. [Effective date 7/1/11]

B. Pursuant to California Rules of Court rule 8.916(d)(6)(A) the trial court judge may order that the original of an official electronic recording of the trial court proceedings, or a copy made by the court, be transmitted to Appellate Division as the record of oral proceedings in traffic infraction

cases without being transcribed and in lieu of correcting a proposed statement on appeal. Such order may be made whenever the judge believes so doing would save court time and resources. [Effective date 7/1/11]

C. Pursuant to California Rules of Court rule 8.917, the original of an official electronic recording of the trial court proceedings, or a copy made by the court, may be transmitted to the Appellate Division as the record of oral proceedings in traffic infraction cases without being transcribed. [Effective date 7/1/11]

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10.3	EFFECTS OF RULES	Eff.7/1/01/Rev. 7/1/05
10.4	DEPARTMENTS	Eff.7/1/02/Rev. 1/1/09
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10.8	EX PARTE ORDERS	Eff.7/1/02/Rev. 7/1/04
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10.14	COURT INTERPRETERS	Eff.7/1/01/Rev. 1/1/04
10.15	COURT REPORTERS	Eff.7/1/03/Rev. 1/1/13
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10.17	STANDARD OF PROFESSIONAL CONDUCT…	Eff. 7/1/09/Rev. 1/1/13
10.18	ELECTRONIC RECORDINGS, COPIES	Eff. 7/1/10
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20.1.2	POLICY	Eff. 7/1/01
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60.0 COURT APPOINTED COUNSEL AND EXPERTS

60.1 COURT APPOINTED ATTORNEYS; STANDARDS OF EXPERIENCE, ALLOWABLE FEES, EXPENSES Eff.7/1/02/Rev. 1/1/11

60.2 REIMBURSABLE RATES FOR PUBLIC DEFENDERS Eff.7/1/03/Rev. 7/1/05

60.3 OTHER COURT APPOINTED EXPERTS Eff. 1/1/06/Rev. 1/1/11

70.0 TRAFFIC

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80.1.7 CONTINUANCES Eff. 7/1/07/Rev. 1/1/13

80.1.8 PROBATE ACCOUNTS Eff. 1/1/12

80.2 DECEDENT'S ESTATES Eff. 7/1/07

80.2.1 ESTATES WHICH DISTRIBUTE TO INTER VIVOS… Eff. 7/1/07/Rev. 1/1/13

80.2.2 ATTESTATION CLAUSES Eff. 7/1/07/Rev. 1/1/13

80.3 CONSERVATORSHIPS Eff. 7/1/07

80.3.1	REVIEW HEARINGS	Eff. 7/1/07/Rev. 1/1/13
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For the County of Placer
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APPENDIX A
LOCAL COURT FORMS

Form #	*Case Type*	*Form*	*Optional or Mandatory*

PL-CV001	Civil	Notice of Time and Place of Trial	Mandatory
PL-CV002	Civil	Notice of Restricted Access	Mandatory
PL-CV003	Civil	Addendum to Name Change Packet	Mandatory
PL-CV004	Civil	Stip. & Order for Expedited Jury Trial	Optional
PL-CV005	Civil	Order Directing That There Be No Further Expedited Jury Trial Proceedings	Optional
PL-CW001	Courtwide	Copy Request	Optional
PL-FCS001	FCS	Family Court Services Work Sheet	Mandatory
PL-FL001	FL	Request for Default Setting	Optional
PL-FL002	FL	Request to Drop Restraining Order and Dec.	Optional
PL-FL003	FL	Notice of Ex Parte Hearing	Mandatory
PL-FL004	FL	Declaration Re Notice to Opposing Party of Ex Party or OST	Mandatory
PL-FL005	FL	Continue, Drop, Reserve Form	Optional
PL-FL006	FL	Att. Issue Memorandum	Mandatory
PL-FL007	FL	Statement of Issues and Contentions	Optional
PL-FL008	FL	Statement of Issues and Contentions, Child Support and Visitation	Optional
PL-FL009	FL	Family Law Stip. & Order Setting Trial Dates	Mandatory
PL-FL010	FL	Family Law Trial Confirming Conference Request for Telephonic Appearance	Optional
PL-PR001	Probate	Court Investigator Information Sheet	Optional

[Effective 07/01/12]

APPENDIX B
JUVENILE STANDING ORDERS (RULE 50.2)

