SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

LOCAL RULES

Effective January 1, 2019

These rules may be purchased for $10.00 at the civil filing counter at the main courthouse, 720 Ninth Street, or the family law filing counter at the Family Relations Courthouse, 3341 Power Inn Road.

Superior Court of California, County of Sacramento

LIST OF CURRENTLY EFFECTIVE RULES
AND THE DATE OF ADOPTION

1.00 – 1.05	January 1, 2013
1.06	January 1, 2016
1.07	January 1, 2018
1.08 – 1.11	January 1, 2013
1.12	January 1, 2019
1.13 – 1.14	January 1, 2013
1.15	January 1, 2018
1.16 – 1.19	January 1, 2013
1.20 – 1.21	January 1, 2016
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2.00 – 2.02	January 1, 2013
2.03	January 1, 2015
2.04	January 1, 2017
2.05 – 2.06	January 1, 2013
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2.31	January 1, 2019
2.32 – 2.33	January 1, 2013
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2.35	January 1, 2019
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2.46	January 1, 2018
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2.49	January 1, 2019
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2.76	January 1, 2018
2.77	January 1, 2013
2.78	January 1, 2018
2.79 – 2.86	January 1, 2013
2.87	January 1, 2017
2.88	January 1, 2014
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2.93	January 1, 2014
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3.00 – 3.01	January 1, 2013
3.02	January 1, 2018
3.03	January 1, 2013
4.00	January 1, 2016
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4.02	January 1, 2015
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4.05	January 1, 2016
4.06 – 4.07	January 1, 2015
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4.09	January 1, 2018
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4.11 – 4.14	January 1, 2016
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4.16	January 1, 2016
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4.43	January 1, 2016
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4.80 – 4.83	January 1, 2013
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5.34	January 1, 2015
5.35 – 5.37	January 1, 2013
6.00 – 6.02	January 1, 2014
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6.05	January 1, 2013
6.06	January 1, 2014
6.07	January 1, 2018
6.08	January 1, 2013
6.09	January 1, 2018
7.00 – 7.02	January 1, 2013

7.03 – 7.04	January 1, 2018
7.05	January 1, 2017
7.05	January 1, 2013
7.06	January 1, 2014
7.07	January 1, 2018
7.08	January 1, 2019
7.09	January 1, 2013
7.10 – 7.11	January 1, 2018
7.12	January 1, 2013
7.13	January 1, 2018
7.14	January 1, 2013
7.15	January 1, 2018
7.16	January 1, 2013
7.17 – 7.19	January 1, 2019
7.20	January 1, 2018
7.21 – 7.22	January 1, 2013
7.23 – 7.26	January 1, 2018
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7.20 – 7.29	January 1, 2013
7.30	January 1, 2014
7.31	January 1, 2019
7.32	January 1, 2018
7.33	January 1, 2019
7.34 – 7.35	January 1, 2018
7.36	January 1, 2013
7.37	January 1, 2019
7.38 – 7.39	January 1, 2013
7.40	January 1, 2017
7.41 – 7.43	January 1, 2019
8.00 – 8.02	January 1, 2013
8.03 – 8.04	January 1, 2018
8.05 – 8.06	January 1, 2013
8.07 – 8.13	January 1, 2018
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8.17 – 8.18	January 1, 2018
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10.20 – 10.22	January 1, 2013
10.30 – 10.31	January 1, 2013
10.32 – 10.33	January 1, 2017
10.40 – 10.41	January 1, 2013
10.50 – 10.55	January 1, 2013
10.60 – 10.62	January 1, 2013
11.00 – 11.05	January 1, 2013

Superior Court of California, County of Sacramento

TABLE OF CONTENTS

CHAPTER 1 - GENERAL RULES 1

1.00 Citation and Effect of Rules. 1
1.01 Failure to Comply with Rules. 1
1.02 Self-Represented Parties Acting as Counsel. 1
1.03 Definition of Judicial Vacation. 1
1.04 Master Calendar Departments. 1
1.05 Presiding Judge Law and Motion Proceedings. 1
1.06 Tentative Ruling System. 2
1.07 Ex Parte Applications in Presiding Judge's Department. 2
1.08 Voir Dire Juror Questionnaire. 3
1.09 Waiver of Court Fees and Costs. 3
1.10 Jury Fees. 3
1.11 Court Reporting Services. 3
1.12 Requesting Reporting Services. 3
1.13 Contacting Court's Legal Research Staff. 4
1.14 Replacing Lost Papers. 4
1.15 Typing Services or Non-Attorney Court Document Preparers. 4
1.16 Drop Box. 4
1.17 Issuance of Writs and Abstracts. 5
1.18 Sexually Violent Predator Cases. 5
1.19 Resolving Conflicting Protective Orders. 5
1.20 Electronic Filing Program/Scope. 6
1.21 Electronic Filing Process. 6
1.22 Responsibility for Errors in Electronically Filed Data. 7
1.23 Electronic Filing System Inquiries. 8

CHAPTER 2 - CIVIL 9

PART ONE. General 9

2.00 Sanctions. 9
2.01 Mandatory Civil Local Forms. 9
2.02 Civil Filings. 9
2.03 (Deleted effective 1/1/2015) 9
2.04 Appearance by Telephone. 9
2.05 Multiple Departments with Similar Proceedings. 10
2.06 Motions to Compel Entry of Judgment. Orders After Hearing. 10
2.07 Orders After Hearing. 10
2.08 Substitution or Association of Attorneys or of Party In Pro Per. 10
2.09 Joining Motions of Other Parties. 11
2.10 Examination of Judgment Debtors, Garnishees, and Others Noticed for Appearance at the Main Downtown Courthouse. 11
2.11 Motions to Continue Trial Date. 11
2.12 Trial Judge Motions. 12
2.13 Attorney's Fees in Residential Unlawful Detainer Actions. 12
2.14 Attorney's Fees in Actions on Promissory Notes, Contracts Providing for Payment of Attorney's Fees, and Foreclosures; Attorney's Fee Schedule. 12
2.15 Form of Judgment. 13
2.16 Motion to Tax Costs. 13
2.17 Stipulated Judgment Form to Be Separate from Stipulation. 13
2.18 Appeal from Decision of Labor Commissioner Under Labor Code Section 98.2. 14
2.19 (Deleted effective 1/1/2015) 14
2.20 Amended Complaints. 14
2.21 Limited Civil Cases. 14
2.22 Exhibits. 14
2.23 Small Claims – Request to Correct or Cancel Judgment and Answer. 14

PART TWO. Prerogative Writs 15

2.26 Prerogative Writs. 15

PART THREE. Civil Law and Motion 16

2.30 Civil Law and Motion Departments. 16
2.31 Filing of Papers. 16
2.32 Demurrers in Limited Civil Cases. 17
2.33 Motions to Strike in Limited Civil Cases. 17
2.34 Defaults and Default Judgments. 17
2.35 Ex Parte Applications. 17
2.36 Discovery Sanctions. Code of Civil Procedure Section 2023(c). 18
2.37 Matters Regarding Discovery in Limited Civil Cases. 18
2.38 Compensation of Discovery Referees. 18
2.39 Reserving Hearing Dates. 18

PART FOUR. Case Management Program (CMP) 18
2.45 Case Management Program. 18
2.46 Included Actions; Exceptions; Excluded Actions. 19
2.47 CMP Tentative Rulings and Preparation of Notices. 19
2.48 Form of Case Management Documents. 19
2.49 Uninsured Motorist Cases: Duty to Advise Court of Uninsured Motorist Claim; Additional Time for the Resolution of Claim; Duty to Advise Court of Resolution of Claim. 20
2.50 Case Management Conference. 20
2.51 Case Management Statements, Filing a Joint Statement, Default Judgment Status Statements, Meet and Confer Period. 20
2.52 Exemption for Short Cause Cases Upon Certification of All Parties. 21
2.53 Motions to Implement and for Relief. 21
2.54 Bankruptcy Matters. 21
2.55 Orders to Show Cause. 21

PART FIVE. Alternative Dispute Resolution 22
2.60 Alternative Dispute Resolution Policy Statement. 22
2.61 ADR Information. 22
2.62 ADR Program Administrator. 22
2.63 ADR Participation. 22
2.64 ADR Assessment at Case Management Conference. 22
2.65 ADR Neutral List. 22
2.66 Notice of Settlement. 23
2.67 ADR Grievance Procedure. 23
2.68 Arbitration. 23
2.69 Arbitration Proceedings Regarding a Limited Civil Case in General. 23
2.70 Judicial Arbitration Under Code of Civil Procedure Section 1141.10 Et Seq. 24
2.71 Arbitration of Attorney's Claims in Connection with Action to Recover Attorney's Fees and/or Costs. 24
2.72 Failure to Meaningfully Participate in Arbitration Procedures. 24
2.73 Voluntary Civil Mediation. 25
2.74 Type of Mediation Available. 25
2.75 Eligible Cases. 25
2.76 Stipulation to Mediation. 25
2.77 Vacancy and Challenge of ADR Neutral. 25
2.78 Mediation Statement. 25
2.79 Timing of Mediation and Trial Dates. 26
2.80 Exemption from Mandatory Settlement Conference Program. 26
2.81 Appearances Required at Mediation. 26
2.82 Mediation Program Statements and Supporting Documents. 26
2.83 Discovery During Mediation. 26
2.84 Compensation of Mediators. 27
2.85 Confidentiality. 27
2.86 Mediator Statement. 27
2.87 Mediator Qualifications. 27

PART SIX. Trial Setting for Civil Cases 27
2.88 Setting Civil Cases for Trial. 27
2.89 Trial Setting Process for Civil Cases Other Than Short Cause Matters. 28
2.90 Continuance of Trial Setting. 28
2.91 Duties if Case Settles. 28
2.92 Civil Trial Readiness Notification. 28

PART SEVEN. Settlement Conferences – Long Cause Matters 28
2.93 Settlement Conferences. 28

2.94 Settlement Conference Procedures; Assignments, Duties and Requirements of Counsel, Parties, and Insurers. 29

PART EIGHT. Settlement Conferences – Small Claims and Unlawful Detainer Cases Heard at the Carol Miller Justice Center 31
2.94.01 Settlement Conferences – Small Claims and Unlawful Detainer Cases Heard at the Carol Miller Justice Center. 31

PART NINE. Duty to Meet and Confer and Exchange re Civil Trials: Motions, Jury Instructions, Exhibits, Witness Lists, and Statement of the Case 32
2.95 Motions in Limine. 32
2.96 General Motions. 32
2.97 Jury Instructions. 32
2.98 Exhibits. 33
2.99 Witness List. 33
2.99.01 Trial Brief. 33
2.99.02 Statement of the Case. 33
2.99.03 Judicial Modification. 33
2.99.04 Presentation of Testimony by Remote Video Access. 33

CHAPTER 3 - CLAIMS OF MINORS, INCOMPETENT PERSONS AND PERSONS WITH A DISABILITY 35
3.00 Application for Appointment of Guardian Ad Litem. 35
3.01 Withdrawal of Funds. 35
3.02 Claims of Minors and Incompetents. 35
3.03 Trusts Created Pursuant to Court Order. 35

CHAPTER 4 - PROBATE 37

PART ONE. General 37
4.00 Form of Papers Presented for Filing. 37
4.01 Preparing for Hearing. 37
4.02 Probate Calendar. 37
4.03 Preparation of Notices. 37
4.04 Identify Persons to Receive Notice. 38
4.05 Probate Hearing Once Noticed Cannot be Advanced; Procedure for Dropping and Resetting a Matter for Hearing. 38
4.06 (Deleted effective 1/1/2015) 38
4.07 Calendar Matters Recommended for Approval. 38
4.08 Response or Objections to Calendared Matters. 38
4.09 Contested Matters. 38
4.10 (Deleted effective 1/1/2015) 38
4.11 Settlement Conferences. 39
4.12 Settlement of Contested Matters. 39
4.13 Trial Procedures. 39
4.14 (Deleted effective 1/1/2016) 40
4.15 Orders to Be Complete in Themselves. 40
4.16 Formal Orders. 40
4.17 Assignment of Probate Referee. 40
4.18 Notice Requirement on Court Appointed Attorney Fee Petition. 41

PART TWO. Guardianship 41
4.30 (Deleted effective 1/1/2015) 41
4.31 Appointment of Guardian of Minor. 41
4.32 Contested Guardianships. Recommending Mediation. 41
4.33 Confidential Mediation. 41
4.34 Minor's Funds for Support and Maintenance – Financial Support of Parents. 41
4.35 Proceedings Under Probate Code Sections 3410 Et Seq. 41

PART THREE. Conservatorship 42
4.40 Video Presentation of Conservator's Duties. 42
4.41 Sale of Conservatee's Residence. 42
4.42 Proceeding for Spousal Property Transaction. 42
4.43 Production of Estate Planning Documents in Proceedings Pursuant to Probate Code Sections 2580 or 3100. 42

PART FOUR. Decedent's Estates 43

4.50 Presenting Wills for Lodging or Admittance. ... 43
4.51 Proof of Wills by Affidavit or Declaration. ... 43
4.52 Admission of Will or Codicil Containing Deletions and/or Interlineations. ... 43
4.53 Lost Wills. ... 43
4.54 Special Letters, Notice, and Appointment. ... 43
4.55 Noticing Persons Listed in Petitions for Administration. ... 44
4.56 Requirements for Giving Notice of Probate of Will. ... 44
4.57 Independent Administration of Estates. ... 44
4.58 Waiver of Bond. ... 44
4.59 Deposit of Personal Property for Reduction of Bond. ... 44
4.60 Distribution of Property Held by Depository. ... 44
4.61 Information Required of Personal Representatives Upon Acknowledgement of Duties. ... 44
4.62 Multiple Representatives. ... 45
4.63 Notice of Administration to Creditors. ... 45
4.64 Petitions for Family Allowance. ... 45
4.65 Character of Property and Transmutation in Summary Proceedings. ... 45
4.66 Evidence of Record Title in Proceedings Under Probate Code Sections 850 Et Seq. and Sections 17200 Et Seq. ... 45
4.67 Sale of Specifically Devised Property. ... 45
4.68 Petition for Final Distribution. ... 45
4.69 Petition to Include Proposed Distribution. ... 46
4.70 Distribution to Minors. ... 46
4.71 Apportionment of Statutory Compensation. ... 46
4.72 Compensation for Extraordinary Services. ... 46
4.73 Account for Withhold. ... 47
4.74 Consent of Testamentary Trustee to Act. ... 47

PART FIVE. Conservatorship, Guardianship, Decedent and Trust Accountings ... 47
4.80 General Compliance with Probate Code 1063(g) and 1064 (a)(b). ... 47
4.81 Guardianship Accounts. ... 47
4.82 Guardianship Final Account and Report. ... 48
4.83 Conservatorship Final Account and Report. ... 48
4.84 Trust Accountings. ... 48
4.85 Report of Trustee. ... 48

CHAPTER 5 - FAMILY LAW ... 50
5.00 Title of Rules. ... 50
5.01 Construction of Provision Drawn From the Family Code, California Rules of Court, Code of Civil Procedure, Evidence Code, or Other Uniform Act. ... 50
5.02 Effect of Headings. ... 50
5.03 Construction of Rules. ... 50
5.04 Reference to Statute Includes Amendments and Additions. ... 50
5.05 Construction of Tenses. ... 50
5.06 Meaning of Shall, May, Shall Not, and May Not. ... 50
5.07 Severability of Provisions. ... 50
5.08 Definitions and Use of Terms. ... 51
5.09 Assignments in Family Law Departments. ... 51
5.10 Pending Hearing Date: Disclosure on Pleading. ... 51
5.11 First Appearance by Appearance, Stipulation & Waivers: Filing Fee Due. ... 51
5.12 Signature of Self-Represented Party on Agreement or Stipulation - Notary Required. ... 52
5.13 Ex Parte Application. ... 52
5.14 Order Shortening Time - Request for Order. ... 52
5.15 Law and Motion Pleadings - Filing - Assignment. Time Limitation. ... 52
5.16 Confidential Mediation. ... 52
5.17 Recommending Mediation. ... 52
5.18 Private Mediation - Procedure - Mediator Standards - Requests to Change - General Problems. ... 53
5.19 Court Ordered Child Custody Evaluations - Finding a Qualified Evaluator. ... 53
5.20 Admission of Mediation or Evaluation Reports at Short Cause Hearings. ... 54
5.21 (Deleted effective 1/1/2014) ... 54
5.22 Temporary Spousal Support - Calculation. ... 54
5.23 Continuance - Short Cause Hearing, Long Cause Hearing, Trial. ... 54
5.24 Telephone Appearance. ... 54
5.25 Discovery - Pre-Judgment - Post-Judgment. ... 55
5.26 Trial Setting Memorandum to Set. ... 55
5.27 Time Estimates - Long Cause Hearing and Trial. ... 55
5.28 Mandatory Settlement Conference - Long Cause Hearing, Trial. ... 55

5.29 Statement of Issues and Contentions. ... 56
5.30 (Deleted effective 1/1/2014) ... 57
5.31 Stipulation to Establish or Modify Child Support - Child Receiving Public Assistance. ... 57
5.32 Requests to Change Mediators - Peremptory Challenge to Court-Connected Mediator; Complaints. ... 57
5.33 Complaint Process - Child Custody Evaluators. ... 58
5.34 (Deleted effective 1/1/2015) ... 58
5.35 Filing Fee - Pleadings Filed by Minor's Counsel On Behalf of Minor. ... 58
5.36 Minor's Counsel - Complaint Procedure. ... 58
5.37 Family Law Facilitator - Additional Duties. ... 58

CHAPTER 6 - JUVENILE COURT CONFIDENTIALITY AND MEDIA POLICIES ... 59
6.00 Scope of Rules. ... 59
6.01 Exchange of Information and Disclosure of Juvenile Court Records. ... 59
6.02 Public Admission and Media Coverage of Juvenile Court Matters. ... 59
6.03 Notice and Request to Attend Court Proceedings. ... 59
6.04 Use of Cameras or Recording Equipment. ... 60
6.05 Identification, Check-in and Waiting Area. ... 60
6.06 (Deleted effective 1/1/2014) ... 60
6.07 Locations for Photography and/or Video/Audio Recording. ... 60
6.08 Pooling. ... 61
6.09 Photography or Video/Audio Recording of Minors in Juvenile Institutions. ... 61

CHAPTER 7 - JUVENILE DEPENDENCY COURT ... 62
7.00 Court Appointed Special Advocate Program (CASA). ... 62
7.01 Right of CASA to Appear. ... 62
7.02 Family Law Advocacy and CASA. ... 62
7.03 Removal, Resignation, and Termination of CASA Volunteer. ... 62
7.04 Filings. ... 62
7.05 Sanctions. ... 63
7.06 Counsel of Record and Self-Represented Litigants. ... 63
7.07 Direct Calendaring, Calendar Call, Appearances, and Peremptory Challenges. ... 63
7.08 Detention Hearing or Initial Appearance. ... 63
7.09 Contact with Parties Prior to Hearing (In/Out of Custody). ... 64
7.10 Jurisdictional/Dispositional Hearings. ... 64
7.11 Dress and Conduct Code. ... 64
7.12 Ex Parte Orders. ... 65
7.13 Orders to Produce Incarcerated Parties in Dependency Cases. ... 66
7.14 Pre-Trial Statement and Pre-Trial Conference. ... 66
7.15 Pre-Trial Statement. ... 66
7.16 Pre-Trial Conference Procedures. ... 66
7.17 Meet and Confer. ... 67
7.18 Hospitalizations for Mental Health Evaluation and Treatment. ... 68
7.19 Request for Administration of Psychotropic Medication, Medical, Surgical and Dental Care. ... 69
7.20 Attorney Competency Certification. ... 70
7.21 Minimum Standards of Experience, Education and Training. ... 70
7.22 Failure of Attorney to Be Certified. ... 70
7.23 Attorney Competency Certification Renewal. ... 70
7.24 Procedures for Reviewing and Resolving Complaints Regarding Performance of Counsel. ... 71
7.25 Procedures for Informing the Court of the Interests of a Dependent Child. ... 71
7.27 Form of Papers Presented for Filing. ... 72
7.28 Access to and Disclosure of Juvenile Court Records. ... 73
7.29 Orders. ... 73
7.30 (Deleted effective 1/1/2014) ... 73
7.31 Preparation of Judicial Council Form Custody Order-Juvenile. ... 73
7.32 Orders for Psychological Assessments/Evaluations. ... 73
7.33 Proof of Compliance with Indian Child Welfare Act Notice Requirements. ... 73
7.34 Motions to Relieve Counsel. ... 73
7.35 Modification of Orders. ... 74
7.36 Electronic Filing Program/Scope. ... 75
7.37 Juvenile Electronic Filing Process. ... 75
7.38 Responsibility for Errors in Data. ... 76
7.39 Electronic Filing System Inquiries. ... 76
7.40 Non-Minor Dependent Telephonic Appearance. ... 76
7.41 Settlement Conference. ... 77

7.42 Juvenile Dependency Settlement Conference Statement. 77
7.43 Juvenile Dependency Settlement Conference Procedures. 77

CHAPTER 8 - JUVENILE DELINQUENCY COURT 78
8.00 General Provisions. 78
8.01 Orders. 78
8.02 Charging Documents. 78
8.03 Ex Parte Applications and Orders. 79
8.04 Access to Courtroom by Non-Parties. 80
8.05 Continuances. 80
8.06 Motions. 81
8.07 Post-Detention Hearing Modifications. 81
8.08 Discovery. 82
8.09 Appointment of Counsel. 85
8.10 (Deleted effective 1/1/2018) 86
8.11 (Deleted effective 1/1/2018) 86
8.12 Calendars. 86
8.13 Restitution Determination Procedures. 87
8.14 Placement. 89
8.15 Rehearings. 91
8.16 Trial Assignment. 91
8.17 Emergency Removal of Minor from Youth Detention Facility. 92
8.18 Psychotropic Medication Authorization. 93
8.19 Access to and Disclosure of Juvenile Court Records. 93

CHAPTER 9 - TRAFFIC COURT 94
9.00 Trial by Declaration. 94

CHAPTER 10 - CRIMINAL 95

PART ONE. General 95
10.00 Charging Documents. 95
10.01 Arraignment. 95
10.02 Continuances. 95
10.03 Withdrawal as Attorney of Record. 95
10.04 Pleas to Lesser Included, Reasonably Related, or Charges Not Reflected in the Charging Document. 95

PART TWO. Law and Motion for All Matters 96
10.10 Criminal Law and Motion Departments. 96
10.11 Pretrial Motions not Waived. 96
10.12 Filing of Papers. 96
10.13 Format of Motions; Citations. 97
10.14 Time Limits on Notice of Motion. 97
10.15 Failure of Counsel to Appear in Law and Motion. 99
10.16 Taking Matters off Calendar. 99
10.17 Setting Evidentiary Hearing Motions. 99
10.18 Setting Evidentiary Hearing on Discovery Motions (Pitchess). 99

PART THREE. Discovery 100
10.20 Discovery Requests. 100
10.21 Numbering of Discovery Documents and Tapes. 100
10.22 Discovery Motions. 100

PART FOUR. Matters Applicable to Felony Cases 100
10.30 Filing of Information. 100
10.31 Bail Schedule. 101
10.32 Pre-Assignment Requests. 101
10.33 Matters Requiring Review of Privileged or Confidential Records. 101

PART FIVE. Matters Applicable to Misdemeanor Cases and Infractions 101
10.40 Law and Motion; Trial Date. 101
10.41 Trial Readiness Conference. 101

PART SIX. Trial 102
10.50 Assignment for Trial. 102
10.51 Jury Instructions. 102
10.52 Mandatory Trial Readiness Conference for Criminal Cases. 102
10.53 Purpose of Trial Readiness Conference. 102
10.54 Trial Readiness Notification. 102
10.55 Obtaining Web-Based Application Login. 102

PART SEVEN. Miscellaneous 103
10.60 Probable Cause Hearings. 103
10.61 Temporary Release from Jail. 103
10.62 Standing Income Deduction Order. 103

CHAPTER 11 - APPELLATE DIVISION 105
11.00 Sessions. 105
11.01 Briefs. 105
11.02 Hearing Date in Caption. 105
11.03 Motions for Augmentation and Correction of the Record; Motions for Additions to the Record. 105
11.04 Requests for Free Clerk or Reporter's Transcript. 105
11.05 Binding of Original Appellate Division Clerk's Transcript for Civil Appeals. 106

Appendix A Sacramento County Bar Association Standards of Professional Conduct
Appendix B California Attorney Guidelines of Civility and Professionalism, adopted by the State Bar of California
Appendix C Mandatory Settlement Conference Statement of Plaintiff/Defendant, Etc. (Party's Name)

CHAPTER 1 - GENERAL RULES

1.00 Citation and Effect of Rules.

These Local Rules of Court apply to the Superior Court of California, County of Sacramento and shall be known and cited as the "Local Rules for the Superior Court of California, County of Sacramento." These rules shall be construed and applied in such a manner as to not conflict with statutes or California Rules of Court and shall be liberally construed to facilitate and promote the business and administration of justice by the Superior Court of California, County of Sacramento.
(Adopted 1/1/2013)

1.01 Failure to Comply with Rules.

Any counsel, party represented by counsel, or party appearing in pro per, who fails to comply with any of the requirements set forth in these rules, shall upon motion of a party or the court be subject to the sanctions set forth in Code of Civil Procedure section 575.2.
(Adopted 1/1/2013)

1.02 Self-Represented Parties Acting as Counsel.

For purposes of these rules, the term counsel shall include self-represented parties.
(Adopted 1/1/2013)

1.03 Definition of Judicial Vacation.

A day of vacation for a judge of the court is an approved absence for one full business day. Other absences from the court listed in California Rules of Court, rule 10.603(c)(2)(H) are excluded from this definition.
(Adopted 1/1/2013)

1.04 Master Calendar Departments.

The Department of the Presiding Judge is designated as the primary Master Calendar Department and includes duties as set forth in California Rules of Court, rule 10.603.
(Adopted 1/1/2013)

1.05 Presiding Judge Law and Motion Proceedings.

(A) Law and motion matters in the Master Calendar Department will be called at a date, time and department to be designated by the Presiding Judge and posted on the website at https://www.saccourt.ca.gov.

(B) Unless otherwise directed by the Presiding Judge, in civil and limited civil actions, all motions for consolidation, severance, bifurcation, intervention, pretrial conference, coordination and to advance or for continuance of trial, a setting conference, or pretrial conference shall be heard by the Presiding Judge. All motions for change of venue in civil, limited civil and criminal actions shall be heard by the Presiding Judge or his/her designee. All other change of venue motions shall be heard by the judge assigned to hear the case. The notice shall be given and the motion made promptly upon the necessity for the continuance, change of venue, consolidation, coordination, intervention, severance, pretrial conference, or bifurcation being ascertained.
(Adopted 1/1/2013)

1.06 Tentative Ruling System.

(A) In all civil law and motion, writ, and other departments as designated, a Tentative Ruling System is utilized. On the afternoon of the court day before each calendar, the judge will publish a tentative ruling on each matter on the next day's calendar. The tentative rulings will be available after 2:00 p.m. on the court day before the matter is heard by accessing the court's website at https://www.saccourt.ca.gov. The complete text of the tentative rulings for the department may be downloaded off the court's website. If the party does not have online access, they may call the dedicated phone number for the department as referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling.

(B) The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the department clerk no later than 4:00 p.m. on the court day preceding the hearing, and further advises the clerk that such party has notified the other side of its intention to appear. Notification to the clerk shall be made pursuant to instructions on the court's website at https://www.saccourt.ca.gov.
(Adopted 1/1/2013; revised 1/1/2016)

(C) Where appearance has been requested by counsel or invited by the court, limited argument will be entertained.

(D) All noticed motions in the designated department shall include the following information in the notice:

"Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the department may be downloaded off the court's website. If the party does not have online access, they may call the dedicated phone number for the department as referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held."
(Adopted 1/1/2013; revised 1/1/2016)

1.07 Ex Parte Applications in Presiding Judge's Department.

(A) All ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other ex parte applications shall be set in the department of the Presiding Judge or his/her designee each day, by appointment only, with at least 24 hours' notice to the opposing party or counsel. Ex Parte Applications and supporting documents shall be filed and paid for at the court's public counter and endorsed copies shall be brought to the department at the time of the appointment. All applications must include a written supporting declaration, stating whether the opposing party is represented by counsel, whether that party has been contacted and has agreed to the requested order, or why the order should be issued without notice. The adequacy of the application for temporary relief will be determined on the papers submitted. If the application is deemed adequate, the court may allow supplemental argument, either oral or written. All documents shall be served and filed as required by California Rules of Court, rules 3.1203, 3.1205, and 3.1206. The motion, with the $60 motion fee and all supporting documents, is required to be presented at the Ex Parte Hearing. The parties shall furnish the court with one unbound original that is clipped or rubber banded and two copies in a format pursuant to California Rules of Court, rule 3.1110.

(B) Except by order of the court, upon a showing of good cause, all ex parte applications presented to the court seeking to set a matter on shortened time must provide for opposition papers to be filed and served five court days and reply papers to be filed and served two court days prior to the hearing date. The court, in its discretion, may order a shorter time or that there be no reply, but in no event shall the last paper be filed later than 9:00 a.m. two court days before the hearing. The moving papers must be accompanied by a copy of the order and all papers, including subsequent papers filed in the matter, must indicate on the caption page that the matter was brought on an order shortening time with specific identification of the date of the order and name of the judge.
(Adopted 1/1/2013; revised 1/1/2018)

1.08 Voir Dire Juror Questionnaire.

The Jury Commissioner shall cause prospective jurors to complete juror questionnaire forms before such jurors leave for their assigned trial department. The court shall retain all originals of any questionnaire completed by a juror who is sworn to hear the cause (herein "sworn jurors"). For all criminal cases, the following shall apply: Upon a verdict being rendered in a criminal case, counsel shall return to the court clerk all of their copies of the juror questionnaire forms of the sworn jurors. After discharge of the jury in a criminal case, and upon written request from counsel, counsels' respective copies of the such forms will be returned to them, provided that all personal identifying information shall be redacted from such juror questionnaire forms, and provided further that the court does not elect to seal such forms for good cause shown.

This procedure for the use, handling and retention of these questionnaire forms is subject to modification by the trial judge.
(Adopted 1/1/2013)

1.09 Waiver of Court Fees and Costs.

If the relief sought is the waiver of jury fees, the application shall be made at least 25 days prior to the commencement of the trial for which the relief from fees imposed is sought, or at least five days in unlawful detainer proceedings.
(Adopted 1/1/2013)

1.10 Jury Fees.

(A) Advance jury fees shall be paid pursuant to Code of Civil Procedure section 631.

(B) At the commencement of the second day of voir dire examination, and on each succeeding day of voir dire, such party shall deposit with the Clerk of the Court a sum equal to the panel's one-day jury fees and mileage.

(C) When the trial commences after voir dire, and on each succeeding day of the trial, such party shall deposit with the Clerk of the Court a sum equal to one day's jury fees and mileage for the jurors and alternates.

(D) If, during voir dire or trial, the party responsible for jury fees waives the jury or fails to pay jury fees as prescribed in (C) or (D), any other party may preserve their right to jury trial by depositing fees as therein required. If no other party deposits jury required jury fees, the jury is waived and the trial shall proceed without a jury.
(Adopted 1/1/2013)

1.11 Court Reporting Services.

In civil and family law cases, the parties requesting reporting services shall pay in equal proportion the appropriate fee to the Clerk of the Court prior to the commencement of each day of trial. Should any party refuse to pay the pro rata fee, the other party may elect to pay the entire fee. In either case, all amounts so paid may be recovered as taxable costs. If the entire fee is not paid, reporting services shall be deemed waived.

The party(ies) requesting a daily transcript in a civil case shall pay the fees therefore to the Clerk of the Court prior to the commencement of each day of trial.
(Adopted 1/1/2013)

1.12 Requesting Reporting Services.

(A) The services of official court reporters are normally available for civil trials. The services of official court reporters for all other civil matters, including civil harassment restraining orders, can be arranged by contacting the department prior to the date set for hearing in accordance with section (B). The Court Reporter will not report any proceeding unless a request is made and the requisite fees are paid in advance of the hearing.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2017)

(B) Any party desiring an official record of a civil proceeding other than a civil trial shall make arrangements for reporting services not later than the court day prior to the date set for hearing or, in a department using a tentative ruling system, not later than 4:00 p.m. on the day before the hearing.

(C) The services of official court reporters are not available for unlawful detainer hearings at the Carol Miller Justice Center.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2017; revised 1/1/2019)

1.13 Contacting Court's Legal Research Staff.

No party, or attorney for a party, in any action or proceeding pending in this court shall contact or attempt to contact any member of the court's legal research staff concerning such pending matter, without the prior approval of the judge to whom the matter has been assigned, or if the matter has not been assigned, the Presiding Judge.
(Adopted 1/1/2013)

1.14 Replacing Lost Papers.

If an original pleading or paper previously filed with the court is lost, an order authorizing the filing of a copy in lieu of the original is required, and may be based upon declaration of the requesting counsel, or the certificate of the clerk.
(Adopted 1/1/2013)

1.15 Typing Services or Non-Attorney Court Document Preparers.

(A) The name, address and phone number of the litigant who is representing him/herself must appear at the top of all filed pleadings.

(B) Non-attorney court document preparers shall comply with the requirements of Business and Professions Code section 6408. The clerk shall not accept for filing any document presented by a non-attorney court document preparer that does not comply with these requirements.

(C) A litigant in a family law or probate case designating a non-attorney court document preparer to act as a courier to submit documents for processing or to receive endorsed copies of documents from the court shall file an Authorization for Non-Attorney Court Document Preparer (local form FL/E-LP-609 or local form PR/E-LP-021).

(D) Notices of Entry shall be sent directly to the litigant, even when presented for filing by a non-attorney court document preparer.

(E) Nothing in this rule is intended to encourage or condone the unauthorized practice of law. In the event it appears that a preparer is engaging in the unauthorized practice of law under the guise of this rule, that matter will be reported to the appropriate authorities.
(Adopted 1/1/2013; revised 1/1/2018)

1.16 Drop Box.

A depository is available to file documents with the court but shall not be used to file documents that must be filed in a specific department. Documents placed in the drop box must be time-stamped on the back of the last page of the document except for items deposited at the Carol Miller Justice Center. If time-stamped before 5:00 p.m., the document will be filed on the date of deposit. Any document date/time stamped after 5:00 p.m., will be deemed filed the next court business day.
(Adopted 1/1/2013)

1.17 Issuance of Writs and Abstracts.

Except as to matters subject to the Electronic Filing Program, a file-endorsed copy of the judgment(s) and memos of costs, if applicable, shall be submitted for issuance of writ of execution or possession and/or abstract of judgment.
(Adopted 1/1/2013)

1.18 Sexually Violent Predator Cases.

(A) As petitions requesting that a respondent be committed as a sexually violent predator pursuant to Welfare and Institutions Code section 6600 et seq. are civil matters, each party is entitled to six peremptory challenges.

(B) All such petitions filed by the District Attorney's office shall be numbered sequentially with the last two digits of the year the petition was filed, followed by the letters "SVP," followed by a three digit sequential number representing the number of cases filed in the year in question. Thus, 03SVP001 would be the civil number assigned to the first such case filed after January 1, 2003. All such petitions shall make reference in the text of the heading for the case to the Sacramento County felony case file number the respondent was originally confined under, i.e., such as:

The People of the State of California,
Petitioner, Case No. 03SVP001
vs.
(underlying felony case number 00F01234)
John Doe,
Respondent.

(C) In the absence of any specific demand from any party for civil discovery to be conducted in accordance with otherwise applicable civil discovery rules, the court deems it necessary to have a discovery cut-off date, an exchange of witness list date, and an exchange of expert witness list/data date. Nothing in these rules precludes a party from pursuing formal civil discovery proceedings or relieves any party or attorney from complying with all of the discovery requirements set out in the Sexually Violent Predator law, Welfare and Institutions Code section 6600 et seq.

(D) There is a general discovery cut-off date of 15 calendar days before the date initially set for trial. Absent a court order, discovery shall not be allowed within 15 days of trial in any Sexually Violent Predator proceeding. No later than the 15th day before the date initially set for trial of the action, each side is required to submit and exchange their list of witnesses they plan to call at trial. Included with this submission shall be a brief statement of the subject of each witness's testimony and an estimate of the time required for direct examination of each witness. Separate and apart from the above requirement, no later than the 15th day before the date initially set for trial of the action, each side is required to submit and exchange a list of all expert witnesses they plan to call at trial. Included with this submission shall be a declaration from the expert stating the expert's qualifications, the general substance of the expert's expected testimony, and a copy of all written reports, writings, and testing data made by the designated expert in the course of preparing their opinion.

(E) If a trial is rescheduled after the date initially set for trial and the rescheduled date is more than 30 days after the date previously set for trial, discovery shall reopen until a new cut-off date of 15 calendar days before the newly set trial date and each side shall be required to submit a new witness list and a new expert witness list/data. If a prior exchange has already taken place and nothing has changed in regard to discoverable matters, a party may comply with this new list requirement by informing the other side in writing that a previous witness list and/or a previous expert witness list/data remains unchanged.
(Adopted 1/1/2013)

1.19 Resolving Conflicting Protective Orders.

Courts issuing criminal protective orders shall make reasonable efforts to determine whether there exists any child custody or visitation orders that involve any party to the pending criminal action. At a minimum, this would include court staff checking reasonably available resources to determine such information. Courts issuing orders involving child custody or visitation shall make reasonable efforts to determine whether there exists a criminal court protective order that involves any party to the pending civil action. At a minimum, this would include court staff checking reasonably available resources to determine such information. Judges in either criminal or civil actions are expressly

authorized (1) when necessary, to directly consult with another judge that has issued a subsequent order involving or impacting child custody or visitation, and (2) to modify any protective order to allow or restrict contact between the person restrained by the order and his or her children any time such actions appear to the judge to be in the best interest of any child concerned.
(Adopted 1/1/2013)

1.20 Electronic Filing Program/Scope.

The Superior Court of California, County of Sacramento allows the electronic filing of documents in accordance with Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.255 et seq. for specific case types as listed on the court's website at https://www.saccourt.ca.gov.

The Superior Court of California, County of Sacramento allows and is phasing in the ability for electronic filing in criminal cases. Additional technical details will be made available at https://www.saccourt.ca.gov/indexes/e-filing.aspx, as electronic filing services are expanded.
(Adopted 1/1/2013; revised 1/1/2016)

1.21 Electronic Filing Process.

Electronically transmitted documents must be both submitted to the court and accepted for filing by the court in order to be considered duly filed with the court in accordance with these rules.

(A) Date/Time of Filing.

A document may be electronically transmitted to the court at any time of the day. Acceptance of the document for filing with the court shall be deemed to occur (1) on the date the document was submitted to the court if the submission occurred during normal business hours of the clerk's office, and (2) on the next business day the clerk's office is open for business if the submission occurred after normal business hours of the clerk's office. For purposes of this section, normal business hours shall be 8:30 a.m. through 4:00 p.m., Monday through Friday, excluding court holidays. Nothing in this section shall limit the clerk's ability to reject filings.

(B) Receipt of Data.

Upon receiving a document submitted electronically for filing with the court, a Notice of Acknowledgment of Receipt shall be electronically transmitted to the filer. The Notice of Acknowledgment of Receipt shall confirm the date and time of receipt of the document by the court for review and filing. The clerk shall thereafter determine if the document is acceptable for filing with the court.

(C) Errors or Malfunctions in Submissions.

If for any reason the court does not receive an electronically transmitted document for submission and filing with the court, the filer will not receive an electronically transmitted Notice of Acknowledgment of Receipt of the document from the court. The filer shall be solely responsible for the accuracy of the information contained in the filing and for obtaining confirmation of the filing of the document by the court.

(D) Acceptance of Filing.

Documents electronically submitted to the court for filing may be reviewed by the clerk for required data elements. Upon acceptance of the document submitted for filing, an endorsed copy of the document confirming the date and time the document was in fact filed with the court shall be electronically transmitted to the filer. The confirmation of filing shall include the transaction number associated with the filing, the titles of the documents as filed by the court, and the fees (if any) assessed for the filing.

The court, in its discretion, may elect to automatically accept electronically filed documents. The court's system will electronically transmit an endorsed copy of the document to the filer confirming the date and time the document was in fact filed with the court. The confirmation of filing shall include the transaction number associated with the filing, the

titles of the documents filed by the court, and the fees (if any) assessed for the filing.
(Adopted 1/1/2013; revised 1/1/2016)

(E) Rejected Filings.

If an electronically transmitted document is submitted to the court but subsequently determined to be unacceptable for filing, the clerk shall cause to be electronically transmitted to the filer a notice of rejection of the document for filing with the court. The notice shall set forth the grounds for rejection of the document. It shall be the responsibility of the filer to resubmit rejected documents, with appropriate corrections and any required filing fee, to the court for filing. The court will retain a log confirming the rejection of electronically transmitted documents.

(F) Confirmation of Submission.

The confirmation of submission, subsequent resubmission of rejected documents with corrections and/or fees, as well as the filing of documents with the court electronically is the sole responsibility of the filer. In the absence of confirmation of receipt and filing, there is no presumption that the court received and filed the document.

(G) Endorsement.

The clerk's endorsement of documents electronically filed shall consist of the words "Electronically filed by the Superior Court of California, County of Sacramento" followed by the date and time of filing and the printed name of the court clerk. Electronically filed documents so endorsed carry the same force and effect as a manually affixed endorsement stamp with the clerk's signature and initials.

(H) Payment.

All applicable filing fees shall be paid as a condition for electronically filing a document. Any applicable refunds shall be made in the same manner as fees were originally paid.

(I) Waiver of Fees/Costs for Party in Forma Pauperis.

The court will permit a party or attorney to file an application for waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as part of the process involving the electronic filing of a document. The court will consider and determine the application in accordance with Government Code section 68511.3 and will not require the party or attorney to submit any documentation other than that set forth in Government Code section 68511.3. Nothing in this section requires the court to waive a filing fee that is not otherwise waivable.

(J) Signed Documents.

A party who electronically files a document represents that a signed copy of the document is in his or her possession or control. At any time after filing or service of an electronically filed document, the court, or any party to the action, may require the filing party to produce the signed copy of the electronically filed document. The demand shall be served on all other parties but shall not be filed with the court.

(K) Change of Electronic Mail Address.

An attorney, electronic service provider or in pro per party appearing whose electronic mail address changes while an action is pending shall serve and file written notice of the change of address.
(Adopted 1/1/2013; revised 1/1/2016)

1.22 Responsibility for Errors in Electronically Filed Data.

In those instances where a document is submitted for e-filing in conjunction with data imbedded in an XML header format (data which creates the filer's information utilized by the court for initial and subsequent filings), the data in the header will be presumed to be correct and may be imported into the court's database. The filing party shall be solely responsible for the accuracy of such data. In the event that an inaccuracy in the data is discovered subsequent to submission, any interested party may request that the data be corrected by filing a "Request for Correction" with the

court. Such errors may be corrected without notice and shall not constitute an amended filing. There shall be no fee for filing a request for correction.
(Adopted 1/1/2013)

1.23 Electronic Filing System Inquiries.

Inquiries, disputes or complaints regarding any aspect of the Electronic Filing System may be directed to:

For Small Claims Cases Only:

Small Claims Electronic Filing Help Desk
301 Bicentennial Circle
Room 200
Sacramento, CA 95826
Telephone: (916) 875-7746
E-mail: scefile@saccourt.ca.gov

For Limited Civil Unlawful Detainer Cases Only:

Unlawful Detainer Electronic Filing Help Desk
301 Bicentennial Circle
Room 200
Sacramento, CA 95826
Telephone: (916) 875-7746
E-mail: udefile@saccourt.ca.gov

The court may implement and/or expand its use of electronic filing in case types not listed here. Additional information for these case types will be posted at https://www.saccourt.ca.gov/indexes/e-filing.aspx.
(Adopted 1/1/2013; revised 1/1/2016; revised 1/1/2018)

CHAPTER 2 - CIVIL

PART ONE. General

2.00 Sanctions.

If any counsel, party, person or entity subject to these rules, fails to comply with any part thereof, the court on motion of a party or on its own motion may strike out all or any part of any pleading of that party, or, dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order that the offending attorney, party, person or entity pay reasonable costs, including attorney fees, to the court and to other participants.
(Adopted 1/1/2013)

2.01 Mandatory Civil Local Forms.

Local forms adopted for mandatory use shall, whenever applicable, be used. The current version of each of these forms is available for viewing and downloading on the court's website at https://www.saccourt.ca.gov.
(Adopted 1/1/2013)

2.02 Civil Filings.

When filing documents (except those related to Prerogative Writs), the parties shall furnish the court with one original which is unbound and clipped or rubber banded and one copy in a format pursuant to California Rules of Court, rule 3.1110. This section shall not apply to any motion or petition filed pursuant to California Rules of Court, rule 3.1114.
(Adopted 1/1/2013)

2.03 (Deleted effective 1/1/2015)

2.04 Appearance by Telephone.

(A) Parties are encouraged to appear by telephone, when appropriate, at all hearings and conferences, except unlawful detainer proceedings, judgment debtor exemptions, claims of exemption, contempt, default, emancipation of minors, name changes, orders of examination, preliminary injunctions, receiverships, writs of attachment and mandatory settlement conferences. Failure to appear by telephone may in the court's discretion be considered in awarding or denying attorney's fees for travel time.