Effective Date	Subject of Order
05/15/02	In addition to provisions of CRC 5.546 all parties shall comply with the reciprocal discovery standards delineated in Penal Code Section 1054 *et seq*.
08/05/02	Children being held in temporary facilities, prior to detention hearings, may undergo a health evaluation and related services at the first possible treatment opportunity.
03/05/02	Authorization for the Consortium for Children to Receive Information from the Placer County Department of Health & Human Services for Purposes of Permanency Planning Mediation
08/19/02	CASA reports shall be submitted and filed with the Court at least three Court days prior to the minor's hearing date.
12/04/02	Routine and Periodic Dependency Orders (financial and non financial)

Copies of Standing Orders are attached. [Effective 07/01/03]

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

MAY 1 5 2002

JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

In the Matter of:

STANDING ORDER OF THE
JUVENILE COURT

No: 02-002

In the matter of *Robert S. v. Superior Court, (1992) Cal. App. 4th* 1417 the California Supreme Court determined that discovery in delinquency proceedings should parallel that in criminal cases and that the juvenile courts have inherent discretionary power to permit such discovery. This Court finds that the need for expeditious and fair adjudications in juvenile court may be facilitated by a standing reciprocal discovery order. The purpose of the standing order is ascertainment of truth, facilitation of trial preparation, prevention of surprise and delay at time of trial, savings in court time, and the avoidance of interruption and postponement of trial.

IT IS THEREFORE THE ORDER OF THIS COURT THAT in addition to the provisions of California Rule of Court 1420 all parties shall comply with the reciprocal discovery standards delineated in Penal Code section 1054 et seq..

Date: 5/15/02

James D. Garbolino,
Presiding Judge of the Superior Court

Date: MAY 1 5 2002

Frances A. Kearney
Presiding Judge of the Juvenile Court

PLACER COUNTY COUNSEL
HEALTH & HUMAN SERVICES DIVISION
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Attorneys for Petitioner Placer County
Department of Health & Human Services

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG - 5 2002

JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF PLACER

No. 02-003
STANDING COURT ORDER

THE COURT, having weighed the interests of confidentiality and privacy in the light of the need for comprehensive information relating to the health, safety and welfare of children being placed in temporary care, their families, current residents and staff, hereby authorizes the following in the best interest of children and in furtherance of justice:

Children being held in temporary facilities, prior to detention hearings, may undergo a health evaluation and related services at the first possible treatment opportunity. These services authorized include evaluations and testing for physical, mental, dental or psychological services. Testing is permitted to determine the extent of injury or illness, and services may be provided for the purpose of stabilization that include, but are not limited to, medical/dental treatment, post-exposure immunizations, x-rays, screening for TB, STD's, STI's, therapeutic counseling and follow-up routine care

In the event non-routine care is warranted, all reasonable efforts to obtain parental consent shall occur prior to seeking a court order.

DATED: AUG - 5 2002

Judge of the Superior Court

FRANCES KEARNEY

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA
MAR 5 2002
JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF PLACER

JUVENILE DIVISION

No 02-001

TITLE: **AUTHORIZATION FOR THE CONSORTIUM FOR CHILDREN TO RECEIVE INFORMATION FROM THE PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF PERMANENCY PLANNING MEDIATION**

TO: **DIRECTOR, PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES; DIRECTOR, CONSORTIUM FOR CHILDREN**

GOOD CAUSE SHOWN THEREFORE, IT IS HEREBY ORDERED that Placer County Department of Health and Human Services is authorized to release to The Consortium for Children any information which is necessary to provide permanency planning mediation. Said information shall include petitions, orders, findings, social worker reports, and all other documents made available to the social workers when making their reports.

The information released to the Consortium for Children is Confidential and shall be utilized only for the purpose of providing permanency planning mediation services and shall be returned to Placer County Department of Health and Human Services upon completion of the mediation.

Dated: MAR - 5 2002

Frances Kearney
Honorable Frances Kearney
Presiding Judge of the Juvenile Court

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF PLACER

JUVENILE DIVISION

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORI
AUG 19 2002
JOHN MENDES
EXECUTIVE OFFICER & CLER
By _____ De

No. 02-004

STANDING ORDER OF THE JUVENILE COURT

CASA REPORTS

GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that pursuant to California Rules of Court, Rule 1424(k), CASA reports shall be submitted and filed with the court at least three (3) court days prior to the minor's hearing date. The CASA report shall be distributed to County Counsel, the assigned Social Worker, the Court Liaison Officer for the Department of Health and Human Services, the child's attorney, the parents', guardians' and de facto parents' attorneys, and the tribe's attorney. The CASA Program Supervisors shall be responsible for copying and serving the CASA report to all persons entitled to receive it at least two (2) court days prior to the minor's hearing date.