(B) Notification of Intent to Appear by Telephone.

A party wishing to appear by telephone in a particular hearing or conference shall notify the court of his or her intention by any of the following methods:

(1) Placing the phrase "Telephone Appearance" below the title of the party's initial moving or opposition papers and all subsequent papers;

(2) Personally serving and filing, in the department in which the matter is to be heard, a separate notice at least five court days prior to the hearing;

(3) In civil law and motion departments only, parties may request a telephone appearance for matters designated in subsection (A) above by 4:00 p.m. the court day before the hearing.

(C) Failure to appear by telephone may be considered by the court in awarding or denying attorney's fees for travel time.

(D) If a party noticing an intent to appear by telephone subsequently decides to appear in person, that party shall so notify the court and all other parties at least two court days before the hearing.

(E) Any party wishing to appear in person may do so.

(F) Court's Authority to Require Personal Appearances.

Notwithstanding any other provision of this rule, the court may at any time direct that all parties to a particular proceeding appear in person.

(G) For the purposes of this section, the court has designated CourtCall LLC as its conference call provider. Court Call LLC can be contacted at (888) 88-COURT.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2017)

2.05 Multiple Departments with Similar Proceedings.

Where two or more departments are designated to hear similar proceedings, matters shall be assigned on a rotating basis as designated by the Presiding Judge and posted on the court's website at https://www.saccourt.ca.gov.
(Adopted 1/1/2013)

2.06 Motions to Compel Entry of Judgment. Orders After Hearing.

Motions to compel entry of judgment pursuant to Code of Civil Procedure section 664.6 may be heard in the department of the judge before whom the parties stipulated, or in the law and motion departments.
(Adopted 1/1/2013)

2.07 Orders After Hearing.

(A) Unless otherwise provided in the minute order pursuant to tentative decision, orders after hearing shall be prepared pursuant to California Rules of Court, rule 3.1312 and shall specify, immediately below the case number, the date the matter was last calendared for hearing and the judge who heard the matter. Such order shall be served within five days of receipt of the order signed by the court. Unless otherwise directed, compliance with the order shall be within 10 days of service of the order.
(Adopted 1/1/2013; revised 1/1/2017)

(B) If the moving party has served and submitted a proposed order with the moving papers, and no opposition to the motion is filed, the court may deem that the party who failed to oppose the motion has approved the form of the proposed order, except as to any sanctions included in the proposed order. This rule is not intended to provide for the granting of sanctions not otherwise authorized by statute.
(Adopted 1/1/2013; revised 1/1/2017)

2.08 Substitution or Association of Attorneys or of Party In Pro Per.

(A) A substitution of attorneys or substitution of a party in pro per will not be accepted for filing unless the address and telephone number of the new attorney or party in pro per is included as part of the substitution.

(B) An association of attorney will not be accepted for filing unless the attorney's name, State Bar number, firm name, address, and telephone number of the associated attorney are included as part of the document.
(Adopted 1/1/2013)

2.09 Joining Motions of Other Parties.

If a party desires to receive the same relief as another party and files papers "joining" another party's motion, the court will not consider the papers to be a separate motion and will not grant relief to the party joining the motion unless that party has complied with all procedural requirements for the filing of motions, including payment of filing fees, proper notice, format of motion and method of service.
(Adopted 1/1/2013)

2.10 Examination of Judgment Debtors, Garnishees, and Others Noticed for Appearance at the Main Downtown Courthouse.

(A) Applications. All applications for such orders shall be delivered to the Civil Clerk's office for presentation to the department designated by the Presiding Judge to hear orders of examination (hereinafter Order of Examination Department). A file-endorsed copy of the Judgment, if entered prior to November 13, 2007, shall be submitted as an exhibit to the application.

(B) When service is completed, proofs of such service must be filed in the Order of Examination Department on the date of the hearing. If such proof is not filed in accordance with this rule, the court may refuse to issue a bench warrant for nonappearance of the judgment debtor or third party.

(C) Failure to Appear at Hearing:

(1) If the party or attorney who procured the order fails to appear at the time and place specified in any such order, but the person, corporation, association, or trust named in the order appears, the proceeding for such examination may be dismissed forthwith without costs.

(2) A bench warrant for the arrest of a party, or in case of a corporation, association, or trust, the person served on behalf of the entity may be issued using Order of Examination Bench Warrant with Instructions (local form CV\E-127A&B) which can be found on the court's website at https://www.saccourt.ca.gov. The judgment creditor shall prepare the bench warrant and submit it to the Civil Clerk's office, together with a check for service of the bench warrant in the appropriate amount and made payable to the Sacramento County Sheriff's Department. The bench warrant must be served on or before 120 days after its issuance. The judge in the Order of Examination Department will set bail in an amount to be determined. Upon receipt of a bench warrant for service, the Sheriff may send a courtesy letter offering the named party seven days within which to appear voluntarily.

(3) When a bench warrant is served and the field officer determines that the named party cannot afford to pay the bail, and if the field officer further determines that it would require extraordinary time and additional manpower to book the defendant, the field officer may call the clerk of the Order of Examination Department and request the judge thereof to determine whether said named party can be released on his or her own recognizance.
(Adopted 1/1/2013)

2.11 Motions to Continue Trial Date.

(1) All trial continuances, including those requested upon the parties' stipulation pursuant to Code of Civil Procedure section 595.2, are within the court's discretion.

(2) For the purpose of assigning a trial date in the tentative rulings, all motions to continue a trial date shall include the moving party's attorney's calendar showing the attorney's availability as follows:

(a) If no new trial date is requested, for the 90-day period following the current trial date.

(b) If a new trial date is requested, for the 60-day period following that date.

All other parties, whether or not they oppose the motion to continue the trial date, shall, within the time limits for filing an opposition, file papers showing the attorney's calendars for the time period specified above.
(Adopted 1/1/2013)

2.12 Trial Judge Motions.

The following motions shall be made to the trial judge:

(1) Motions in limine;

(2) Motions for new trial, or to set aside and vacate a judgment and enter a different judgment pursuant to the provisions of Code of Civil Procedure section 663;

(3) Motions to stay judgments;

(4) Proceedings to settle any statement on appeal;

(5) Motion to tax costs after trial;

(6) Motion for attorney's fees after trial.
(Adopted 1/1/2013; revised 1/1/2017)

2.13 Attorney's Fees in Residential Unlawful Detainer Actions.

In actions for unlawful detainer for possession of residential property, except for property governed by Civil Code section 798 et seq., the attorney's fees awarded by the court will not, under normal circumstances, exceed the amounts indicated below. Normal circumstances include, but are not limited to, contested trials of one hour or less.

(A) $200.00 in cases by default where the defendant has filed no answer pursuant to Code of Civil Procedure section 1170.

(B) $300.00 in cases uncontested at trial where the defendant failed to appear, has filed an answer and a non-appearance default prove-up hearing is required.

(C) $500.00 in cases where a represented party and an unrepresented litigant commence a contested trial.

(D) $750.00 in cases where both parties are represented by counsel and the case proceeds to contested trial.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2016)

2.14 Attorney's Fees in Actions on Promissory Notes, Contracts Providing for Payment of Attorney's Fees, and Foreclosures; Attorney's Fee Schedule.

The following attorney's fees shall, under normal circumstances, be awarded in actions on promissory notes, contracts providing for the payment of attorney's fees, and foreclosures:

(A) (Default action on note or contract) Exclusive of costs:

25 percent of first $1,000 with minimum fee of $150
20 percent of next $ 4,000
15 percent of next $ 5,000
10 percent of next $10,000
5 percent of next $30,000
2 percent of the amount over $50,000

(B) Notwithstanding subdivision (A), in a default action to obtain a judgment in which attorney's fees are awarded under Civil Code section 2983.4 or section 2988.9, in no event shall attorney's fees exceed $1,000 except in unusual circumstances. Any application for attorney's fees for an amount in excess of $1,000 shall be filed before the default hearing and shall be accompanied by a declaration.

(C) (Contested action on note or contract) The same amount as computed under subdivision (A), increased by such reasonable compensation computed on an hourly or per-day basis for any additional research, general preparation, trial, or other services as may be allowed by the court.

(D) (Foreclosure of mortgage or trust deed) The same amount as computed under subdivision (A) or (B), increased by 10 percent.

(E) (Foreclosure of assessment or bond lien relating to a public improvement) The same amount as computed under subdivision (A) or (B), except that the minimum fee shall be $75 in an action involving one assessment or bond, and an additional $20 for each additional assessment or bond being foreclosed in the same action.

(F) Where a defendant is the prevailing party, the fee will be fixed by reasonable compensation computed on an hourly or per-day basis for research, general preparation, trial or other services rendered.

(G) Where prevailing party is entitled to the recovery of a reasonable attorney's fee in an otherwise appropriate clerk's judgment, the clerk shall include an attorney fee computed pursuant to the schedule set forth in subdivision (A) above.

(H) In any case where a party claims fees in excess of those allowed by this rule, application for attorney fees shall be made to the court, supported by declarations setting forth the factual basis for the claimed attorney fees. The fee will thereupon be fixed by the court.
(Adopted 1/1/2013)

2.15 Form of Judgment.

In drafting forms of judgment for the trial judge to sign, counsel shall:

(A) Clearly show the full names of the parties for whom, and against whom, the judgment is rendered, including their capacities as plaintiffs, defendants, cross-complainants and cross-defendants.

(B) Refer to such full names as they appear in the pleadings, or obtain an order amending the pleadings in respect to such names.

(C) Unless costs have already been awarded in a specific amount, leave a blank space for insertion of any costs, as follows:

" . . . and costs in the sum of $_____."
(Adopted 1/1/2013)

2.16 Motion to Tax Costs.

Except as to matters subject to the Electronic Filing Program, all motions to tax costs must have a copy of the memorandum of costs attached. Motions to tax costs shall be filed at the court’s public filing counter.
(Adopted 1/1/2013)

2.17 Stipulated Judgment Form to Be Separate from Stipulation.

If the parties enter into a written stipulation for judgment, the form of the proposed judgment to be signed and filed shall be a separate document. A copy thereof may be attached as an exhibit to, or incorporated by recital in, such stipulation.
(Adopted 1/1/2013)

2.18 Appeal from Decision of Labor Commissioner Under Labor Code Section 98.2.

(A) Any party filing a Notice of Appeal of the order, decision or award of the Labor Commissioner pursuant to Labor Code section 98.2, shall file with the Clerk of the Court:

(1) A copy of the complaint and any answer filed with the Labor Commissioner;

(2) A copy of the order, decision or award of the Labor Commissioner, which shall include a summary of the hearing and the reasons for the decision; and

(3) A declaration of proof of service of a copy of the Notice of Appeal upon the Labor Commissioner.

(B) Appellant shall file the papers prescribed in paragraph (A) with the Notice of Appeal or within 10 days thereafter. The clerk shall set the matter for hearing de novo upon the filing of said papers.

(1) Appellant is deemed to be on notice that the trial judge will consider sanctions against the appellant for delay in prosecution of the appeal under Code of Civil Procedure section 177.5 if the appellant fails to file such papers timely;

(2) If sanctions are imposed under Code of Civil Procedure section 177.5, appellant shall file the papers prescribed in paragraph (A) within 30 days thereafter. If the appellant fails to file such papers timely, appellant is deemed to be on notice that the trial judge will consider sanctions against the appellant under Government Code section 68606, including dismissal of the appeal.

(C) The Notice of Appeal filed pursuant to Labor Code section 98.2 shall be treated as the first paper for the purpose of determining the filing date.
(Adopted 1/1/2013)

2.19 (Deleted effective 1/1/2015)

2.20 Amended Complaints.

A party filing an amended complaint or cross-complaint shall list the names of all parties in the case caption or include an addendum to the document listing all party names.
(Adopted 1/1/2015)

2.21 Limited Civil Cases.

Pursuant to California Rules of Court, rule 3.720(b), all Limited Civil Cases are exempt from the Case Management Program. Rules applicable to limited civil actions, including requests for trial setting, arbitration, mediation, and expedited jury trials can be found on the court's website at https://www.saccourt.ca.gov\civil.
(Adopted 1/1/2014; revised 1/1/2017)

2.22 Exhibits.

All exhibits submitted in an electronic medium must be labeled with the case number, case title and exhibit number/letter designation and be accompanied by a declaration providing a general description of the contents of the medium.
(Adopted 1/1/2015)

2.23 Small Claims – Request to Correct or Cancel Judgment and Answer.

In small claims matters, the parties submitting a request to correct or cancel a judgment must file using a Request to Correct or Cancel Judgment and Answer (Small Claims) (Judicial Council form SC-108 (page 1)) and must also

include the Order on Request to Correct or Cancel Judgment (Small Claims) (Judicial Council form SC-108(A)). The party answering the request to correct or cancel a judgment must file the answer using a Request to Correct or Cancel Judgment and Answer (Small Claims) (Judicial Council form SC-108 (page 2)).
(Adopted 1/1/2018)

(Rules 2.24-2.25 Reserved)

PART TWO. Prerogative Writs

2.26 Prerogative Writs.

(A) Except as provided in paragraph (H), petitions for writs of mandate, review, and prohibition shall be filed with the clerk of the court and shall be immediately assigned to a judge for all purposes, as directed by the Presiding Judge and a Notice of Assignment shall issue. If the petition is combined with a complaint for injunctive and/or declaratory relief, the assignment shall apply to the complaint as well as the petition.

(B) When filing any papers related to a petition for prerogative writ, the parties shall furnish the court with one original which is unbound and clipped or rubber banded and two copies in a format pursuant to California Rules of Court, rule 3.1110.

(C) All subsequent documents in the case shall be filed and paid for at the court's public filing counter. Documents filed within one day of the hearing shall be filed and paid for at the court's public counter and an endorsed copy shall be delivered to the assigned department.

(D) Unless otherwise ordered by the court, points and authorities prepared for a hearing on the merits of a writ petition shall be filed in accordance with the following schedule and page limits: The opening memorandum of points and authorities shall be filed at least 45 calendar days prior to the hearing date; the opposition shall be filed at least 25 calendar days prior to the hearing date; and the reply shall be filed at least 15 calendar days prior to the hearing. The opening and opposition memorandum shall not exceed 30 pages in length with double spaced lines (or 22 pages with one and one-half spaced lines). The reply shall not exceed 20 pages in length with double spaced lines (or 15 pages with one and one-half spaced lines). The court prefers that all memoranda use double spaced lines. Points and authorities prepared for a motion to be heard prior to the merits of a writ petition shall comply with the filing schedule and page limits specified in California Rules of Court, rule 3.1113 and rule 3.1300. In the event that the points and authorities exceed 10 pages in length, the filing party must also comply with subsection (B) above. If the assigned writ department uses a tentative ruling system, any notice of hearing or notice of motion must contain the tentative ruling language in Local Rules, rule 1.06.

(E) A guide to the procedures for prosecuting petitions for prerogative writs in the Sacramento Superior Court is provided by the legal process clerks to each party filing a civil writ petition, is available from the clerk in each assigned writ department, and is posted on the Sacramento Superior Court's internet website (https://www.saccourt.ca.gov). Counsel shall obtain and follow this procedural guide in applying for a stay, setting a hearing by notice or alternative writ on the merits of a writ petition, bringing a motion prior to a hearing on the merits, and taking other actions covered in the guide.

(F) All applications for relief from this rule shall be made to the judge assigned the case.

(G) Mediation in Land Use and Environmental Actions. The petitioner in land use and environmental writ proceedings, at the time of the deadline for the response to the petition, shall prepare and lodge with the assigned department a notice form for the court's signature inviting mediation pursuant to Government Code section 66031(b). A sample form may be obtained from the clerk in the assigned department.

(H) Petitions for writs of mandate, review, and prohibition arising from any misdemeanor case, infraction case, or limited civil action shall be filed with the clerk of the appellate unit of the clerk's office and heard by the Appellate Division of the Superior Court in accordance with the rules of the Appellate Division.
(Adopted 1/1/2013)

(Rules 2.27-2.29 Reserved)

PART THREE. Civil Law and Motion

2.30 Civil Law and Motion Departments.

(A) Civil law and motion proceedings (on all matters other than small claims and unlawful detainer cases) for the court shall be heard in departments and will be called at such times as are designated by the Presiding Judge and posted on the court's website at https://www.saccourt.ca.gov. In addition to the matters defined in California Rules of Court, rule 3.1103, except for those matters specifically excluded herein, such departments shall also hear petitions for change of name and applications for appointment of a guardian ad litem pursuant to Code of Civil Procedure section 373. All probate matters will be heard in the Probate Department. As to any matter for which an appearance is required, a failure of the moving party to appear when called may, in the court's discretion, cause the matter to be ordered off calendar or denied.

(B) When a matter is to be dropped, counsel for the moving party shall promptly notify the law and motion calendar clerk or, if within one week prior to the hearing date, the clerk of the assigned department pursuant to California Rules of Court, rule 3.1304(b).
(Adopted 1/1/2013; revised 1/1/2017)

(C) Requests for continuance must be made in writing by letter to the clerk of the department and must be requested by the moving party. No matters will be continued by stipulation of the parties without approval by the court for good cause shown.
(Adopted 1/1/2013; revised 1/1/2017)

2.31 Filing of Papers.

(A) All papers relating to a law and motion matter shall be filed with the Law and Motion Public Filing counter at 813 6th Street, Room 212 (2nd Floor), Sacramento, CA 95814. Papers filed by mail shall be addressed to 720 9th Street, Room 102, Sacramento, CA 95814.
(Adopted 1/1/2013; revised 1/1/2017; revised 1/1/2019)

(B) All opposition and reply papers shall be served upon opposing counsel by personal delivery, telecopy, express mail, or other means designed to ensure that the opposition and reply papers are received by opposing counsel no later than one court day after filing.

(C) Failure to comply with the requirements of this rule concerning filing and serving opposing and reply papers may, in the discretion of the court, be deemed cause for acting on the matter without consideration of the document filed in violation of the rule and cause for imposing sanctions. (California Rules of Court, rule 2.30; Code of Civil Procedure section 177.5 and section 575.2.)
(Adopted 1/1/2013; revised 1/1/2017)

(D) When more than one motion in the same case is to be heard in different departments, they shall be set on different dates. All motions to be heard by different departments must be separately noticed and served.

(E) Unless previously filed, proofs of service must be filed by 9:00 a.m. five calendar days before the hearing, or the matter may be dropped from the law and motion calendar.

(F) Lodging of deposition transcripts is not permitted unless requested by the court. Copies of pertinent portions of depositions shall be attached as exhibits to the motion and incorporated by reference in a declaration.
(Adopted 1/1/2013; revised 1/1/2017)

2.32 Demurrers in Limited Civil Cases.

Demurrers and decisions thereon shall comply with Code of Civil Procedure section 90 et seq., which provide limits on pleadings in limited civil cases.
(Adopted 1/1/2013)

2.33 Motions to Strike in Limited Civil Cases.

Motions to strike shall comply with Code of Civil Procedure section 90 et seq., which provide limits on motions to strike in limited civil cases. The court will exercise its inherent power to strike an unauthorized pleading or a pleading filed in violation of a court order.
(Adopted 1/1/2013)

2.34 Defaults and Default Judgments.

(A) A party who submits an Application for Default in reliance upon service of summons by substituted service pursuant to Code of Civil Procedure section 415.20(b) shall submit a declaration by the process server indicating:

(1) The factual basis upon which the process server concluded that the place of service and mailing was either the "dwelling house, usual place of abode, usual place of business, or usual mailing address other than a United States Postal Service box" of the person served;
(Adopted 1/1/2013; revised 1/1/2017)

(B) If a default judgment is requested by affidavit pursuant to Code of Civil Procedure section 585(d), the request and accompanying declarations shall be submitted to the courtroom clerk in the appropriate law and motion department. If, after reviewing the materials submitted, the court determines that personal testimony is required, the clerk shall so advise the moving party. If testimony is required, the moving party must notify the law and motion clerk to arrange a hearing date.

(C) Requests for Entry of Default must be accompanied by either the original summons and proof of service for filing or filed endorsed copies. On cases where the complaint was filed prior to January 1, 2006, or if the original summons was issued and given to filing party at the time of filing, said summons (or file endorsed copy) must be provided prior to entry of default.
(Adopted 1/1/2013; revised 1/1/2017)

2.35 Ex Parte Applications.

(A) All ex parte applications, including applications for temporary relief, orders to show cause and orders shortening or extending time, shall be reserved by appointment only with the assigned Law and Motion Department no later than 10:00 a.m. the court day before the ex parte appearance, at such times as are designated by the Presiding Judge and published on the court's website at https://www.saccourt.ca.gov. Ex Parte Applications and supporting documents shall be filed and paid for by 4:00 p.m. one court day prior to the appointment at the Law and Motion public filing counter at 813 6th Street, Room 212 (2nd Floor), Sacramento, CA 95814. An original plus one copy shall be presented at the time of filing. All applications shall include a written supporting declaration, stating whether the opposing party is represented by counsel, whether the opposing party or counsel has been given notice of the application as required by the California Rules of Court and has agreed to the requested order and if not, setting forth facts establishing good cause for the issuance of the order without notice. The merits of the application for temporary relief shall be determined on the documents submitted in support of and opposition to the application. The court may allow supplemental oral or written argument by either party.
(Adopted 1/1/2013; revised 1/1/2015; revised 1/1/2017; revised 1/1/2019)

(B) Except by order of the court, upon a showing of good cause, all ex parte applications seeking a hearing on shortened time shall provide for opposition papers to be filed and served five court days and reply papers to be filed and served two court days prior to the hearing date. Upon a showing of good cause, the court, in its discretion, may order a shorter time or that there be no reply, but in no event shall the last paper be filed later than 9:00 a.m. two court days before the hearing. The moving papers must be accompanied by a copy of the proposed order and all papers,

including those subsequently filed regarding the application, must indicate on the caption page that the matter was brought on an order shortening time with specific indication of the date of the order and the name of the judge.
(Adopted 1/1/2013; revised 1/1/2015; revised 1/1/2017)

2.36 Discovery Sanctions. Code of Civil Procedure Section 2023(c).

When seeking monetary sanctions under the Civil Discovery Act, the requesting party must so state in the notice of motion, and state against whom sanctions are sought. The request must be supported by the appropriate legal authority (e.g., interrogatories, Code of Civil Procedure section 2030(k).) The motion shall be accompanied by a declaration setting forth facts supporting the amount of any monetary sanctions sought, including the service provided, the date and the attorney's fee for the service. Conclusory allegations that the amount of sanctions sought is reasonable are insufficient to support the request.
(Adopted 1/1/2013)

2.37 Matters Regarding Discovery in Limited Civil Cases.

(A) Motions regarding discovery in limited civil cases shall comply with Code of Civil Procedure section 94 et seq., if applicable.

(B) If discovery is sought in violation of Code of Civil Procedure section 94, it is a sufficient response to object on the ground of violation of that section, setting forth specifically the manner in which the discovery sought violates that section. Failure to timely so object will be deemed a waiver of such objection.

(C) Where an order compelling or limiting discovery is sought, and relevancy to the subject matter is in issue, the moving papers shall set forth a synopsis of each pertinent cause of action and each defense in a manner sufficient that it will not be necessary for the court to read the pleadings.
(Adopted 1/1/2013)

2.38 Compensation of Discovery Referees.

In the absence of an order to the contrary, all counsel and all parties are jointly and severally liable for the costs and expenses of discovery referees.
(Adopted 1/1/2013)

2.39 Reserving Hearing Dates.

Hearing dates for motions for summary judgment, summary adjudication, judgment on the pleadings, special motions to strike pursuant to Code of Civil Procedure section 425.16, and demurrers must be reserved in advance by telephoning the calendar clerks at (916) 874-7848 (Department 54) or (916) 874-7858 (Department 53).
(Adopted 1/1/2013)

(Rules 2.40-2.44 Reserved)

PART FOUR. Case Management Program (CMP)

2.45 Case Management Program.

Except as expressly excluded here and elsewhere in these rules, all parties shall adhere to all applicable statute included in the Trial Court Delay Reduction Act (Government Code section 68600 et seq.) and all applicable rules contained in the Case Management Rules adopted by the Judicial Council (California Rules of Court, rule 2.2 et seq).
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2017)

2.46 Included Actions; Exceptions; Excluded Actions.

(A) All civil actions as defined in subdivision (B) of this rule shall be included in the court's Civil Case Management Program.

(B) Civil actions refer to all civil cases except limited civil, probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act; freedom from parental custody and control proceedings; and adoption proceedings), juvenile proceedings, small claims proceedings, unlawful detainer proceedings, cases included in petitions for coordination, petitions for a writ of mandate or prohibition, temporary restraining order, harassment restraining order, domestic violence restraining order, writ of possession, appointment of a receiver, release of property from lien, change of name and such "other civil petitions" as defined by the Judicial Branch Statistical Information Data Collection Standards.

(C) In all program cases, the Clerk of the Court shall make available a Program Case Notice. A copy of the Notice shall be served with the summons and complaint.

(D) Any Case Management Statement or other document filed with the court shall be served on all parties or their counsel of record unless otherwise directed by the court.

(E) The court may in the interest of justice exempt a civil case from the Case Management Program when the court determines that there are exceptional circumstances that will prevent an incarcerated civil litigant, appearing in pro per, from meeting the goals and deadlines imposed by the program.

(F) Cases designated as Complex pursuant to California Rules of Court are exempt from the Civil Case Management Program and subject to Management pursuant to the Case Management Orders issued by the Complex Case Management Department of this court, or any other department assigned to manage the complex case under California Rules of Court, rule 3.750 et seq.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

2.47 CMP Tentative Rulings and Preparation of Notices.

(A) All CMP departments will issue tentative rulings. Not later than 2:00 p.m. of the court day before each calendar, the judges will prepare and publish a tentative ruling on each matter on the CMP calendar. Tentative rulings will be published on the court's website at https://www.saccourt.ca.gov. Parties contesting the tentative ruling must request a hearing by notifying the court and all opposing parties not later than 4:00 p.m. on the day before the hearing. If a hearing is not requested by 4:00 p.m., the tentative ruling will be affirmed without further hearing.

(B) Absent a request to appear and be heard for any matter on the Case Management Calendar, all posted tentative rulings shall become the final ruling of the court. Should a hearing be requested by any party or ordered by the court, the court may, in its discretion, modify or affirm the tentative ruling and advise the parties of its ruling at the hearing.

(C) The plaintiff shall serve all parties with written notice of all final rulings of the court.
(Adopted 1/1/2013)

2.48 Form of Case Management Documents.

All program case management documents shall include the date, time, and department where the matter is set for hearing.
(Adopted 1/1/2013)

2.49 Uninsured Motorist Cases: Duty to Advise Court of Uninsured Motorist Claim; Additional Time for the Resolution of Claim; Duty to Advise Court of Resolution of Claim.

(A) If the complaint includes an uninsured motorist claim as defined in Government Code section 68609.5 and Insurance Code section 11580.2, plaintiff shall so advise the court in an Uninsured Motorist Statement (local form CV\E-132) to be filed at the earliest possible date but in no event later than 75 days after the action is filed.

(B) Once plaintiff has properly advised the court of the claim, the court will toll the CMP timelines for the period commencing on the date of filing of the action and terminating on the date of filing of the arbitration award, the date the claim is otherwise concluded, or 180 days after the case is designated an uninsured motorist case, whichever is earlier.

(C) Plaintiff shall file a Supplemental Uninsured Motorist Statement within 10 days of the date of the arbitration award or the date the claim is otherwise concluded, setting forth the date of the award or the date the claim concluded.

(D) Once the period of tolling has terminated, a plaintiff or real party in interest seeking to pursue the action shall do so in accordance with CMP timelines and the other provisions of this chapter. The CMP timelines will be measured from termination of the tolling period.
(Adopted 1/1/2013; revised 1/1/2019)

2.50 Case Management Conference.

(A) Except as otherwise provided in these local rules or as ordered by the court, civil cases will be set for a Case Management Conference. The court will serve a Notice of Case Management Conference on the filing parties at the time the case is filed with the court. Plaintiff shall serve by mail within 10 days of the date of receipt of the Notice of Case Management Conference a copy of such notice on all parties to the action. Proof of such service shall be filed with the court and shall be accompanied by a declaration stating the name of the party served and the name, address and phone number of any such party's counsel of record.

(B) At the Case Management Conference, counsel for each party and each self-represented party must appear personally or, if permitted under California Rules of Court, rule 3.670, by telephone, must be familiar with the case, and must be prepared to discuss and commit to the party's position on the issues listed in California Rules of Court, rule 3.724 and rule 3.727.
(Adopted 1/1/2013; revised 1/1/2017)

(C) Case Management Conferences will not be held in limited civil cases.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2017)

2.51 Case Management Statements, Filing a Joint Statement, Default Judgment Status Statements, Meet and Confer Period.

(A) Except as otherwise provided in this chapter, Case Management Statements shall be filed by all parties no more than 45 and no less than 15 calendar days prior to the date set for each Case Management Conference. In filing the Case Management Statements, parties shall utilize the form mandated by the Judicial Council.

(B) The parties are encouraged to file a single joint Case Management Statement. The parties are encouraged to utilize the meet and confer conference mandated by California Rules of Court, rule 3.724 to develop their joint Case Management Statement.
(Adopted 1/1/2013; revised 1/1/2017)

(C) If at the time a Case Management Statement is due a party has filed a request for a default judgment as to all other parties remaining in the case, that party shall file a Default Judgment Status Statement on a form provided by the court in lieu of a Case Management Statement. In the event a party has filed a request for a default judgment against fewer than all remaining parties, that party shall file a Default Judgment Status Statement together with a Case Management Statement.

(D) In cases where a Case Management Statement will be filed, the parties must meet and confer, in person or by telephone as required in California Rules of Court, rule 3.724 no later than 30 calendar days before the Case Management Conference date in order to facilitate timely filing of the Case Management Statements.
(Adopted 1/1/2013; revised 1/1/2017)

(E) In cases where a Case Management Statement will be filed, the Mediation Statement shall be filed concurrently with the Case Management Statement unless the parties have filed a Stipulation for Alternative Dispute Resolution form with the Arbitration/Mediation Clerk at any time up to 15 calendar days prior to the Case Management Conference.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2017)

2.52 Exemption for Short Cause Cases Upon Certification of All Parties.

With respect to those cases subject to civil case management, upon determination by the court or on certification of a party that a case is short cause (five hours or less of trial time), that the pleading stage is complete and that the case will be ready for trial within 60 days, the case will be exempted from any further case management requirements and will be set for trial within 60-120 days after filing of the certification. The certification shall be entered upon a Certificate of Short Cause (local form CV\E-131) located on the court's website at https://www.saccourt.ca.gov. The certification may be filed in lieu of a Case Management Statement, if filed at least 15 calendar days before the date set for the Case Management Conference. Any party objecting to certification shall file and serve a motion before the appropriate CMP judge within 10 days of the filing of the certification.
(Adopted 1/1/2013; revised 1/1/2014)

2.53 Motions to Implement and for Relief.

The parties may not extend time periods or alter any provisions of these rules by stipulation. Motions to implement and for relief from the provisions of CMP rules shall be heard by the designated CMP judges. The CMP judge shall hear motions to extend the time for the trial setting process. Motions for relief from CMP rules may be granted only upon a showing of good cause. On motion of a party or on its own motion and on a showing of good cause, the court may shorten the time to perform an act required by these rules.

Law and motion judges hear all law and motion matters.
(Adopted 1/1/2013)

2.54 Bankruptcy Matters.

Any party to a civil action that becomes aware of a bankruptcy stay being lifted shall file and serve written notice to the assigned Case Management Program department within five court days.
(Adopted 1/1/2013)

2.55 Orders to Show Cause.

(A) Failure to comply with these Local Rules or California Rules of Court, rules 3.720-3.735 shall result in filing and service of an Order to Show Cause Re: Non-Compliance on the responsible party, setting the matter for hearing in the designated department. The order shall require the responsible party to show good cause why reasonable monetary sanctions should not be imposed as a result of the non-compliance. Not later than 15 days before the date of the hearing, the responding party shall file an Attorney/Party Compliance Statement (local form CV\E-112).

(B) Repeated failure to comply with these Local Rules, California Rules of Court, rules 3.720-3.735, or the orders of this court shall result in filing and service of an Order to Show Cause Re: Dismissal, requiring the responsible party to show good cause why dismissal of their entire action or cross action should not be entered.

(C) Not later than 15 days before the date of hearing for any Order to Show Cause, the responding party shall file local form CV\E-112.
(Adopted 1/1/2019)

(Rules 2.56-2.59 Reserved)

PART FIVE. Alternative Dispute Resolution

2.60 Alternative Dispute Resolution Policy Statement.

Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time consuming and stressful. It is the policy of the Sacramento Superior Court to strongly support the use of Alternative Dispute Resolution (ADR). It is expected that litigants will utilize some form of ADR as an alternative to traditional litigation, including arbitration or mediation, in addition to traditional settlement conferences.
(Adopted 1/1/2013)

2.61 ADR Information.

Attorneys shall provide their clients with a copy of the Sacramento County Superior Court ADR information package at the earliest available opportunity and prior to completing the Case Management Conference Statement. The ADR information package may be obtained from the Mediation Clerk, 720 9th Street, Room 102, Sacramento, CA 95814 or on the court's website at https://www.saccourt.ca.gov. Plaintiffs and cross-complainants shall serve a copy of the Sacramento County Superior Court ADR information package on each defendant or cross-defendant at the time the complaint or cross-complaint are served as required by California Rules of Court, rule 3.221.
(Adopted 1/1/2013; revised 1/1/2017)

2.62 ADR Program Administrator.

Management of the Superior Court judicial arbitration and mediation programs is conducted under the supervision of the ADR Program Administrator. The principal office of the ADR Program Administrator is located in the Gordon D. Schaber Courthouse, 720 9th Street, Room 102, Sacramento, CA 95814.
(Adopted 1/1/2013; revised 1/1/2017)

2.63 ADR Participation.

Participation in any of the court's ADR programs is strongly encouraged. Parties may request ADR by choosing an ADR option on the Case Management Form (Judicial Council form CM-110), or by jointly filing a Stipulation for ADR.
(Adopted 1/1/2013)

2.64 ADR Assessment at Case Management Conference.

The Case Management Conference is intended, in part, to assist those parties who have not stipulated to ADR to select the most effective and appropriate ADR method to fully resolve the case.
(Adopted 1/1/2013)

2.65 ADR Neutral List.

To assist parties and counsel in obtaining access to experienced and affordable ADR neutrals, the court shall develop and maintain panels of arbitrators and mediators. Eligibility criteria for appointment to the court's arbitration or mediation panel(s) shall be consistent with California Rules of Court, rule 10.781 and rule 3.810, et seq., and such other criteria as may be established by the court. Arbitrators on the court's panel are required to accept two cases within each calendar year. Arbitrators on the panel may arbitrate more than two cases in each calendar year. The panels of arbitrators and mediators, including names, qualifications, services provided and fees charged, shall be posted electronically on the court's website and shall be made available in hard copy for public inspection in the office of the ADR Program Administrator. Individuals interested in serving on either of the court's ADR panels must

complete an application found on the court's website at https://www.saccourt.ca.gov, and update their panel member information as changes occur.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2017)

2.66 Notice of Settlement.

If a case that has been scheduled for judicial arbitration or court mediation settles, plaintiff must immediately serve a copy of written notice of the settlement or other disposition on the ADR provider involved in the case and the Arbitration/Mediation Clerk.
(Adopted 1/1/2013)

2.67 ADR Grievance Procedure.

It is the goal of the Sacramento Superior Court to encourage excellence and the highest ethical standards in ADR practice. In the event of any concern regarding the ADR process or the conduct of any ADR panel member (judicial arbitration or court mediation), the parties are encouraged to first discuss that concern with the panel member. If the concern cannot be resolved in this manner, the parties may file a written complaint with the ADR Program Administrator.
(Adopted 1/1/2013)

2.68 Arbitration.

(A) A case may be referred to judicial arbitration at the direction of the CMP judge. All cases referred to arbitration will be referred to the Trial Setting Process.

(B) All counsel (including self-represented parties) shall confer and agree upon the names of three Arbitrators. Parties shall notify the court of the selection of Arbitrators in preference order no later than 30 days from the effective date of the order to Arbitration. Selections shall be made by completing the submission form located on the court's website at https://www.saccourt.ca.gov/civil/arbitration-selection.aspx.

If the parties fail to select and submit the names of the Arbitrators, an Arbitrator will be appointed by the court. Once the court appoints the Arbitrator, the court will mail a Notice of Appointment of Arbitrator to all parties.

(C) The arbitration hearing shall be concluded within 60 days after assignment of the arbitrator.

(D) Within 10 days after the conclusion of the arbitration hearing, the arbitrator shall file his or her award with the clerk, with proof of service on each party to the arbitration. Within the time for filing the award, the arbitrator may file and serve an amended award.
(Adopted 1/1/2013; revised 1/1/2014)

2.69 Arbitration Proceedings Regarding a Limited Civil Case in General.

(A) Arbitration is mandatory in a limited civil case under the following circumstances:

(1) When all parties stipulate to arbitration pursuant to Code of Civil Procedure section 1141.12 and California Rules of Court, rule 3.812.

(2) When the plaintiff files a timely election to arbitration pursuant to Code of Civil Procedure section 1141.12 and California Rules of Court, rule 3.812.

(B) A stipulation for arbitration shall be filed pursuant to procedures set forth on the court's website at https://www.saccourt.ca.gov\civil.

(C) A written election by the plaintiff to submit an action or proceeding to arbitration shall be filed pursuant to procedures set forth on the court's website at https://www.saccourt.ca.gov\civil.
(Adopted 1/1/2013; revised 1/1/2014)

2.70 Judicial Arbitration Under Code of Civil Procedure Section 1141.10 Et Seq.

(A) Should an objection to arbitration be raised in an unlimited civil case, the party may file a motion in the appropriate CMP department and notify the parties of the hearing date. Objections to arbitration in a limited civil case shall be submitted pursuant to procedures set forth on the court's website at https://www.saccourt.ca.gov\civil.

(B) If the objection to arbitration is sustained under paragraph (A), the action or proceeding shall thereafter proceed as if no stipulation or election regarding arbitration had been filed.

(C) Upon filing by the arbitrator of an award with the Arbitration/Mediation Clerk, the court shall proceed in accordance with California Rules of Court, rule 3.825.

(D) Notice to vacate a judgment based upon an arbitration award shall be governed by California Rules of Court, rule 3.825.

(E) A request for trial after an arbitration award shall be filed with the Arbitration/Mediation Clerk. The trial shall be governed by California Rules of Court, rule 3.826.
(Adopted 1/1/2013; revised 1/1/2014)

2.71 Arbitration of Attorney's Claims in Connection with Action to Recover Attorney's Fees and/or Costs.

The rules of this chapter do not apply to the arbitration of attorney's claims in connection with actions to recover attorney's fees or costs. Actions by attorneys or their assignees to collect attorney's fees, costs or both from their clients are governed by Business and Professions Code section 6200 et seq. and related rules of the Sacramento County Bar Association.
(Adopted 1/1/2013)

2.72 Failure to Meaningfully Participate in Arbitration Procedures.

(A) For the willful failure to meaningfully participate in arbitration proceedings, the CMP judge, on noticed motion, may impose sanctions, including arbitrator's fees, attorney's fees and costs.

(1) The following may be considered failures to meaningfully participate in arbitration:

(a) Non-appearance, at the time set for hearing, of any person necessary to proceed to a meaningful conclusion. (Phone calls to the arbitrator at the time set for hearing will not be deemed an appearance.)

(b) Failure to offer any evidence or rebuttal.

(c) Submission of a motion to continue the arbitration hearing less than five days before the scheduled date, except upon a showing of good cause.

(d) Failure to complete arbitration within the time fixed therefore.

(B) In the event of such failure to meaningfully participate, the arbitrator may present a declaration to the court requesting sanctions against the offending party or attorney. The declaration shall be lodged with the Arbitration Administrator, and an order to show cause shall be issued and set for hearing.
(Adopted 1/1/2013)

2.73 Voluntary Civil Mediation.

Mediation is a voluntary, flexible, and confidential process in which a neutral third party mediator facilitates negotiations. The goal of mediation is to reach a mutually satisfactory agreement that resolves all or part of the dispute after exploring the significant interests, needs, and priorities of the parties in light of relevant evidence and law.
(Adopted 1/1/2013)

2.74 Type of Mediation Available.

Parties may elect to utilize either of the following options for mediation:

(A) Private Mediation. Parties to a civil action may agree to mediate their dispute with a mediator of their choice without court assistance.

(B) Court Mediation. Upon stipulation of the parties, a mediator will be selected from a court-approved list of mediators. The mediator will be compensated pursuant to Local Rules, rule 2.84. The court will confirm the selected mediator and send notice to the parties. The mediator will then be responsible for contacting the parties to confirm a date, time, and place for mediation.
(Adopted 1/1/2013)

2.75 Eligible Cases.

The mediation program provided for in these rules applies only to unlimited civil matters. The program does not apply to limited civil matters, unlawful detainer, family law, probate, writs, petitions, and small claims cases.
(Adopted 1/1/2013)

2.76 Stipulation to Mediation.

Parties may elect voluntary mediation in lieu of judicial arbitration. Parties may opt for mediation by filing a Stipulation and Order to Mediation (local form CV\E-MED-179) at any time up to 15 calendar days prior to the Case Management Conference. This form is included in the ADR information packet provided when the complaint is filed.

If parties agree to mediate the case within 15 days prior to the Case Management Conference, they shall appear at the Case Management Conference and request mediation unless the judge has excused their appearance by way of tentative ruling. The parties shall execute and file local form CV\E-MED-179 within 14 calendar days after the Case Management Conference.
(Adopted 1/1/2013; revised 1/1/2018)

2.77 Vacancy and Challenge of ADR Neutral.

If the original mediator should resign, die, withdraw, be disqualified, refuse or be unable to perform the duties of a mediator, the parties shall within five days after receiving notice of such event inform the Arbitration/Mediation Clerk. An alternate mediator will then be substituted in the original mediator's place.
(Adopted 1/1/2013)

2.78 Mediation Statement.

The Mediation Statement shall be filed with the Case Management Statement as required under Local Rules, rule 2.51 unless the parties have filed a Stipulation and Order to Mediation (local form CV\E-MED-179) with the Arbitration/Mediation Clerk at any time up to 15 calendar days prior to the Case Management Conference.
(Adopted 1/1/2013; revised 1/1/2018)

2.79 Timing of Mediation and Trial Dates.

All cases referred to mediation will be referred to the Trial Setting Process. All mediations should be completed prior to the 60th day from the date of referral to the Trial Setting Process unless an extension of time is granted by the Case Management Program Judge.
(Adopted 1/1/2013)

2.80 Exemption from Mandatory Settlement Conference Program.

All long cause civil matters shall be included in the Mandatory Settlement Conference Program. However, any party who has participated in mediation may submit a declaration to the Supervising Settlement Judge requesting that the party's case be exempted from the Mandatory Settlement Conference Program. The declaration shall state the grounds for the exemption. The Supervising Settlement Judge will then decide whether the matter shall be exempt. The declaration shall be submitted to the Supervising Settlement Judge at least 20 days prior to the scheduled Mandatory Settlement Conference. The declaration form can be found on the court's website at https://www.saccourt.ca.gov.
(Adopted 1/1/2013)

2.81 Appearances Required at Mediation.

The parties shall personally appear at all mediation sessions unless excused by the mediator. When the party is other than a natural person, that party shall appear by a representative with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or legislative body, by a representative with authority to recommend such an agreement. Each party shall have counsel present at all mediation sessions unless excused by the mediator. An insurance representative of a covered party shall also be present unless excused by the mediator.
(Adopted 1/1/2013)

2.82 Mediation Program Statements and Supporting Documents.

(A) Not less than 10 days prior to a scheduled mediation, each party shall lodge an original and one copy of the Mediation Program Statement with the mediator and serve all other parties. The Mediation Program Statement shall comply with the format for Mandatory Settlement Conference Statements set forth in Appendix C to these rules, which may be obtained on the court's website at https://www.saccourt.ca.gov/civil/docs/settlement-conference-statement.pdf, the civil filing counter and Department 59. The statement and supporting material must be sufficiently detailed to enable the mediator to facilitate meaningful negotiations. Counsel shall certify good faith belief in the accuracy of the information provided and shall certify knowledge of the requirements of these rules. The Mediation Program Statement shall not be included in the court's file.

(B) In personal injury actions, counsel for each party claiming damages shall bring pertinent medical reports and records to the mediation. The Mediation Program Statement shall include a current statement of all economic damages claimed and counsel shall have corroborating evidence at the mediation for examination by the mediator. Opposing counsel shall have all reports and records of physicians employed by them, their insurance carrier or principal for consideration by the mediator.

(C) Counsel shall be prepared to submit all documents pertinent to resolution of the case for examination by the Mediator, including without limitation, medical reports and records, depositions (with relevant pages pre-marked), photographs, books, records, diagrams, maps, bills, contracts, and memoranda.
(Adopted 1/1/2013)

2.83 Discovery During Mediation.

During the period that a matter has been referred to mediation, the parties and counsel are encouraged to work cooperatively with the mediator and each other to obtain, exchange, and analyze the information needed to resolve the matter. The parties are urged to exercise restraint with respect to pursuing adversarial forms of discovery and

technical analysis that relies primarily on the use of opposing experts. In an appropriate case, a protective order pursuant to Code of Civil Procedure section 2017.020(a) and related provisions may be issued by the court.
(Adopted 1/1/2013)

2.84 Compensation of Mediators.

(A) (1) Private mediation. The cost of mediation shall be borne by the parties equally unless the parties agree otherwise. Parties will be charged an amount as set by the mediator.