Dated:

F. Kearney

Honorable Frances Kearney
Presiding Judge of the Juvenile Court

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF PLACER

JUVENILE DIVISION

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA
DEC - 4 2002
JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

No. 02-005

STANDING ORDER OF THE JUVENILE COURT

ROUTINE AND PERIODIC DEPENDENCY ORDERS (FINANCIAL AND NON-FINANCIAL)

I. Final/Periodic Disposition Orders (Financial)

In each dependency case at the close of each calendar year, except as noted in Section B below or unless otherwise ordered by the judicial officer presiding over the matter, the following financial orders shall apply, whether or not noted in the clerk's minute order.

A. Financial Obligations

1. Attorney's Fees for Representation of Children:

Pursuant to Welfare and Institutions Code section 903.1, in each case for which counsel has been appointed to represent the child in a dependency case, the child's estate, parents, and other persons liable for the support of the child and the estates of those persons shall, subject to ablility to pay, jointly and severally reimburse the Placer County Superior Court for the costs to the court of legal services rendered to the child.

2. Attorney's Fees for Representation of Parents and *de facto* Parents:

Pursuant to Welfare and Institutions Code section 903.1, in each case for which counsel has been appointed to represent the parent, *de facto* parent or other persons liable for the support of the child, the parent, *de facto* parent, and other persons liable for the support of the child and the estates of those persons shall, subject to ablility to pay, jointly and severally reimburse the Placer County Superior

Court for the costs to the court of legal services rendered to the parents, *de facto* parents and other persons liable for the support of the child.

3. Costs for Support of Child:

Pursuant to Welfare and Institutions Code section 903, if the child in a dependency case was detained or placed in any institution or other place outside the home, the child's estate, parents, and other persons liable for the support of the child and the estates of those persons shall, subject to ability to pay, jointly and severally reimburse the Placer County for costs to the county of support of the child, including costs of food, food preparation, clothing, personal supplies and medical expenses, not to exceed the amount provided by Welfare and Institutions Code section 903(c), not including costs of treatment.

4. Transportation Costs for Refusal to Take Delivery of Child:

Pursuant to Welfare and Institutions Code section 207.2 and 903.25, if the child in a dependency case was detained in a law enforcement temporary custody facility, the Children's Receiving Home or was placed in a foster home or facility, and the child's parents and/or guardians refuse to take delivery of the child after notice of scheduled release of the child from such location, such parents and/or guardians shall, subject to ability to pay, jointly and severally reimburse Placer County for the reasonable costs that occur thereafter for transportation of the child, food, shelter and care in the Children's Receiving Home or any foster home or facility, not to exceed the amount provided by Welfare and Institutions Code section 207.2(c) and 903.25(b).

B. Exceptions to Financial Obligations Dismissal of Petition W&I 903.1(b)

The financial orders above shall not apply in a dependency case if the petition to declare the child a dependent child is dismissed at or before the jurisdiction hearing.

II. Final/Periodic Disposition Orders (Non-financial):

Unless otherwise ordered by the judicial officer presiding over the matter, the following non-financial orders shall apply, whether or not noted in the clerk's minute order.

A. Duties of a Parent/ Guardian

1. Address and Telephone Information:

(a) Each parent must keep the court, his/her counsel and the Department of Health and Human Services' Social Worker aware of any changes in his/her designated mailing address and/or telephone number. Such changes must be submitted to the court in writing on the Judicial Counsel form *Notification of Mailing Address* (JV-140). The form will be provided to the parents/guardians attached to the Petition and will be kept available in the courtroom, the office of the clerk, and the offices of the social services agency.

(b) The parents and guardians are hereby advised that the mailing address on record with the court will be used by the court, the clerk, the attorneys, and the social services agency for the purpose of notice of hearings and the mailing of all documents related to proceedings. Unless a written notification of a change of mailing address is submitted to the court, the address on record will be used and notice requirements will be satisfied by appropriate service at that address.

2. Educational and Medical Information:

After the initial hearing and at all times thereafter until termination of dependency, termination of parental rights, transfer of jurisdiction to another county, or dismissal of the petition, each parent shall provide the Department of Health and Human Services' Social Worker with complete medical, dental, mental health, and educational information, and medical background, of the child, child's mother and the child's biological father, if known.