(2) Court Mediation. Mediators on the court's approved panel have agreed to provide the first three hours of mediation at no charge to the parties or to the court. In the event the mediation extends beyond three hours and the parties determine that it would be beneficial to continue the mediation process, the parties shall be responsible for compensating the mediator in an amount established by the mediator.

(B) Mediators on the court's panel have agreed to accept two cases within each six-month period. Mediators on the panel may mediate more than two cases in each six-month period.

(C) If the plaintiff or other party seeking affirmative relief does not notify the mediator of the settlement of the case at least two days before a scheduled hearing or session, that party will be required to compensate the mediator. The amount of compensation will not exceed the maximum amount of compensation the mediator would have been entitled to receive for their services as a mediator.
(Adopted 1/1/2013)

2.85 Confidentiality.

Court mediations must adhere to the confidentiality provisions of Evidence Code sections 1115-1128. Except as otherwise provided by law or these rules, court staff, the mediator, all parties, all attorneys, and any other people facilitating or participating in the mediation process must treat all written and oral communications made during mediation, as confidential.
(Adopted 1/1/2013)

2.86 Mediator Statement.

Within 10 calendar days of the conclusion of the mediation, the mediator shall file a statement on Judicial Council form ADR-100, advising the court whether the mediation ended in full agreement, partial-agreement, or no agreement.
(Adopted 1/1/2013)

2.87 Mediator Qualifications.

Eligibility criteria for the appointment to the court's mediation panel shall be consistent with California Rules of Court, rule 10.781, rule 3.810, et seq., and such other criteria as may be established by the court. The panel of mediators, including names, qualifications, services provided and fees charged, shall be posted electronically on the court's website.
(Adopted 1/1/2013; revised 1/1/2017)

PART SIX. Trial Setting for Civil Cases

2.88 Setting Civil Cases for Trial.

(A) Short Cause Trials

All short cause civil trials shall be set for trial either by judicial order after review of a Case Management Statement or upon filing a Certificate in compliance with Local Rules, rule 2.52. Short cause civil cases (five hours or less) will be set for trial in Department 47 at 8:30 a.m. on Fridays.

(B) Long Cause Trials

All long cause civil trials shall be set for trial by either: (1) a judge ordering the matter to trial setting after a Case Management Conference; (2) a judge who finds that direct trial setting to a date certain is appropriate in a particular case; or (3) a party filing a request for a trial de novo after arbitration.
(Adopted 1/1/2013; revised 1/1/2014)

2.89 Trial Setting Process for Civil Cases Other Than Short Cause Matters.

(A) Within 60 calendar days of the date of the referral to the Trial Setting Process or the filing of a request for trial de novo after arbitration, the parties must confer and agree on at least three trial dates and three settlement conference dates. Plaintiff's counsel will utilize the on-line submission form located at https://www.saccourt.ca.gov for this process. Once the dates are submitted, the court will select a settlement conference date and a trial date and will notify plaintiff's counsel via email. Plaintiff's counsel will serve on all parties and file a Notice of Time and Date of Trial and Mandatory Settlement Conference. Available trial and settlement conference dates are provided on the court's website at https://www.saccourt.ca.gov and will be updated daily.

(B) If the parties cannot agree or fail to select dates within the time specified in paragraph (A) of this rule, the court will select a trial date and a mandatory settlement conference date and serve notice on the parties.
(Adopted 1/1/2013)

2.90 Continuance of Trial Setting.

No referral to the trial setting process may be dropped, extended or continued by stipulation of the parties.
(Adopted 1/1/2013; revised 1/1/2017)

2.91 Duties if Case Settles.

Whenever a case assigned a trial date settles, the parties shall immediately notify the court. The plaintiff has the primary obligation to notify the court. Notification must be made by a letter of confirmation or the filing of a Notice of Settlement. When written confirmation is received, the court will vacate the trial date and drop the action from the civil active list.
(Adopted 1/1/2013)

2.92 Civil Trial Readiness Notification.

All counsel **shall** notify the court of their readiness to begin trial, before a trial date, except on short cause trials. Such notification shall be done electronically by accessing the "Civil Trial Readiness Notification" link on the court's website at https://www.saccourt.ca.gov/civil. Program rules and instructions for accessing the program are available on the court's website. Upon accessing the website, all counsel shall provide information as to the status of the case.
(Adopted 1/1/2013; revised 1/1/2017)

PART SEVEN. Settlement Conferences – Long Cause Matters

2.93 Settlement Conferences.

(A) The court adopts the policy that good faith efforts to settle civil proceedings are an essential part of the judicial process. Good faith efforts to settle shall be made during settlement conferences in conformity with established local rules.

(B) All long cause civil matters heard at the Gordon D. Schaber Courthouse shall participate in the Mandatory Settlement Conference program, unless ordered exempt by the court. The mandatory settlement conference shall be

scheduled in Department 59 approximately 30 court days before trial. A trial date settlement conference may be scheduled at the discretion of the Supervising Settlement Judge or the Presiding Judge or his/her designee.

(C) Parties to any civil proceeding may apply to the Supervising Settlement Judge for a specially set voluntary settlement conference, which shall be subject to established local rules.

(D) If any counsel or party subject to these rules fails to comply with any rule in this chapter, the court on motion of a party or on its own motion, may strike all or part of any pleading of that party, dismiss the action or proceeding or any part thereof, enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order the offending attorney or party to pay reasonable costs, including attorney fees.
(Adopted 1/1/2013; revised 1/1/2014)

2.94 Settlement Conference Procedures; Assignments, Duties and Requirements of Counsel, Parties, and Insurers.

(A) Assignments.

The court will maintain a list of attorneys and retired judges who may act as settlement conference temporary settlement judges. The Supervising Settlement Judge may assign specific settlement conferences to one or more persons from said list and/or to a member of the judiciary. The Presiding Judge may authorize experienced attorneys to act as a Supervising Temporary Settlement Judge, who shall have all the powers of the Supervising Settlement Judge as set forth in these rules.

(B) Required Attendance.

All persons whose consent is required to effect a binding settlement shall be personally present at a settlement conference unless excused by the Supervising Settlement Judge as provided in paragraph (F) of this rule. Included among such persons, but without limitation, are the following:

(1) The attorney(s) for the plaintiff(s) and the plaintiff(s);

(2) The defendant(s), the attorney(s) for the defendant(s), and if the defendant is insured, the attorney for the carrier or carriers, and the claims adjuster or adjusters;

(3) If a named defendant is being defended with a reservation of rights or if there is personal financial exposure to the named defendant for any other reason (other than a small deductible), said named defendant must personally appear for the settlement conference in addition to the insurer.

(4) An authorized representative of a corporation or other business or governmental entity which is a litigant, whether plaintiff or defendant.

(C) Authority to Settle.

(1) Each person required by subdivision (B) to attend the settlement conference must have full authority to make decisions and negotiate concerning the case for which the settlement conference is scheduled.

(2) Anyone appearing in a representative capacity must have full unlimited authority to resolve the case. Said representative must have adequate knowledge of the case to evaluate offers by the opposing side and to re-evaluate his/her own offer based upon information or questions presented during the settlement conference.

(3) The attorneys for all parties appearing in the action who attend the conference must be thoroughly familiar with the available evidence involving both liability and damages. The attorney assigned to try the case shall be present at the settlement conference, unless good cause for his/her absence is shown.

(4) All counsel shall ascertain whether there are claims or liens which may affect a settlement. Any party subject to a lien(s) shall initiate negotiations on all such liens. The parties shall advise the court regarding the status of negotiations to resolve any outstanding liens. A party subject to a lien may request in writing that the lien claimants or

their representatives attend the settlement conference or in the alternative, provide contact information where they can be reached at the time of the settlement conference. This rule authorizes a party to give notice on behalf of the court pursuant to Government Code section 985(c) to collateral source providers that are state or local public entities.

(D) Settlement Conference Statements and Supporting Documents.

(1) Not less than 10 days prior to the scheduled settlement conference, each party shall ensure that an original and one copy of the Settlement Conference Statement is received by the clerk of the Supervising Settlement Judge and received by every other party. Parties may submit their settlement conference statements in electronic form to the Department of the Supervising Settlement Judge by sending an email to the address specified on the court's website at https://www.saccourt.ca.gov/civil/settlement-conference.aspx.

The Settlement Conference Statement shall be in writing and comply with the format set forth in Appendix C to these rules, which may be obtained on the court's website at https://www.saccourt.ca.gov/civil/docs/settlement-conference-statement.pdf, or at the Department 59 filing counter at 813 6th Street, 1st Floor, Sacramento, CA 95814. The statement and supporting material (normally 3 to 10 pages) must be sufficiently detailed to enable the Supervising Settlement Judge and the settlement conference temporary judge to conduct a meaningful settlement conference. Counsel shall certify his/her good faith belief in the accuracy of the information provided and shall certify that he/she is fully aware of the requirements of these rules. The Supervising Settlement Judge, in his/her discretion, may order a settlement conference statement stricken that fails to comply with these rules (including untimely filing) and may impose appropriate sanctions. The settlement conference statement shall not be made a part of the court's file.

(2) The attorney(s) for each party claiming damages for personal injuries (including psychological injuries) shall bring all reports and records of all examining doctors to the conference, shall include a list of all special damages claimed in the settlement conference statement, and shall have corroborating evidence at the settlement conference for examination by the Supervising Settlement Judge and the settlement conference temporary judge.

In personal injury actions, the special damages for each plaintiff shall be current, listed separately, totaled, and categorized as health care (including medical, hospital, ambulance, and drugs) and loss of earnings, if any.

Opposing counsel shall have all reports and records of all doctors employed by them, their insurance carrier or principal at the settlement conference for consideration by the Supervising Settlement Judge and the settlement conference temporary judge.

(3) All counsel shall organize and bring to the conference all documents pertinent to settlement of the case for examination by the settlement conference temporary judge, including without limitation, medical reports and records, depositions (with relevant pages pre-marked), photographs, books, records, diagrams, maps, bills, contracts, and memoranda.
(Adopted 1/1/2013; revised 1/1/2017)

(E) Powers of the Court at Settlement Conferences.

(1) Neither the Supervising Settlement Judge nor the settlement conference temporary judge shall hear or rule upon any motion not specifically authorized by this section.

(2) In all conferences resulting in settlement of an unlimited civil case, the terms thereof shall be placed on the record and recorded by a court reporter or shall be reduced to writing on a form provided by the court and signed by all necessary parties and the fact of the settlement shall be entered by minute order. All such settlements shall be deemed enforceable pursuant to Code of Civil Procedure section 664.6.

(3) Requests for a change of the date or time of a settlement conference only shall be addressed to the Supervising Settlement Judge. Requests for change of the settlement conference date in conjunction with a change of the trial date shall be made to the Presiding Judge or his/her designee. The Supervising Settlement Judge or the settlement conference temporary judge may, at the conclusion of the conference, continue it to any convenient date or time prior to the trial date.

(4) The Supervising Settlement Judge may issue judgment on compromise of minor's claims resolved in the settlement department, provided there is compliance with the provisions of Chapter 3 (Claims of Minors, Incompetent Persons and Persons with a Disability) of the Local Rules.

(F) Excuses from Attendance; Telephone Availability.

(1) A request to the court to excuse attendance of any person whose attendance is required by these rules shall be made to the Supervising Settlement Judge not less than seven court days before the date set for the settlement conference with a copy contemporaneously served on all parties. The request shall state that all parties have been consulted and whether oppose or do not oppose the request. If there is opposition, the request must contain a brief recitation of the facts of the case and sufficient information to enable the court to make an informed decision whether to grant the request. Any formal opposition to the request must be submitted in writing to the Supervising Settlement Judge no less than three court days before the date of the settlement conference.

(2) Any person whose presence at a settlement conference is required by these rules may be excused by the court upon a showing of good cause. Persons so excused shall be immediately available for telephone communication with counsel and the court during the entire settlement conference, notwithstanding that they may be located in a different time zone. The attorney responsible for the appearance of such person shall notify the person appearing by phone of this requirement. The court shall impose sanctions on all persons failing to comply with this rule. The Supervising Settlement Judge or the settlement conference temporary judge shall have the discretion to order the personal appearance of the person excused for a further settlement conference whenever it appears that such personal appearance may be necessary to effectuate settlement.

(G) Notice to Court Upon Settlement.

If a case settles or otherwise terminates before the date of the settlement conference, the parties shall immediately notify the settlement conference department.

(H) Waiver of Rules.

Waiver of the provisions of this chapter is disfavored. However, the court may, in its discretion, waive any provisions for good cause; provided that the court shall not waive the provisions of subdivision (D) relating to settlement conference statements in the absence of extraordinary circumstances.
(Adopted 1/1/2013; revised 1/1/2017)

PART EIGHT. Settlement Conferences – Small Claims and Unlawful Detainer Cases Heard at the Carol Miller Justice Center

2.94.01 Settlement Conferences – Small Claims and Unlawful Detainer Cases Heard at the Carol Miller Justice Center.

(A) All Small Claims and Unlawful Detainer cases heard at the Carol Miller Justice Center (CMJC) shall participate in a Mandatory Settlement Conference program, unless ordered exempt by the court. In Small Claims cases and Unlawful Detainer court trials, the scheduled date of trial shall serve as the mandatory settlement conference date. In Unlawful Detainer cases set for jury trial at the Gordon D. Schaber Courthouse, the mandatory settlement conference shall be set at CMJC prior to the scheduled jury trial.
(Adopted 1/1/2014; revised 1/1/2017)

(B) For failure to comply with the mandatory settlement rules in this chapter, the court on motion of a party or on its own motion, may impose monetary sanctions against the offending attorney or party, including payment of reasonable costs and attorney fees.

(C) Required Attendance.

All persons to the case shall be personally present at a settlement conference. Included among such persons, but without limitation, are the following:

(1) The attorney(s) for the plaintiff(s) (Unlawful Detainer only) and the plaintiff(s);

(2) The defendant(s), the attorney(s) for the defendant(s) (Unlawful Detainer only);

(3) An authorized representative of a corporation or other business or governmental entity which is a litigant, whether plaintiff or defendant.

(D) Authority to Settle.

(1) Each person required by subdivision (C) to attend the settlement conference must have full authority to make decisions and negotiate concerning the case for which the settlement conference is scheduled.

(2) Anyone appearing in a representative capacity must have full unlimited authority to resolve the case. Said representative must have adequate knowledge of the case to evaluate offers by the opposing side and to re-evaluate his/her own offer based upon information or questions presented during the settlement conference.

(3) The attorneys for all parties appearing in the action who attend the conference must be thoroughly familiar with the available evidence.

(4) Parties shall ascertain whether there are claims or liens which may affect a settlement. Any party subject to a lien(s) shall initiate negotiations on all such liens.

(E) Notice to Court Upon Settlement.

If a case settles or otherwise terminates before the date of the mandatory settlement conference, the parties shall immediately notify the clerk of the court.
(Adopted 1/1/2014; revised 1/1/2017)

PART NINE. Duty to Meet and Confer and Exchange re Civil Trials: Motions, Jury Instructions, Exhibits, Witness Lists, and Statement of the Case

2.95 Motions in Limine.

(A) At least seven days prior to trial, the parties shall meet and confer and exchange motions in limine and identify the motions that are contested.

(B) The parties shall file their motions, oppositions, if any, and a list of disputed motions in the assigned department on the first day of trial.
(Adopted 1/1/2013)

2.96 General Motions.

The following motions shall be deemed filed, served and granted unless good cause is otherwise shown by counsel's declaration and request for hearing: (1) motions to exclude all non-party witnesses until called to testify; (2) motions to exclude all reference to settlement negotiations, mediation, and materials related thereto that are privileged under the California Evidence Code; (3) motions to exclude all reference to insurance, or the fact that an attorney is employed by, or has been compensated by, an insurance company; (4) motions to exclude all evidence of, or reference to, other claims or actions against any party to the litigation; and, (5) motions to exclude all reference to the financial position or wealth, or lack thereof, of any party to the litigation.
(Adopted 1/1/2013)

2.97 Jury Instructions.

(A) The parties shall meet and confer to identify jury instructions the parties can agree upon and jury instructions the parties cannot agree upon.

(B) On the first day of trial, the parties shall submit to the assigned trial judge in electronic (word) form: (1) a fully completed set of agreed upon jury instructions; and (2) all jury instructions that the parties cannot agree upon. If pinpoint or special jury instructions are offered, counsel shall provide case or statutory authority for the offered

instruction following the text of the instruction.
(Adopted 1/1/2013)

2.98 Exhibits.

(A) The parties shall meet and confer to identify those exhibits that may be admitted without objection and those exhibits as to which admissibility is contested.

(B) Prior to the first day of trial, the parties shall prepare binders containing copies of the agreed exhibits for use by the trial judge, clerk, and counsel during trial.
(Adopted 1/1/2013)

2.99 Witness List.

(A) The parties shall meet and confer and prepare a joint witness list.

(B) On the first day of trial, the parties shall submit to the court an alphabetized, joint witness list.
(Adopted 1/1/2013)

2.99.01 Trial Brief.

On the first day of trial, each party shall submit a trial brief.
(Adopted 1/1/2013)

2.99.02 Statement of the Case.

(A) The parties shall meet and confer to agree on a joint statement of the case.

(B) The parties shall submit the joint statement to the assigned judge on the first day of trial. If the parties cannot agree on a joint statement, each party shall submit its proposed statement to the trial judge.
(Adopted 1/1/2013)

2.99.03 Judicial Modification.

The above rules shall not prevent any trial judge to whom a case is assigned from adopting such supplemental, additional or different pretrial orders as may appear necessary or appropriate.
(Adopted 1/1/2013)

2.99.04 Presentation of Testimony by Remote Video Access.

Subject to the California Evidence Code and discretion of the Court, witness testimony at the trial of any action may be presented in real time via Skype or other forms of remote video access.

(A) Not later than one week prior to the date of trial, a party intending to offer testimony via remote access shall serve and file a written request to the Master Calendar Clerk and notice to opposing counsel, including the following information:

(1) Date of trial;

(2) Estimated length of testimony;

(3) Email address and phone numbers of all parties;

(4) Remote Contact Name, phone number and Skype Name, for court testing prior to use;

(5) Name of witness and area of testimony.

(B) A party intending to offer testimony via Skype or other remote video access must have an established account with Skype or the application to be used to transmit the testimony in real time.

(C) The Information Technology department at the court will conduct testing prior to the anticipated date of testimony to ensure connectivity, sound and video quality are acceptable to the court and counsel.
(Adopted 1/1/2019)

CHAPTER 3 - CLAIMS OF MINORS, INCOMPETENT PERSONS AND PERSONS WITH A DISABILITY

3.00 Application for Appointment of Guardian Ad Litem.

Petitions for appointment of a guardian ad litem for a minor or incompetent person, except in family law, probate, juvenile, civil harassment or other special proceedings, shall be submitted by ex parte application to the law and motion departments.

When an application is made for appointment of a guardian ad litem and the nominee for appointment is a plaintiff in the same action with the ward or in some manner was a participant in the transaction or occurrence giving rise to the alleged injury to the ward, the nominee will ordinarily not be appointed unless the application is accompanied by:

(A) A declaration under penalty of perjury setting forth facts establishing that no other parent, relative, or friend can or will accept the appointment of guardian ad litem for the minor in the action; and

(B) A declaration under penalty of perjury by the attorney for the nominee stating that the attorney, having investigated the circumstances, has represented to the nominee and represents to the court that there is no conflict of interest between the nominee and the minor if the nominee is appointed the guardian ad litem.

(C) Attorney fee contracts, payment of attorney's fees and disbursement of settlement proceeds shall be ordered in accordance with California Rules of Court, rules 7.950 through 7.955.

(D) No "Guardian ad litem" appointment is required for the filing of a minor's compromise by a custodial parent under Probate Code section 3500 without the filing of a civil action.
(Adopted 1/1/2013)

3.01 Withdrawal of Funds.

(A) Any order authorizing the withdrawal of funds for the purpose of transferring said funds from one financial institution to another shall contain the language set forth in California Rules of Court, rule 7.953(a) and shall further provide that the draft of the institution from which the funds are withdrawn shall be payable to the financial institution to which the funds are to be transferred for deposit in a blocked account.

(B) Applications for withdrawal of funds shall be filed and heard in the Probate Department.
(Adopted 1/1/2013)

3.02 Claims of Minors and Incompetents.

(A) If there is a request to place the proceeds of a judgment or compromise for a minor or incompetent into a trust (revocable, special needs or otherwise) or a California Uniform Transfer to Minors Act, the plaintiff shall then file a petition to be set in the Probate Department for a hearing as to the establishment, terms and conditions of the proposed disposition of funds. The Compromise must be approved before referral to the Probate Department.

(B) Upon approval of the trust described herein by a judicial officer of the Probate Department, the court shall set a hearing date 14 months later for status on the filing of the first account.
(Adopted 1/1/2013; revised 1/1/2018)

3.03 Trusts Created Pursuant to Court Order.

(A) A trust created by order of the Probate Court for the benefit of a minor or incompetent adult pursuant to Probate Code section 2580 et seq., section 3100 et seq. or section 3600 et seq. will ordinarily be required to contain the following provisions to be effective during the lifetime of the incompetent adult or during the minor's minority.

(1) Trustee must post bond for assets and income of the trust.

(2) Trustee shall obtain prior court approval for gifting, hypothecation, borrowing, loans, and sales of assets as would be required by a guardian or conservator of the estate.

(3) Prior court approval shall be required for payments of fees to attorneys, conservators, guardians and trustees.

(4) The trust shall pay for court approved court investigation costs, fees for guardians, conservators, their attorneys and court-appointed counsel as well as other costs of administration approved by the court.

(5) Prior court approval shall be required for appointment of advisory committee members and for requested fees.

(B) A petition that includes a request for approval of a trust advisory committee shall set forth the member's qualifications or relationship and his/her expertise, if any, with federal/state public benefit programs (i.e., S.S.I., Medi-Cal).

(C) The petition for approval of the trust shall include the proposed distribution of the trust assets upon termination of the trust.
(Adopted 1/1/2013)

CHAPTER 4 - PROBATE

PART ONE. General

4.00 Form of Papers Presented for Filing.

(A) Accounts and descriptions of assets may be single spaced within each item.

(B) When filing any document, the parties shall furnish the court with one original which is unbound and clipped or rubber banded and one copy in a format pursuant to California Rules of Court, rule 3.1110. This section shall not apply to any motion or petition filed pursuant to California Rules of Court, rule 3.1114.

(C) At the time a Petition for Guardianship, Petition for Conservatorship, Accounting, or any other document requiring a report from a Probate Court Investigator is brought for filing, an original and one copy for the court is required.

(D) All pleadings filed for use at a pending hearing shall bear the date and time of the hearing, and department number in which the hearing is set, under the case number on the first page of the pleading. If a hearing is not set, the pleading shall bear the words "No Hearing."
(Adopted 1/1/2013; revised 1/1/2016)

4.01 Preparing for Hearing.

(A) All amendments, supplements and documents pertaining to calendared probate matters shall be filed no later than five court days prior to the scheduled hearing date.

(B) All deficiencies stated in the probate calendar notes shall be cleared at least five court days prior to the hearing. A written response to probate calendar notes shall be captioned “Response to Calendar Notes.” The response shall list each calendar note and each note shall be written in paragraph form directly below the corresponding calendar note. If a calendar note requires proof of a filed document, an endorsed copy shall be attached as an exhibit to the response. The response shall be signed and verified pursuant to Probate Code sections 1020 through 1023.

(C) Application of this rule is optional in the case of a petition for appointment of a guardian of a person.
(Adopted 1/1/2013)

4.02 Probate Calendar.

(A) Probate calendar notes identifying deficiencies will be posted on-line at https://www.saccourt.ca.gov 10 to 12 calendar days before the date of hearing and in the lobby of Room 214/Department 129 the day of the hearing. Attorneys and parties not represented by counsel shall respond and clear calendar notes in advance of the hearing date and clear all deficiencies in the form provided pursuant to these local rules. Attorneys and parties not represented by counsel should periodically check for updated information as notes may be amended prior to the hearing date.

(B) The filing party shall notify the court of the Public Defender or County Counsel’s involvement at the time of the filing.
(Adopted 1/1/2013; revised 1/1/2015)

4.03 Preparation of Notices.

(A) All notices required to be published (except the notice required by Probate Code section 8120) shall be captioned with the words "Notice of Hearing" followed by the general nature of the petition.

(B) When a clerk's posted notice is required, a completed Notice of Hearing (Judicial Council forms DE-120, GC-020 or GC-020(c)) together with all necessary copies shall be presented concurrently with the petition.
(Adopted 1/1/2013; revised 1/1/2018)

4.04 Identify Persons to Receive Notice.

In all petitions, the names and addresses of the persons entitled to notice shall be set forth along with the status entitling the person to notice (e.g., "heir," "beneficiary," or "filed request for special notice").
(Adopted 1/1/2013)

4.05 Probate Hearing Once Noticed Cannot be Advanced; Procedure for Dropping and Resetting a Matter for Hearing.

(A) When a hearing on a probate matter has been noticed, or when it has been noticed and continued to a definite date, the matter cannot be heard before the date set, regardless of the filing of a new petition, an amended petition, a new notice, or otherwise.

(B) When a matter on calendar is to be reset, the petitioner shall request in writing that the current setting be dropped (specifying the date and time of the setting). A request to reset shall be filed within 90 days of the date the request to drop was made to the court. A copy of the drop request and a copy of the first page of the petition shall then be provided to the Probate Court to reset the matter.
(Adopted 1/1/2013; revised 1/1/2016)

4.06 (Deleted effective 1/1/2015)

4.07 Calendar Matters Recommended for Approval.

Matters that are Recommended for Approval (R.F.A.) on the probate calendar notes will be considered submitted if there is no appearance by counsel.
(Adopted 1/1/2013; revised 1/1/2015)

4.08 Response or Objections to Calendared Matters.

A response or objection to a petition for affirmative relief may be filed at or before the hearing, pursuant to Probate Code section 1043. The court may determine any response or objection at the time of the hearing, may take the matter under submission, or continue the matter to consider and determine an objection or response.

A request for affirmative relief, other than a request for surcharge on an account, shall not be included in an objection to matters on calendar and shall not be considered except upon filing a separate petition, calendared for hearing and noticed as required by law.
(Adopted 1/1/2013)

4.09 Contested Matters.

(A) Upon filing a written objection, the objecting party shall serve on all parties a copy of the objections along with blank copies of Alternative Dispute Resolution Certification and Selection (local form PR/E-LP-002) and Stipulation to Alternative Dispute Resolution (local form PR/E-LP-001).

(B) All parties to a contested matter who make an appearance shall serve and file local form PR/E-LP-002.
(Adopted 1/1/2013; revised 1/1/2016; revised 1/1/2018)

4.10 (Deleted effective 1/1/2015)

4.11 Settlement Conferences.

(A) If any party subject to this rule fails to comply with this rule, the court on motion of a party or on its own motion, may strike all or part of any pleading of that party, dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order the offending party or their counsel to pay to the moving party the reasonable expenses in making the motion, including reasonable attorney fees. No penalty may be imposed under this rule without prior notice to, and an opportunity to be heard by, the party against whom the penalty is sought to be imposed.
(Adopted 1/1/2013; revised 1/1/2016)

(B) Settlement Conference Statements

(1) Prior to the scheduled settlement conference, and within the time required by California Rules of Court, each party shall insure that the original Settlement Conference Statement is submitted to the clerk in the department where the settlement conference is scheduled and a copy is served on all other parties. The Settlement Conference Statement shall not be made part of the court's file, except for good cause.

(2) The parties may not stipulate to waive the requirement of filing a Settlement Conference Statement.
(Adopted 1/1/2013; revised 1/1/2016)

(C) Excuses from Attendance; Telephone Appearance in Lieu of Personal Appearance.

(1) Any request to the court to excuse attendance of any person whose attendance is required by California Rules of Court shall be submitted to the Probate Court not less than five court days before the date set for the settlement conference. The request shall be made, in writing after service of a copy of the request on every other party. Submission of said request, or the granting of said request, does not excuse any party from the requirement to file a Settlement Conference Statement in conformity with the California Rules of Court and these Local Rules.

(2) Any person whose presence at a settlement conference is required may be excused by the court upon a showing of good cause. Any person so excused shall be and remain immediately available for telephone communication with the court on the day set for settlement conference until released by the court.
(Adopted 1/1/2013; revised 1/1/2016)

(D) If the matter is settled before the date of a settlement conference, attorneys or parties not represented by counsel shall immediately notify the clerk in the department where the settlement conference is scheduled within 24 hours of the settlement.
(Adopted 1/1/2013; revised 1/1/2016)

4.12 Settlement of Contested Matters.

(A) If the parties have settled the contested matters relating to petitions pending before the court prior to the trial date, the trial shall be vacated and the date set for trial treated as a status hearing regarding final disposition of all petitions pending before the court. If the parties require an earlier date, one may be requested by noticed motion or by ex parte application upon a showing of good cause.
(Adopted 1/1/2013; revised 1/1/2016)

(B) The petitioner(s) and any parties objecting to the petition shall personally appear or appear by counsel and present to the court the status of each matter pending on the court's calendar.
(Adopted 1/1/2013; revised 1/1/2016)

4.13 Trial Procedures.

(A) Not less than five court days prior to trial, the objecting parties shall submit the following at the Probate Court:

(1) File and serve on all parties a trial statement setting forth each issue in dispute, and the legal and factual basis in support of the party's contention as to each disputed issue;

(2) File and serve all motions in limine and other pretrial motions.

(3) File written confirmation that each of the objecting parties has exchanged copies of all exhibits which may be offered in evidence, except exhibits that will be used for rebuttal or impeachment.
(Adopted 1/1/2013; revised 1/1/2016)

(B) On the day of trial:

(1) Immediately prior to the commencement of trial, pre-mark and submit all exhibits and submit a list of all exhibits to the trial department except for exhibits that may be used for rebuttal or impeachment.

(a) Petitioner's exhibits shall be marked numerically.

(b) Respondent's exhibits shall be marked alphabetically.

(c) All other exhibits shall be listed without numeric or alphabetic designation.

(2) Provide a list of all exhibits that will be entered into evidence by stipulation.

(3) Identify in writing all facts to which a stipulation will be entered.
(Adopted 1/1/2013; revised 1/1/2016)

4.14 (Deleted effective 1/1/2016)

4.15 Orders to Be Complete in Themselves.

(A) All orders issued by the court shall set forth the names of persons and descriptions of property (including assessor's parcel number and specific legal description), amounts of money affected, the terms of trusts, and the provisions of leases or other agreements.

(B) In addition to the requirements of California Rules of Court, rule 7.650(b), the names of current beneficiaries of the trust, along with their dates of birth if distributions are conditioned upon the beneficiaries having attained certain ages, shall be included in the order.
(Adopted 1/1/2013)

4.16 Formal Orders.

The proposed formal order for a noticed hearing shall be presented to the Probate Court five court days prior to the hearing if lodged in person or eight court days prior to the hearing if lodged through the mail.
(Adopted 1/1/2013; revised 1/1/2016)

4.17 Assignment of Probate Referee.

A probate referee will be assigned on a rotational basis from the panel of probate referees. In the event separate proceedings are filed for related wards or conservatees of the estate, the court will permit an exception to this rule upon proper showing.
(Adopted 1/1/2013)

4.18 Notice Requirement on Court Appointed Attorney Fee Petition.

An attorney appointed by the court pursuant to Probate Code section 1470 and section 1471 shall request payment for compensation and expenses by filing a Motion for Attorney Fees. If the Motion raises issues that the party is financially unable to pay all or a portion of the costs of counsel as fixed by the court, the Notice of Motion shall be served on the County of Sacramento by serving the County Counsel at 3331 Power Inn Road, Suite 350, Sacramento, CA 95826.
(Adopted 1/1/2013)

PART TWO. Guardianship

4.30 (Deleted effective 1/1/2015)

4.31 Appointment of Guardian of Minor.

(A) Petitions for guardianships shall contain an allegation as to whether or not the minor(s) has been or is a party to a civil action in which monetary damages are claimed. If the minor(s) is such a party, the file number of the action shall be indicated, as well as the name of the court in which the case is pending (Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (Judicial Council form FL-105)).

(B) Children with a common parent shall be included in the same petition. Otherwise, separate petitions and case numbers shall be required.
(Adopted 1/1/2013; revised 1/1/2018)

4.32 Contested Guardianships. Recommending Mediation.

When the appointment of a guardian of the person is contested, the court may order the matter to non-confidential mediation for visitation. Absent full agreement at mediation, a written report including recommendations shall be provided to the parties, counsel, and the court. Said reports and recommendations may be offered for admission into evidence at hearing or trial, subject to procedural or evidentiary objection. "Mediation" shall be formally known as "child custody recommending counseling" and a "mediator" shall be formally known as a "child custody recommending counselor."
(Adopted 1/1/2013)

4.33 Confidential Mediation.

Mediation resulting from a Petition for Confidential Mediation shall be confidential and, except as otherwise authorized by law, there shall be no mediation report offered to the court.
(Adopted 1/1/2013)

4.34 Minor's Funds for Support and Maintenance – Financial Support of Parents.

Absent good cause, funds shall not be used for a minor's support. A request for funds shall be supported by an Income and Expense Declaration (Judicial Council form FL-150) and a Property Declaration (Judicial Council form FL-160).
(Adopted 1/1/2013)

4.35 Proceedings Under Probate Code Sections 3410 Et Seq.

(A) Petitions filed under Probate Code section 3410 et seq. shall be filed in a separate proceeding under the name of the minor, and shall set forth jurisdictional facts and state the current holder of the funds, amount to be paid, requested amount of fees and costs and to whom and the net proceeds to be deposited in a specific bank or savings and loan association in the manner provided by law.

(B) If the petition merely seeks the deposit of funds subject to reimbursement for costs expended for the filing of the petition, the petition may be granted by the court without notice. If, however, attorney's fees are sought, the matter shall be set for hearing on the court's regular calendar.
(Adopted 1/1/2013)

PART THREE. Conservatorship

4.40 Video Presentation of Conservator's Duties.

Prior to the hearing for appointment, the proposed conservator shall verify in writing that he or she has viewed an approved videotaped presentation located on the court's website at https://www.saccourt.ca.gov on the duties and responsibilities of conservators.
(Adopted 1/1/2013)

4.41 Sale of Conservatee's Residence.

Sale of a conservatee's residence requires prior authorization in compliance with Probate Code section 2540(b). Petitions for authorization of sale of the conservatee's residence and/or authorization to execute a listing agreement for sale of the conservatee's residence will be considered only upon a calendared motion with notice given pursuant to Probate Code section 1460 (general mailed notice) and Probate Code section 2702 (special notice). If permission is granted to sell the conservatee's residence, a listing agreement may be approved ex parte, subject to Probate Code section 2702.
(Adopted 1/1/2013)

4.42 Proceeding for Spousal Property Transaction.

Petitions pursuant to Probate Code sections 3100 et seq.:

(A) The petition shall be supported by a declaration of a licensed physician or licensed psychologist within the scope of his or her licensure as to the capacity of the non-petitioning spouse (Probate Code section 810 et seq.).

(B) When the petition is predicated upon the non-petitioning spouse's qualification for Medi-Cal benefits, notice shall also be given to the Director of the California Department of Health Care Services.

(C) Petitions to transfer assets related to Medi-Cal eligibility, the petitioner shall file an Income and Expense Declaration (Judicial Council form FL-150) and a Property Declaration (Judicial Council form FL-160).
(Adopted 1/1/2013)

4.43 Production of Estate Planning Documents in Proceedings Pursuant to Probate Code Sections 2580 or 3100.

(A) If a petition under Probate Code section 2580 or section 3100 seeks to provide gifts or otherwise affect the estate planning of the conservatee or incapacitated spouse, said petition shall include one copy of all estate planning documents unless the petitioner obtains an order to deliver the documents to a custodian pursuant to Probate Code section 2586(d).

(B) If the petitioner does not have possession of the estate planning documents, the petition shall include a statement of the name, address and telephone number of the person(s) having possession of said documents to enable the court to issue an order for delivery of the documents pursuant to Probate Code section 2586(b).

(C) Estate planning documents subject to subsection (A) shall be enclosed in an envelope or suitable container for delivery to the court. The party submitting the documents shall affix a cover sheet to the envelope or container entitled, "Estate Planning Documents of (name) For In Camera Review Pursuant to Probate Code section 2586" stating: (1) the caption of the case and (2) the date, time and department of the hearing.

(D) Upon conclusion of the proceedings, the documents shall be returned to the party who submitted them.
(Adopted 1/1/2013; revised 1/1/2016)

PART FOUR. Decedent's Estates

4.50 Presenting Wills for Lodging or Admittance.

All Wills presented to Probate shall include the unaltered, signed original Will and one copy for the court. If the person for whom the Will is being submitted is deceased, proof of death is required at the time the Will is presented. Proof of death shall be in the form of a death certificate, an obituary or a declaration indicating the date of death.
(Adopted 1/1/2013)

4.51 Proof of Wills by Affidavit or Declaration.

(A) Proof as to the admissibility of each testamentary document shall be submitted, except that in the event there is a codicil which expressly republishes the Will, proof of the execution of the codicil is deemed sufficient.

(B) The copy of the Will attached to the proof of subscribing witness shall be certified by the attorney of record.
(Adopted 1/1/2013)

4.52 Admission of Will or Codicil Containing Deletions and/or Interlineations.

A petition for probate of a Will and/or codicil which includes deletions and/or interlineations shall include a request for determination of the validity of said deletions and/or interlineations and include any documentary evidence in support of the petitioner's position.

In addition to mailing a Notice of Petition to Administer the Estate, the petitioner shall cause notice by mail of a copy of the petition and all supporting documents at least 15 days prior to the hearing to all persons requiring notice pursuant to Probate Code section 8110 and to all persons affected by the deletions and/or interlineations.
(Adopted 1/1/2013)

4.53 Lost Wills.

(A) Notice mailed for a petition to admit a lost Will shall identify that the Will is lost.

(B) A copy of the lost Will shall be attached to the order admitting the Will to probate.
(Adopted 1/1/2013)

4.54 Special Letters, Notice, and Appointment.

(A) A petition for special letters of administration shall be presented separately from and shall not be included in a petition for general letters.

(B) Neither general powers nor IAEA authority can be given to a special administrator, except at a hearing for which notice has been mailed and published as provided in Probate Code section 8545.

(C) If the petition for special administrator requests authority to defend suits or negotiate claims against the estate, then the petition shall pray for general powers, unless good cause is stated why notice to creditors pursuant to Probate Code section 9050 will not be necessary.
(Adopted 1/1/2013)

4.55 Noticing Persons Listed in Petitions for Administration.

All living persons named shall be given notice of the petition for letters of administration or letters testamentary.
(Adopted 1/1/2013)

4.56 Requirements for Giving Notice of Probate of Will.

The notice of hearing of a petition for probate of Will is sufficient notice respecting all instruments which are offered for probate in the petition for which the notice of hearing is given. If any other instruments, e.g., alleged Wills or codicils not mentioned in the petition, are presented to the court by way of an amended petition, a second petition, or otherwise, a new notice thereon must be given setting a date of hearing not earlier than the date set in the original notice.
(Adopted 1/1/2013)

4.57 Independent Administration of Estates.

In addition to the requirements of California Rules of Court, rule 7.250, the Notice of Proposed Action with proof of service, and any objections, consent and waiver, shall be filed with the court.
(Adopted 1/1/2013)

4.58 Waiver of Bond.

Personal representatives who are not California residents will be required to post bond unless (1) bond is waived by the beneficiaries or (2) bond is waived in the Will and it appears from the face of the Will that the testator was aware at the time that the nominee did not reside in California.
(Adopted 1/1/2013)

4.59 Deposit of Personal Property for Reduction of Bond.

When an order restricting withdrawals and reducing bond is obtained under Probate Code section 8483, a receipt of the depository acknowledging the restrictions on withdrawal, without liability disclaimers, shall be filed within 10 days of the order or if the property to be deposited is not then in the possession of the fiduciary, within 10 days of receipt of the property by the fiduciary.
(Adopted 1/1/2013)

4.60 Distribution of Property Held by Depository.

Unless the judgment distributing cash or other personal property held pursuant to Probate Code section 8483 or section 9701 directs the depository to pay the funds or distribute the property so held to the distributees, additional bond to comply with Probate Code section 8480 shall be furnished.
(Adopted 1/1/2013)

4.61 Information Required of Personal Representatives Upon Acknowledgement of Duties.

The driver's license number and date of birth of personal representatives (other than public officers or trust companies) shall be provided in the confidential supplement to the duties and liabilities required by Probate Code section 8404.
(Adopted 1/1/2013)

4.62 Multiple Representatives.

When multiple representatives are appointed by the court, letters will not be issued unless each representative has complied with Probate Code section 8403 and section 8404 and Local Rules, rule 4.61.
(Adopted 1/1/2013)

4.63 Notice of Administration to Creditors.

If Notice of Administration of Estate is mailed to creditors, the original notice and proof of service shall be filed with the court.
(Adopted 1/1/2013)

4.64 Petitions for Family Allowance.

A petition seeking an allowance shall set forth the income from sources outside the estate available to the person for whom the allowance is sought, as well as an itemization of that person's separate property and monthly expenses. If the petition is not filed by the personal representative, prior to the hearing on the petition, the personal representative shall file a declaration setting forth the current assets and liabilities of the estate.
(Adopted 1/1/2013; revised 1/1/2014)

4.65 Character of Property and Transmutation in Summary Proceedings.

In any summary proceeding under Probate Code section 13150, section 13200, or section 13650 where the court is to consider or determine the character of property as community or separate, the petition shall set forth the form of record title and character of ownership at all relevant times. If there is an alleged transmutation of ownership interests based on a written document, a copy of the document shall be filed with the petition.
(Adopted 1/1/2013)

4.66 Evidence of Record Title in Proceedings Under Probate Code Sections 850 Et Seq. and Sections 17200 Et Seq.

In a proceeding to determine ownership of property under Probate Code section 850 et seq. or section 17200 et seq., the petition shall set forth the form of record title and character of ownership at all relevant times. If the form of record title is based on a written document, a copy of the document shall be filed with the petition.
(Adopted 1/1/2013)

4.67 Sale of Specifically Devised Property.

On a sale of specifically devised real or personal property, absent the devisee's written consent of such sale, notice of hearing of the petition for confirmation shall be given to the devisee.
(Adopted 1/1/2013)

4.68 Petition for Final Distribution.

(A) Petitions for final distribution shall include a report of the following:

(1) The character of all assets as separate or community where there is a surviving spouse;

(2) All capital transactions and other actions taken under the Independent Administration of Estates Act, including the amounts of any gains or losses;

(3) Disclosure of liabilities and other matters necessary to show the condition of the estate (Probate Code section 10900);

(4) Declaration of compliance with Local Rules, rule 4.69 (Petition to Include Proposed Distribution);

(5) That no federal or California estate taxes are payable or that they have been paid;

(6) That income taxes and all other taxes (e.g., supplemental real property or personal property taxes, if any) have been paid or otherwise provided for;

(7) Whether the personal representative has complied with the provisions of Probate Code section 8800(d), concerning the change of ownership requirements of Revenue & Taxation Code section 480.

(B) If estate taxes are payable or paid: (1) the petition must set forth whether said taxes were prorated pursuant to Probate Code section 970/20100 et seq. or the provisions of the Will; and (2) the petition must reflect whether or not there are nonprobate assets includable in the gross estate for estate tax purposes.
(Adopted 1/1/2013)

4.69 Petition to Include Proposed Distribution.

(A) Details of the proposed distribution shall be set forth either in the body of the petition or by attachment. Terms of the Will as to disposition of property and what is to be distributed under the laws of intestate succession shall be set forth. When the proposed distribution includes establishing a testamentary trust, the proposed terms shall be fully stated in the petition.

(B) Where an issue concerning distribution is presented, the petition shall fully set forth that issue including apparent alternative resolutions for the court's consideration. Distribution issues include interpretation of the Will, validity of a testamentary trust or its provisions, issues of heirship or intestate succession. The caption and notice of hearing on the petition shall include notice to affected persons that an issue concerning distribution will be submitted for the court's determination.
(Adopted 1/1/2013)

4.70 Distribution to Minors.

A parent, legal guardian or custodian under the California Uniform Transfers to Minors Act shall be permitted distribution on behalf of a minor only if authorized by the provisions of Probate Code section 3401 or by court decree. Proof of appointment or authorization shall be supported by certified court orders, affidavits or declarations prior to the hearing on the petition for distribution. The distributee's receipt shall be signed by the parent, guardian or custodian.
(Adopted 1/1/2013)

4.71 Apportionment of Statutory Compensation.

An allowance on account of statutory compensation will ordinarily not be granted until the judgment of final distribution for an attorney who withdraws or for a personal representative who resigns or is removed.
(Adopted 1/1/2013)

4.72 Compensation for Extraordinary Services.

(A) In addition to the requirements of California Rules of Court, rule 7.702, a petition for extraordinary services shall include the date each service is rendered.