3. School Records Release:

After the Disposition hearing upon a determination of dependency, each parent or guardian of the child shall sign a written authorization for the release of the child's school records to the Juvenile Court and/or Department of Health and Human Services.

4. Court Hearings:

Each non-incarcerated parent party must personally appear at all scheduled court hearings.

///

5. **Family Documentation:**

(a) The parent in possession of the child's birth certificate shall provide that document to the Department of Health and Human Services' Social Worker at the initial hearing, or as soon thereafter as possible.

(b) If the parents are, or have been, married, they shall provide a copy of the marriage certificate or other proof of marriage to the Department of Health and Human Services' Social Worker at the initial hearing, or as soon thereafter as possible.

B. Prior Orders

1. **In Effect:**

In each dependency case prior to the termination of dependency, all previous disposition orders shall remain in full force and effect, unless otherwise ordered by the bench officer.

2. **Not in Effect:**

In each dependency case at the termination of dependency [or parental rights], all previous disposition orders shall be vacated and no longer remain in full force and effect, unless otherwise ordered by the bench officer.

C. Relieving Attorney of Record

1. **Parent's Attorney:**

The attorney of record for a parent in a dependency case is relieved upon termination of dependency, transfer of jurisdiction to another county, dismissal of the petition, sixty (60) days after termination of parental rights, or when the parent has failed to communicate with their attorney, Social Worker and the minor and/or their whereabouts are unknown for a period of six (6) months, whichever occurs first.

2. **Child's Attorney:**

The attorney of record for a child in a dependency case is relieved upon transfer of jurisdiction to another county, dismissal of the petition, or upon termination of dependency, whichever occurs first.

///

D. Travel Authorization

After the initial hearing, when the child is detained or placed out of the parent's custody, the foster parent or relative/non-relative caretaker may authorize the child to travel away from home for not more than seven (7) days. The travel may involve going out of the County of Placer or the State of California and participation in activities arranged by the foster parent or relative/non-relative caretaker with whom the child lives. The foster parent or relative/non-relative caretaker must give advance oral or written notice to the Department of Health and Human Services' Social Worker of the intended trip, including the destination, contact telephone number or address, and expected date of return.

E. Medical Care Authorization

1. Routine Medical or Other Remedial Care:

(a) Unless otherwise ordered after objection by any party at/after the initial hearing, the Placer County Department of Health and Human Services may authorize routine medical or other remedial care for the child by licensed practitioners, as may from time to time appear necessary after the initial hearing, and as defined below, and may further delegate that authority to the duly appointed staff of placement facilities or institutions, foster parents or relative/non-relative caretaker with whom the child lives.

(b) Such routine medical or other remedial care includes, but is not limited to, surgical diagnosis, x-ray examination, local anesthetic, medical diagnosis and treatment, psychological and psychiatric diagnosis and counseling, and hospital care to be rendered to the child upon advise of, and under the general or special supervision of, a licensed physician and surgeon, a licensed psychologist and psychiatrist, or licensed dentist.

(c) Routine medical and other remedial care does not include surgery, the administration of psychotropic medication, or any diagnosis or evaluation performed in anticipation of litigation or other forensic use. A specific additional court order is required before such care can be administered.

2. Notice to Parents and Counsel:

In any event where such routine medical, psychological, psychiatric, dental or other remedial care is anticipated, or has been provided, the Placer County Department of Health and Human Services shall prior to the care or treatment, or as soon as possible thereafter, inform the child's attorney, the child's parent/guardian, and the parent's/guardian's attorney of what care or treatment is anticipated, or has been provided, and what, if any, further care is scheduled for the child, and if a parent objects, the matter shall immediately be placed on calendar.

3. Release of Medical Information:

In any event where such routine medical, psychological, psychiatric, dental or other remedial care is provided, the practitioner is authorized to release information and records concerning that care of the child to the Placer County Department of Health and Human Services.

F. Routine School Related Activities

1. When a child is detained or placed out of the parent's custody in the care of relative or non-relative extended family member, the relative caregiver has the authority to provide consent for the child to participate in school sponsored activities, including, but not limited to, educational programs, field trips, and sporting events. The relative caregiver shall advise the Department of Health and Human Services' Social Worker before, or as soon as possible thereafter, all such activities for which consent has been given.

Dated: 12/4/02

Honorable Frances Kearney
Presiding Judge of the Juvenile Court