(B) In every case where the combined extraordinary commissions and extraordinary attorney's fees exceed $1,000, the heirs or residuary devisees shall be given notice of the amounts requested. Notice may be given by mailing a copy of the petition or by including the amounts requested in the caption of the petition.
(Adopted 1/1/2013)

4.73 Account for Withhold.

A supplemental account shall be presented if assets in excess of $5,000 are withheld from initial final distribution, unless the account has been waived.
(Adopted 1/1/2013)

4.74 Consent of Testamentary Trustee to Act.

When distribution is to be made to a testamentary trustee, the consent of the trustee to act shall be filed prior to the hearing on the petition for distribution.
(Adopted 1/1/2013)

PART FIVE. Conservatorship, Guardianship, Decedent and Trust Accountings

4.80 General Compliance with Probate Code 1063(g) and 1064 (a)(b).

A petition for approval of an account shall include a report affirmatively addressing Probate Code section 1063(g) and section 1064(a) and (b).
(Adopted 1/1/2013)

4.81 Guardianship Accounts.

(A) The first account shall be for a minimum period of nine months from date of appointment.

(B) Where there are multiple wards or conservatees joined in a single guardianship or conservatorship proceeding, an account shall reflect a separate accounting for each of them.

(C) Each account except a final account shall be accompanied by a report on the sufficiency of the bond, including (1) the total amount of bond currently posted; (2) which accounts are blocked and the balances thereof and (3) setting forth the annual income and assets subject to bonding as provided in Probate Code section 2320(c).

(D) The financial institution account statement required by Probate Code section 2620(c) shall consist of the most current statement showing the balance as of the close of the account period.

(E) The financial institution account statements shall be presented in the same sequence as the assets are listed in the schedule of property on hand. The petitioner shall in addition highlight the following information contained on each account statement:

(1) Name, address of account holder;

(2) The account or property description number;

(3) The account type or property description;

(4) The statement period;

(5) The reported balance at the close of the accounting period.

(F) Petitioner shall file a reconciliation declaration when the reported balance on the financial institution account statement is not the same as stated in the schedule of property on hand. The declaration shall explain the reason for the discrepancy between the balances listed.
(Adopted 1/1/2013)

4.82 Guardianship Final Account and Report.

(A) Waiver of guardian's final account will be permitted for good cause.

(B) Waiver of a guardian's account by a ward who has attained the age of majority will not be accepted unless the ward personally appears and confirms the waiver or a written waiver by the ward is filed which includes a complete list of the assets to be distributed to the ward.

(C) The final report and/or account shall include a description of the remaining assets on hand to be distributed to the ward.
(Adopted 1/1/2013)

4.83 Conservatorship Final Account and Report.

(A) If the conservatee is deceased, notice of hearing shall be given to the personal representative or trustee of conservatee's Living Trust. If the conservator is also the personal representative of the deceased conservatee's estate or there is no personal representative, notice shall be given to the deceased conservatee's heirs and devisees.

(B) A final account shall be required on termination of the conservatorship of an estate.
(Adopted 1/1/2013)

4.84 Trust Accountings.

(A) A petition for approval of a trust accounting that includes disbursements for trustee fees or attorney fees shall include a declaration to support the payment of fees stated in the accounting. If "reasonable fees" are authorized by the trust or if compensation is paid based on Probate Code section 15681, the trustee shall set forth how the "reasonable fee" was calculated. Requests for approval of fees shall be categorized by services performed and shall include the hourly rate, hours performed and total amount of fees rendered.

(B) Trust accountings require the following:

(1) A schedule for receipts and for disbursements shall be categorized into sub-schedules reflecting the particular income sources or payees from whom there are more than twelve entries per accounting period.

(2) A schedule for disbursements shall contain a separate listing for all compensation paid to any fiduciary, attorney or accountant during the accounting period from trust assets.

(C) Special Needs Trusts require notice of the hearing on a petition for approval of an account of a special needs trust established pursuant to Probate Code section 3604 shall be provided to the Directors of the Department of State Health Services, Department of Developmental Services, and the Department of State Hospitals at the Sacramento office on a petition for approval of an account of a special needs trust established pursuant to Probate Code section 3604.
(Adopted 1/1/2013; revised 1/1/2016)

4.85 Report of Trustee.

A report shall accompany each account of a trustee and shall include the following:

(1) A concise reference to the purpose of the trust and how they have been satisfied by the trustee during the period of the account;

(2) A list of the beneficiaries (both present and future), the address, relationship to the trustor, whether they are a minor or an adult, and the beneficiary's age, if age is relevant;

(3) A brief summary of distributions made to or for their benefit, as reflected in the account;

(4) Investment objectives, and results with reference to the purpose of the trust, by setting forth a brief summary of the account measured in terms of the specific trust objectives and requirements.
(Adopted 1/1/2013)

CHAPTER 5 - FAMILY LAW

5.00 Title of Rules.

These rules shall be known as the Family Law Local Rules for the Superior Court of California, County of Sacramento.
(Adopted 1/1/2013)

5.01 Construction of Provision Drawn From the Family Code, California Rules of Court, Code of Civil Procedure, Evidence Code, or Other Uniform Act.

A provision of these rules, insofar as it is the same in substance as a provision of the Family Code, California Rules of Court, Code of Civil Procedure, Evidence Code, or other uniform act shall be construed to effectuate the general purpose of said codes or uniform act.
(Adopted 1/1/2013)

5.02 Effect of Headings.

Section headings herein do not in any manner affect the scope, meaning, or intent of these rules.
(Adopted 1/1/2013)

5.03 Construction of Rules.

Unless the provision or context otherwise requires, the general provisions and rules of statutory construction apply to these rules.
(Adopted 1/1/2013)

5.04 Reference to Statute Includes Amendments and Additions.

Whenever a reference is made to statutory law or Rules of Court, the reference applies to all amendments and additions thereto regardless of when made.
(Adopted 1/1/2013)

5.05 Construction of Tenses.

The present tense includes the past and future tenses, and the future, the present.
(Adopted 1/1/2013)

5.06 Meaning of Shall, May, Shall Not, and May Not.

"Shall" is mandatory and "may" is permissive. "Shall not" and "may not" are prohibitory.
(Adopted 1/1/2013)

5.07 Severability of Provisions.

If a provision or clause of these rules or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable.
(Adopted 1/1/2013)

5.08 Definitions and Use of Terms.

As used in these rules, unless the context or subject matter otherwise requires, the following definitions apply:

"Confidential Mediation" means child custody mediation that is confidential; non-recommending mediation.

"Court-connected Mediation" means "child custody recommending counseling" through the Office of Family Court Services.

"Evaluator" means a court appointed investigator as defined in Family Code section 3110.

"Law and Motion" means all hearings set by the filing of a Request for Order or Request for Domestic Violence Restraining Orders.

"Long Cause Hearing" means a law and motion hearing that cannot be completed within the 15 minutes allowed for short cause hearings.

"Mediation" means "child custody recommending counseling."

"Mediator" means a "child custody recommending counselor."

"Presiding Judge" means the Presiding Judge of the Superior Court of California, County of Sacramento.

"Private Mediation" means child custody and visitation mediation conducted by a non-court connected mediator (child custody recommending counselor).

"Self-represented party" means a party not represented by an attorney of record.

"Short Cause Hearing" means a hearing on a law and motion calendar that shall be completed within 15 minutes.

"Status Only Judgment" means a Judgment of Dissolution of Marriage or Legal Separation that affects the marital status only and that reserves jurisdiction over all remaining issues in the action, if any.

"Supervising Judge" means the Supervising Judge of Family Law.
(Adopted 1/1/2013)

5.09 Assignments in Family Law Departments.

Family Law cases shall be assigned to family law departments as the Supervising Judge determines.
(Adopted 1/1/2013)

5.10 Pending Hearing Date: Disclosure on Pleading.

All pleadings filed for use at a pending hearing shall bear the date and time of the hearing, and department number in which the hearing is set, under the case number of the first page of the pleading or form. If a hearing is not set, the pleading or form shall bear the words "No Hearing."
(Adopted 1/1/2013; revised 1/1/2016)

5.11 First Appearance by Appearance, Stipulation & Waivers: Filing Fee Due.

If the respondent makes a general appearance by filing an Appearance, Stipulations, and Waivers (local form FL-130), the respondent's name, address, and telephone number shall be included in the caption section at the top of said form. Unless waived, Respondent's first appearance fee shall be paid at the time local form FL-130 is filed.
(Adopted 1/1/2013)

5.12 Signature of Self-Represented Party on Agreement or Stipulation - Notary Required.

The signature of a defaulted self-represented party to an Agreement or Stipulation shall be subscribed by a duly authorized Notary Public.
(Adopted 1/1/2013; revised 1/1/2016)

5.13 Ex Parte Application.

(A) Ex parte applications are governed by California Rules of Court, rule 5.151.

(B) Applications for ex parte relief and oppositions thereto shall be filed directly in the assigned department based on the case assignment protocol located on the court's website at https://www.saccourt.ca.gov. Ex parte applications are heard on Monday through Friday at 8:30 a.m.

(C) If the party giving notice of the ex parte application fails to report to the department by 8:30 a.m., the application shall be dropped.
(Adopted 1/1/2013; revised 1/1/2014)

5.14 Order Shortening Time - Request for Order.

The court, on its own motion or on application for an order shortening time supported by a declaration showing good cause, may prescribe shorter times for the filing and service of papers than the times specified in Code of Civil Procedure section 1005.
(Adopted 1/1/2013)

5.15 Law and Motion Pleadings - Filing - Assignment. Time Limitation.

(A) Law and Motion pleadings shall be filed with the clerk of the court in room 100.

(B) All Law and Motion shall first be set for a short cause hearing. A short cause hearing shall have a maximum duration of 15 minutes, unless extended by leave of court.

(C) Law and Motion that exceeds, or is likely to exceed, 15 minutes maximum duration may be set for long cause hearing.
(Adopted 1/1/2013)

5.16 Confidential Mediation.

Mediation resulting from a Petition for Confidential Mediation shall be confidential and, except as otherwise authorized by law, there shall be no mediation report offered to the court.
(Adopted 1/1/2013)

5.17 Recommending Mediation.

(A) Except as provided in Local Rules, rule 5.16, mediation of child custody and visitation disputes is non-confidential, and a written report including recommendations may be provided to the parties, counsel, and court pursuant to Family Code section 3183 through the court's Public Case Access System located on the website at https://www.saccourt.ca.gov and shall be brought by the parties to any hearing involving custody or visitation issues. Said reports and recommendations may be offered for admission into evidence at hearing or trial, subject to procedural or evidentiary objection.

(B) Pursuant to Family Code section 3183, "mediation" shall be formally known as "child custody recommending counseling" and a "mediator" shall be formally known as a "child custody recommending counselor."

(C) Parties participating in court-connected mediation and child custody recommending counseling through the Office of Family Court Services shall comply with the rules located on the court's website at https://www.saccourt.ca.gov/family/fcs.aspx.

(D) Ex parte communication between parties, counsel, and court shall be governed by applicable statutes and California Rules of Court.
[Rule required by CRC 5.210(d)(1)(H)]
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2016; revised 1/1/2018)

5.18 Private Mediation - Procedure - Mediator Standards - Requests to Change - General Problems.

(A) "Private Mediation" is child custody and visitation mediation conducted by a non-court connected mediator (child custody recommending counselor).

(B) A party may request that mediation of disputed custody and visitation issues be conducted by a private mediator not affiliated with the court. Written notice of a request for private mediation shall be made by filing a Petition for Private Child Custody Recommending Counseling (local form FL/E-LP-601), together with an Order of Private Child Custody Recommending Counseling (local form FL/E/LP-603) and Declaration of Private Child Custody Recommending Counselor Regarding Qualifications (local form FL/E-FR-411) for each mediator proposed in the Petition. Absent agreement otherwise, the party filing the Petition shall advance the cost of private mediation and the court shall reserve jurisdiction to allocate the costs by further order.

(C) Absent a Stipulation, the petition (local form FL/E-LP-601), together with the Declarations (local form FL/E-FR-411) and a blank Response to Petition for Private Child Custody Recommending Counseling (local form FL/E/LP-602), shall be served on all parties. Within seven days of service of the Petition (local form FL/E-LP-601) on all parties, any party may object to the relief requested in the Petition (local form FL/E-LP-601) by filing and serving the Response (local form FL/E/LP-602).

(D) Service of the Petition shall be by personal delivery.

(E) The court may, on the pleadings, grant or deny the relief requested, or it may set the matter for hearing.

(F) An order for private mediation shall, by itself, terminate court affiliated mediation.

(G) Private mediators shall be subject to the same standards, and have the same rights, responsibilities, and duties, as court-connected mediators.

(H) Requests to change private mediators shall be submitted to the Supervising Judge and may be granted only upon a showing of good cause.

(I) General problems relating to private mediation shall be submitted in writing to the Supervising Judge for review.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2015)

5.19 Court Ordered Child Custody Evaluations - Finding a Qualified Evaluator.

(A) California Rules of Court, rule 5.220 is implemented.

(B) There shall be no peremptory challenge to a court appointed evaluator.

(C) A court appointed child custody evaluator may petition the court to withdraw from a case.

(D) Ex parte communication between parties, counsel, and court shall be governed by applicable statutes and Rules of Court.
[Rule required by CRC 5.220(d)(1)]

(E) A party may obtain information about finding a qualified evaluator by consulting directories in the local area.
(Adopted 1/1/2013)

5.20 Admission of Mediation or Evaluation Reports at Short Cause Hearings.

Absent a timely evidentiary objection, or a request for live testimony pursuant to Family Code section 217, the court may receive a mediator's or evaluator's report into evidence and consider its contents at a short cause hearing.
(Adopted 1/1/2013)

5.21 (Deleted effective 1/1/2014)

5.22 Temporary Spousal Support - Calculation.

Except for good cause shown, temporary spousal support shall be calculated by using the computation method commonly known as the "Santa Clara formula" programmed into the support software certified by the Judicial Council. (40% of High Earners net income (less child support) minus 50% of Low Earner's net income = Temporary SS.)
(Adopted 1/1/2013)

5.23 Continuance - Short Cause Hearing, Long Cause Hearing, Trial.

(A) The dates assigned for hearing and trial are firm. All parties and their counsel must regard the date set for hearing and for trial as certain.

(B) A party seeking a continuance of the date set for hearing or trial, if contested, must make the request for a continuance by noticed motion or an ex parte application with supporting declaration. The party must make the motion or application as soon as reasonably practical once the necessity for the continuance is discovered. Noticed motions or ex parte applications to drop or continue mandatory settlement conference, long cause hearing, or trial shall be heard by the Supervising Judge or judge assigned by the Supervising Judge.
(Adopted 1/1/2013; revised 1/1/2016)

(C) A stipulated request to drop or continue a hearing or trial may be submitted by using Facsimile Request to Drop or Continue Hearing, Long Cause Hearing or Trial by Stipulation (local form FL/E/CT-031) no less than two business days before the hearing.
(Adopted 1/1/2016)

(D) Although continuances of hearings and trials are disfavored, each request for a continuance shall be considered on its own merits. The court may grant a continuance only on an affirmative showing of good cause requiring the continuances. Circumstances that may indicate good cause are specified in California Rules of Court, rule 3.1332(c) and (d).
(Adopted 1/1/2013; revised 1/1/2016)

5.24 Telephone Appearance.

(A) Except for Title IV-D child support departments which are subject to California Rules of Court, rule 5.324, the court, in its discretion, may permit a party to appear by telephone. A written request for telephone appearance using Family Law Request for Telephone Appearance (local form FL/E-CT-022) shall be filed in the department in which the hearing is set not less than 10 court days before the hearing date.

(B) If the request is made by a restrained party in a domestic violence or elder or dependent abuse proceeding, the request must be filed at least three calendar days before the hearing.
[Rule required by CRC 5.9(C)]

(C) Telephone appearances for domestic violence and elder or dependent abuse proceedings shall be made through Court Call LLC at 1-888-882-6878 or at www.courtcall.com. Notice: Use of this service will require the payment of a fee.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2015; revised 1/1/2018)

5.25 Discovery - Pre-Judgment - Post-Judgment.

(A) Pre-judgment discovery is subject to the rules and procedures of the Civil Discovery Act (Part 4, Title 4, of the Code of Civil Procedure) and the California Rules of Court. In addition to all Discovery conducted prior to entry of Judgment, "Pre-judgment" includes discovery related to "reserved bifurcated issues" after a "status only judgment" has been entered.

(B) Post-Judgment discovery is subject to the rules and procedures of the Civil Discovery Act (Part 4, Title 4, of the Code of Civil Procedure) and the California Rules of Court, excepting that *"the date initially set for trial of the action"* specified in Code of Civil Procedure section 2024.020(a) shall mean the date the post-judgment motion was initially set for "long cause hearing."
(Adopted 1/1/2013; revised 1/1/2014)

5.26 Trial Setting Memorandum to Set.

(A) A party may set all issues in a case for trial by filing a Memorandum to Set (Family Law) (local form FL/E-LP-625). Prior to filing the Memorandum to Set, the filing party shall have:

(1) Verified that a Response, Answer, or other responsive pleading is filed in the case;

(2) Served the Preliminary Declaration of Disclosure and the final Declaration of Disclosure on all other parties to the action;

(3) Provided responses to discovery propounded under the Discovery Act, excepting that discovery properly objected to; and

(4) Met and conferred, or attempted to meet and confer, with all other parties to determine agreed upon Mandatory Settlement Conference and Trial dates.

(B) Within 10 days of service of the Memorandum to Set, any party may object to the trial setting by filing a Notice of Hearing on Memorandum to Set/Counter Memorandum to Set (Family Law) (local form FL/E-LP-605) in Department 128 and serving the same on all other parties. If local form FL/E-LP-605 is timely filed, Mandatory Settlement Conference and Trial dates shall not be set until the court has resolved the trial setting dispute.

(C) Trial dates are posted on the court's website at https://www.saccourt.ca.gov.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2017; revised 1/1/2018)

5.27 Time Estimates - Long Cause Hearing and Trial.

At the time a case is set for long cause hearing or trial, the parties shall provide a time estimate of the anticipated length of the long cause hearing or trial. The court will rely on the accuracy of the time estimate in setting cases and managing its calendar. All parties must regard the time estimate as certain. If the case is not completed within the time estimate, the court may deem the case submitted on the evidence received, order the case off calendar, declare a mistrial, or complete the trial or hearing.
(Adopted 1/1/2013)

5.28 Mandatory Settlement Conference - Long Cause Hearing, Trial.

(A) Except as provided in subsection (B), a Mandatory Settlement Conference shall be set for all matters proceeding to long cause hearing or trial.

(B) Mandatory Settlement Conference is not required for the following proceedings: Adoptions, Termination of Parental Rights in Adoption Proceedings, Freedom from Parental Custody and Control, Contempt, and Domestic Violence Prevention Act.

(C) Until excused by the court, each party and counsel shall personally appear at the Mandatory Settlement Conference and shall negotiate in good faith toward resolution of the issues then pending before the court.

(D) Unless the court orders another time period, no later than five court days before the date set for Mandatory Settlement Conference, the parties shall meet and confer, in person or by telephone, and shall:

(1) Identify the facts and issues set for hearing or trial that are uncontested and may be the subject of stipulation;

(2) Identify the facts and issues in the case that are in dispute;

(3) Identify the amount in dispute given the parties respective positions, to the extent the issue lends itself to such an analysis;

(4) Identify and, if possible, resolve, any disclosure or discovery disputes;

(5) Identify and, if possible, resolve, any evidentiary disputes;

(6) Determine whether the cost incurred by the parties to proceed to hearing or trial is reasonable as measured against the amount in dispute; and

(7) Determine whether settlement is possible.

(E) If both parties are self-represented and there is a Domestic Violence Restraining Order or other order prohibiting contact between the parties, then the requirement to meet and confer is excused.

(F) Failure to comply with this rule may result in sanctions as authorized in Code of Civil Procedure section 575.2. (Adopted 1/1/2013)

5.29 Statement of Issues and Contentions.

(A) At least 20 days prior to the date set for Mandatory Settlement Conference, each party shall serve a Statement of Issues and Contentions on all other parties to the case.

(B) The original and two copies of the Statement of Issues and Contentions shall be presented to the courtroom clerk in Department 128 for filing and endorsement. The original Statement of Issues and Contentions shall be filed. The two copies shall be endorsed and retained by the court for use by the settlement conference temporary judges.

(C) The Statement of Issues and Contentions shall identify each issue in dispute, the contention of the party as to each issue in dispute, and the legal authority supporting the party's contention, excluding extensive argument.

(D) The format of the Statement of Issues and Contentions shall be:

(1) Caption: In addition to that required by Code of Civil Procedure section 422.30, the caption shall bear the date and time of the mandatory settlement conference and of the long cause hearing or trial on the first page of the pleading immediately beneath the case number and pleading title.

(2) Statistical information:

(a) Date of marriage and date of separation, if a marital case;

(b) Names and dates of birth of all minor children.

(3) Current Orders: Identify each current order by date the order was issued for the following:

(a) Child custody and visitation;

(b) Child support;

(c) Spousal support;

(d) Domestic violence restraining order.

(4) Contested Issues and Contentions: Identify each issue in dispute, the contention of the party as to each issue in dispute, and the legal authority supporting the contention. The order of identification shall be:

(a) Custody and visitation;

(b) Child support;

(c) Spousal support;

(d) Property characterization and division;

(e) Credits, reimbursements, and offsets;

(f) Attorney fees and costs;

(g) Other miscellaneous disputed issues.

(E) In the event that a Mandatory Settlement Conference is continued, all parties shall serve and file a Supplemental Statement of Issues and Contentions within the time prescribed by this rule.

(F) Failure to comply with this rule may result in sanctions as authorized in Code of Civil Procedure section 575.2.
(Adopted 1/1/2013)

5.30 (Deleted effective 1/1/2014)

5.31 Stipulation to Establish or Modify Child Support - Child Receiving Public Assistance.

A stipulation to establish or modify child support payable for a child receiving public assistance shall be approved and signed by an authorized representative of the local child support agency of the county providing public assistance, or of the county in which the existing child support order is registered.
(Adopted 1/1/2013)

5.32 Requests to Change Mediators - Peremptory Challenge to Court-Connected Mediator; Complaints.

(A) There shall be no peremptory challenge to a court-connected mediator.
(Adopted 1/1/2013; revised 1/1/2016)

(B) Complaints relating to court-connected mediation may be identified in writing and submitted to the Family Court Services Manager for review. Complaints relating to private mediation may be identified in writing and submitted to the Supervising Judge for review.
(Adopted 1/1/2013; revised 1/1/2016)

5.33 Complaint Process - Child Custody Evaluators.

A party to the action may present a complaint about the performance of a child custody evaluator to the Supervising Judge. Said complaint shall be in writing and copies of the complaint shall be served on all parties. A proof of service evidencing service of the complaint on all parties is required. A response to the complaint, if any, shall be presented to the Supervising Judge within seven days of service of the complaint. Said response shall be in writing and copies of the response shall be served on all parties. A proof of service evidencing service of the response on all parties is required. Upon receipt of the complaint and the response, if any, the Supervising Judge may respond to the complaint as the Supervising Judge deems appropriate.
[Rule required by CRC 5.225(k)]
(Adopted 1/1/2013)

5.34 (Deleted effective 1/1/2015)

5.35 Filing Fee - Pleadings Filed by Minor's Counsel On Behalf of Minor.

The filing fee for a pleading filed by minor's counsel on behalf of a minor child is waived for said minor. The court may assess the filing fee to a party, or parties, to the action.
(Adopted 1/1/2013)

5.36 Minor's Counsel - Complaint Procedure.

A party to the action may present a complaint about the performance of minor's counsel to the Supervising Judge. The complaint shall be in writing and copies of the complaint shall be served on all parties. A proof of service evidencing service of the complaint on all parties is required. A response to the complaint, if any, shall be presented to the Supervising Judge within seven days of service of the complaint. Said response shall be in writing and copies of the response shall be served on all parties. A proof of service evidencing service of the response on all parties is required. Upon receipt of the complaint and the response, if any, the Supervising Judge may respond to the complaint as the Supervising Judge deems appropriate.
[Rule required by CRC 5.240(e)]
(Adopted 1/1/2013)

5.37 Family Law Facilitator - Additional Duties.

To the extent adequate funding is provided, the Family Law Facilitator may perform the following duties in addition to those mandated by Family Code section 10004:

(A) Assist the clerk in maintaining records;

(B) Prepare formal orders consistent with the court's announced order;

(C) Provide the services specified in Family Code section 10004 concerning the issues of child custody and visitation as they relate to calculating child support;

(D) Other duties as the court may from time to time approve as promoting the purpose and intent of Division 14 of the Family Code.
(Adopted 1/1/2013)

CHAPTER 6 - JUVENILE COURT CONFIDENTIALITY AND MEDIA POLICIES

6.00 Scope of Rules.

Except as otherwise provided by law, the disclosure of juvenile case file records, the exchange of information between and among agencies concerned with court matters affecting children, media coverage of juvenile court matters, and admission of public and persons having interest in a juvenile case shall be governed by the rules contained in this chapter and by Sacramento County Juvenile Court Standing Order SCC-JV-99-021.
(Adopted 1/1/2013; revised 1/1/2014)

6.01 Exchange of Information and Disclosure of Juvenile Court Records.

(A) The Probation Department, Family Court Services staff, Probate Court investigators, and the Department of Health and Human Services may disclose to each other information concerning any minor who is the subject of any investigation or any matter pending before the court as necessary for each entity to carry out its duties to the court. Confidential information exchanged under this rule remains confidential and shall not be further released except as provided by law, these rules, or other order of the court.

(B) Access to juvenile case file records including documents and information maintained by the Department of Health and Human Services and the Probation Department is governed by Welfare and Institutions Code section 827, California Rules of Court, rule 5.552 and Sacramento County Juvenile Court Standing Order SSC-JV-99-021.
(Adopted 1/1/2013; revised 1/1/2014)

6.02 Public Admission and Media Coverage of Juvenile Court Matters.

Local Rules, rules 6.02 – 6.09 address media coverage of Juvenile Court matters and admission of public and persons having interest in a juvenile case. Unless otherwise ordered by the court, these rules apply to print and electronic broadcast coverage of both delinquency and dependency matters, whether taking place in or outside of the courtroom. This rule adopts the definitions used in California Rules of Court, rule 1.150(b.)
(Adopted 1/1/2013; revised 1/1/2014)

6.03 Notice and Request to Attend Court Proceedings.

(A) Non-Confidential Delinquency Proceedings. Delinquency proceedings described in Welfare and Institutions Code section 676(a) are open to the public. Print and broadcast media representatives may attend those proceedings without prior permission of the court, if seating is available in the courtroom. However, in the absence of a court order as described in Local Rules, rule 6.04, no cameras or recording equipment shall be permitted in the courtroom.

(B) Confidential Proceedings. In all other delinquency cases and for all dependency cases, permission to attend the court proceedings is in the discretion of the Presiding Judge of the Juvenile Court or bench officer presiding over the matter. A written request seeking permission to attend confidential proceedings must be filed at the appropriate dependency or delinquency filing counter using the Request to Attend Juvenile Court Proceedings (local form JC\E-006).

(C) Filing. Either type of request may be filed in person, by mail or by fax. Requests to attend delinquency matters shall be filed, the original and two copies, at the 1st floor reception counter at the Juvenile Courthouse, 9605 Kiefer Boulevard, Sacramento, CA 95827 (Fax: (916) 875-5168). Requests to attend dependency matters shall be filed, the original and four copies, at the 3rd floor reception window at the William R. Ridgeway Family Relations Courthouse, 3341 Power Inn Road, Sacramento, CA 95826 (Fax: (916) 875-3480).

(D) Timeliness of Filing. Unless good cause is shown, either type of request must be filed with the reception desk by (a) 10:00 a.m. the day of the hearing for cases that are calendared for the afternoon session; or (b) 3:30 p.m. the

business day before the hearing for cases that are calendared for the morning session. The court clerk shall serve on counsel a copy of the request by personal delivery in the courtroom prior to the court hearing.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

6.04 Use of Cameras or Recording Equipment.

(A) Dependency Proceedings. Pursuant to California Rules of Court, rule 1.150(e)(6), the bench officer presiding over any dependency matter shall not have discretion to permit cameras or recording equipment in the courtroom.

(B) Confidential Delinquency Proceedings. Pursuant to California Rules of Court, rule 1.150(e)(6), the bench officer presiding over any delinquency matter not described in Welfare and Institutions Code section 676(a) shall not have discretion to permit cameras or recording equipment in the courtroom.

(C) Non-Confidential Delinquency Proceedings. Permission to use cameras or recording equipment while attending non-confidential Delinquency Court proceedings is in the discretion of the bench officer presiding over the matter. A California Rules of Court, rule 1.150, the Order on Media Request to Permit Coverage (Judicial Council form (MC-510), must be filed at the reception desk in order to seek the exercise of such discretion.

(1) A California Rules of Court, rule 1.150 request may be filed in person, by mail or by fax at the 1st floor reception counter at the Juvenile Courthouse, 9605 Kiefer Boulevard, Sacramento, CA 95827 (Fax: (916) 875-5168).

(2) Unless good cause is shown, a California Rules of Court, rule 1.150 request must be filed with the reception desk at least five court days before the hearing to be covered. The court clerk shall serve on counsel a copy of the request by personal delivery in the courtroom prior to the court hearing.

(3) When photography or video/audio recording is permitted during a Delinquency Court proceeding, the camera view must be restricted to the shoulders of the minor and below. No view of the front or back of the head of the minor and/or his/her family shall be recorded.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

6.05 Identification, Check-in and Waiting Area.

(A) Identification. All members of the print and broadcast media must display visible identification at all times while inside the Juvenile Courthouse (delinquency) or on the 3rd floor of the William R. Ridgeway Family Relations Courthouse (dependency).

(B) Check-In. Upon arrival at the 1st floor of the Juvenile Courthouse (delinquency) or the 3rd floor of the William R. Ridgeway Family Relations Courthouse (dependency), all members of the media shall inform the receptionist of their presence. The receptionist shall inform the appropriate courtroom personnel of the names of the media representatives present so that their attendance can be assured when the case is called.

(C) Waiting Area. Cameras and other recording equipment must be taken immediately to the designated media waiting area upon arrival at the 1st floor of the Juvenile Courthouse (delinquency) or the 3rd floor of the William R. Ridgeway Family Relations Courthouse (dependency), as directed by court security. Such equipment may not be stored or displayed in the lobby area where minors are present.
(Adopted 1/1/2013)

6.06 (Deleted effective 1/1/2014)

6.07 Locations for Photography and/or Video/Audio Recording.

(A) Inside. No photography or video/audio recording shall take place in the hallways or lobby areas of the Juvenile Courthouse and/or on the 3rd floor of the William R. Ridgeway Family Relations Courthouse. In addition, no photography or video/audio recording shall take place in the courtrooms when court is not in session, before or after a case is formally called on-the-record.

(B) Outside. Without the express consent of the child/minor or his/her attorney, there shall be no photography or video/audio recording of the child/minor or his/her family on the sidewalks or parking lot adjacent to the Juvenile Courthouse and/or the William R. Ridgeway Family Relations Courthouse.

No photography or video/audio recording shall take place within 100 feet of the front door of the Juvenile Courthouse or of the front door of the William R. Ridgeway Family Relations Courthouse. Photography or video/audio recording beyond 100 feet of the front door of those buildings shall not include any view of the front door of the building or persons entering or leaving that door. The southwest corner of the William R. Ridgeway Family Relations Courthouse building that contains the name of the building is more than 100 feet from the front door of the building. Camera or video recording is permitted at those locations without order of the court.

No photography or video recording shall take place at the rear of the Juvenile Courthouse or the B.T. Collins Juvenile Center building that displays the security and/or booking entrance to the Youth Detention Facility.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

6.08 Pooling.

Due to the small size of the delinquency courtrooms and the limited seating available, in all cases where video recording of a delinquency case is permitted by court order for more than one broadcast media station, only a single camera shall be allowed in the courtroom. A condition of granting the order to record the courtroom session shall include a requirement that such stations arrange for a pooling and sharing of the recorded material.
(Adopted 1/1/2013)

6.09 Photography or Video/Audio Recording of Minors in Juvenile Institutions.

Except upon an order issued by the Presiding Judge of the Juvenile Court, no photograph or video recording of any portion of the body of a minor detained in, or committed to, the Youth Detention Facility is permitted.

(A) Check-In. Upon arrival at the 1st floor of the Juvenile Courthouse (delinquency) or the 3rd floor of the William R. Ridgeway Family Relations Courthouse (dependency), all members of the media shall inform the receptionist of their presence. The receptionist shall inform the appropriate courtroom personnel of the names of the media representatives present so that their attendance can be assured when the case is called.

(B) Waiting Area. Cameras and other recording equipment must be taken immediately to the designated media waiting area upon arrival at the 1st floor of the Juvenile Courthouse (delinquency) or the 3rd floor of the William R. Ridgeway Family Relations Courthouse (dependency), as directed by Court Security. Such equipment may not be stored or displayed in the lobby area where minors are present.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

CHAPTER 7 - JUVENILE DEPENDENCY COURT

7.00 Court Appointed Special Advocate Program (CASA).

The Presiding Judge of the Juvenile Court may appoint a special advocate program, which shall adhere to the requirements set forth in California Rules of Court, rule 5.655.
(Adopted 1/1/2013)

7.01 Right of CASA to Appear.

(A) A CASA volunteer shall have the right to be present and be heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings. A CASA volunteer shall not be deemed to be a "party," as described in Title 3 of Part II of the Code of Civil Procedure. However, the court, in its discretion, shall have the authority to grant the CASA Advocate amicus curiae status, which includes the right to appear with counsel.

(B) CASA reports shall be filed with the court at least two days prior to the hearing. The CASA program shall also provide a copy of the report to all counsel and any de facto parent at least two days before the hearing.
(Adopted 1/1/2013)

7.02 Family Law Advocacy and CASA.

Should the Juvenile Court dismiss the dependency action and create family law orders pursuant to Welfare and Institutions Code section 362.4, the CASA volunteer's appointment may be continued in the family law proceedings. If ordered, the Juvenile Court order shall set forth the nature, extent and duration of the CASA volunteer's duties in the family law proceeding.
(Adopted 1/1/2013)

7.03 Removal, Resignation, and Termination of CASA Volunteer.

(A) A CASA volunteer may resign from an individual case or the CASA program or may be removed from an individual case in accordance with California Rules of Court, rule 5.655(h).

(B) In order to involuntarily terminate a CASA volunteer from the CASA program, the CASA program director shall file a written application with the Presiding Judge of the Juvenile Court requesting termination of the volunteer, along with a proof of service showing service of the application on the volunteer. The volunteer may file a response to the application within 10 days of receipt of the application. The response must be filed with the Presiding Judge of the Juvenile Court and served on the CASA program director. The Presiding Judge of the Juvenile Court shall either rule on the application after a review of the application and response, if any, or set a hearing on the application.

(C) A CASA volunteer may file a grievance regarding the CASA program with the Presiding Judge of the Juvenile Court if the volunteer has exhausted the CASA program's grievance process and certifies that fact in the grievance filed with the Presiding Judge of the Juvenile Court. The Presiding Judge of the Juvenile Court shall investigate the grievance as he/she deems appropriate, respond in writing to the CASA volunteer and CASA Executive Director regarding the results of the investigation, and take any action the Presiding Judge of the Juvenile Court deems appropriate.
(Adopted 1/1/2013; revised 1/1/2018)

7.04 Filings.

Unless otherwise noted in these rules or permitted, all motions and documents shall be filed directly with the dependency filing counter located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. Documents filed on the day a matter is set for hearing shall be filed

directly in the courtroom where the matter is being heard.
(Adopted 1/1/2013; revised 1/1/2017; revised 1/1/2018)

7.05 Sanctions.

(A) Any counsel or self-represented litigant who fails to comply with any Sacramento Superior Court Local Rule, California Rule of Court, or order of the Juvenile Court is subject to the sanctions set forth in California Rules of Court, rule 2.30, and in Code of Civil Procedure section 177.5 and section 575.2. The court may impose community service as a sanction in addition to or in lieu of monetary sanctions.

(B) Any counsel who repeatedly fails to appear on time for calendar call will be subject to appropriate sanctions. The court may order any counsel who is not present when his or her case is called to file with the court a declaration stating the reason for lateness or non-appearance. The court shall read and consider the declaration and determine whether or not sanctions are justified and take appropriate action.
(Adopted 1/1/2013)

7.06 Counsel of Record and Self-Represented Litigants.

Whenever in these juvenile dependency rules a requirement is imposed on counsel, that requirement is equally applicable to a self-represented litigant.
(Adopted 1/1/2013; revised 1/1/2014)

7.07 Direct Calendaring, Calendar Call, Appearances, and Peremptory Challenges.

(A) Dependency departments are operated on a direct calendaring system. Counsel is referred to the Dependency Calendar Directory located on the court's website at https://www.saccourt.ca.gov for further information.

(B) Unless otherwise ordered by the court, each dependency department calls the calendar for the entire day at 8:30 a.m. Counsel with matters in a Juvenile Dependency Court shall appear by 8:30 a.m. unless excused by the court or arrangements are made for a substitute counsel to handle the matter. The substitute counsel shall be authorized and prepared to proceed with any matter.

(C) A counsel who does not appear on time for calendar call is required to inform the judicial officer of the reasons for not appearing on time. Counsel with a matter on the 1:30 p.m. calendar is required to appear at 8:30 a.m. unless that counsel has communicated to the court and all counsel his/her client's position on the matter by the 8:30 a.m. calendar call. All counsel shall keep the court advised of his or her whereabouts.
(Adopted 1/1/2013; revised 1/1/2018)

7.08 Detention Hearing or Initial Appearance.

At the detention hearing or initial appearance, counsel shall be prepared to do the following:

(A) Parent's counsel shall assist in completing and filing the Notification of Mailing Address (Judicial Council form JV-140) with the clerk of the court, and subsequently complete and file an updated Judicial Council form JV-140, reflecting any changes in mailing address. A copy of the updated Judicial Council form JV-140 will be provided to the Department of Child, Family and Adult Services.

(B) Parent's counsel shall advise the court whether the parents have any Native American heritage, and file the Parental Notification of Indian Status (Judicial Council form ICWA-020);

(C) All counsel shall advise the court regarding paternity issues.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018; revised 1/1/2019)

7.09 Contact with Parties Prior to Hearing (In/Out of Custody).

(A) Cases involving in-custody parties have priority on the court's calendar. Counsel representing in-custody parties shall give priority to interviewing these parties.

(B) A counsel representing a party whether or not in custody shall make every reasonable effort to contact and interview the party prior to the next scheduled hearing date. Counsel shall make every reasonable effort to discover his/her client's position and shall inform the court whether the matter can proceed in the client's absence. Counsel shall be prepared to state on-the-record the efforts made to contact the client.
(Adopted 1/1/2013)

7.10 Jurisdictional/Dispositional Hearings.

In all submitted jurisdictional hearings, counsel shall assist the parent in completing the Waiver of Rights-Juvenile Dependency (Judicial Council form JV-190).
(Adopted 1/1/2013; revised 1/1/2018)

7.11 Dress and Conduct Code.

Unless otherwise ordered by the court, the below described proper attire and conduct must be observed while attending proceedings on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826.

(A) Proper Attire

Children as to whom a dependency petition has been filed and their parents/guardians shall not be admitted into the courtroom if they are not properly attired. Such persons who are not in proper attire will be required to remove or adjust improperly worn clothing or leave the courthouse and return at the date and time specified by the court, as communicated to them by the social worker or such person's attorney. For purposes of this order, proper attire means:

(1) Pants must not sag below the waist or be worn in such a manner that otherwise expose under garments.

(2) Tank tops, strapless tops, tops that expose the midriff and tops that are low-cut are not allowed.

(3) Shorts and mini-skirts are not allowed.

(4) Baseball hats, stocking caps and knit caps must not be worn in the courtroom.

(5) Shirts, blouses and jackets cannot contain inappropriate writing or pictures, including references to violence, alcohol, drugs, or sexual matter.

(6) Shirts must be tucked in. Collared shirts are preferred.

(7) Shoes must be worn. Flip-flops are not allowed.

(8) For safety reasons, clothing with predominant colors that could be interpreted by others as symbolizing gang association shall not be worn. Other items, tattoos and symbols that are associated with gang activity shall not be displayed.

(B) Conduct in the Courtroom

All persons entering the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826, shall follow the procedures described below:

(1) No metal items shall be brought into the courthouse. Security officers will confiscate such items or request that they be removed or discarded prior to entering the building.

(2) Parents and family members as to whom a dependency petition has been filed must check in with Juvenile Court Reception on the 3rd floor of the courthouse at the time designated on the notice to appear and sit in the designated area labeled for the courtroom in which the child's hearing will be held.

(3) Food and drink, other than bottled water, are not permitted inside the public areas of the 3rd floor of the building. Food and drink must be consumed outside the building or in the public lounge area on the 1st floor.

(4) Chewing gum is not permitted while in the courtroom.

(5) A child shall not possess or smoke tobacco products. Such conduct is unlawful and violators are subject to arrest by law enforcement officers on duty at the courthouse. Adults may only smoke outside the courthouse in designated areas.

(6) Children who are too young to remain quiet or behave properly in court must be left in the court's 1st floor designated childcare area.

(7) Cellular phones, pagers and alarms must be turned off, or be in a vibrate mode, while in the courtroom. If they make an audible noise in the courtroom, they will be confiscated by the bailiff.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

7.12 Ex Parte Orders.

(A) Ex parte applications shall include the following information:

(1) The date and time that a hearing is requested to obtain the order;

(2) A description of the efforts made to obtain the consent of, or to give notice to the parties, the parents or legal guardians of the minor, and their attorneys of record or a statement indicating the reasons why said consent or notice should not be required;

(3) A statement whether any person who is described in paragraph (2) refuses to agree to the ex parte request, including the ground for the person's refusal, if known; and

(4) Full disclosure of any prior requests and the court's action thereon whenever a request for an ex parte order of the same character or for the same relief has been made to the court.

(B) (1) Applications and supporting documents shall be submitted to the clerk of the department in which the matter is pending, by appointment only. An ex parte application that does not contain a statement concerning notice may be summarily denied. Ex parte applications shall set forth by affidavit or declaration the following:

(a) that within the time prescribed in subparagraph (2) below, the applicant has informed other interested parties when and where the application would be made; or

(b) that the applicant attempted to inform an interested party or the party's attorney but was unable to do so, specifying the efforts made to inform the party; or

(c) that for reasons specified, the applicant should not be required to inform the interested party or the party's attorney.

(2) An applicant for an ex parte order shall give a minimum of 24 hours' notice to interested parties, absent a showing of exceptional circumstances. Notice shall include a specific statement of the nature of the order sought. Notice of the ex parte application may be excused if the giving of such notice would frustrate the purpose of the order, or cause the minor or the public to suffer immediate and irreparable physical or emotional harm. Notice

may also be excused if, following a good faith attempt, the giving of notice is not possible.
(Adopted 1/1/2013)

7.13 Orders to Produce Incarcerated Parties in Dependency Cases.

(A) All applications for an Order to Produce an incarcerated parent-party or a state prisoner to testify shall be submitted at least 21 days prior to the scheduled hearing.

(B) Applications for an Order to Produce an incarcerated parent-party shall be submitted to the assigned department on the Order for Prisoner's Appearance at Hearing Affecting Parental Rights (Judicial Council form JV-450). The application shall contain:

(1) An identification of the specific type of hearing at which the incarcerated parent-party's attendance is requested, and

(2) If the parent-party is not statutorily entitled to be represented, a recitation of the facts that demonstrate good cause for the attendance of the incarcerated parent-party, including a declaration the incarcerated parent-party has expressed a desire to be present.

(C) Applications for an Order to Produce a state prisoner to testify shall be submitted to the assigned department on the Order to Produce State Prisoner to Testify (local form JC\E-331). The application shall contain:

(1) The identification of the specific type of hearing at which the witnesses attendance is requested, and

(2) A declaration showing the testimony is material and necessary.

(D) Either Order may be issued on the court's own motion, or following oral application by counsel at any regular scheduled court hearing where all counsel are present.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

7.14 Pre-Trial Statement and Pre-Trial Conference.

The Juvenile Court adopts the policy that pre-trial statements and good faith efforts to settle dependency proceedings are an essential part of the Juvenile Court process, and that good faith efforts to settle shall be made during the pre-trial conference in conformity with the rules of this chapter. Unless otherwise ordered by the court, no trial date shall be set unless a pre-trial has been set or has been completed.
(Adopted 1/1/2013)

7.15 Pre-Trial Statement.

The Pre-Trial Statement shall be in writing and shall address the issues as set forth in the Pre-Trial Statement (local form JC\E-305) located on the court's website at https://www.saccourt.ca.gov and at the Juvenile Dependency Court filing counter. Use of the proposed form is encouraged but not required. The statement shall be sufficiently detailed to enable the judicial officer to conduct a meaningful pre-trial conference.
(Adopted 1/1/2013; revised 1/1/2018)

7.16 Pre-Trial Conference Procedures.

(A) The pre-trial statement shall be filed with the court and served upon the parties at least two judicial days prior to the date set for the pre-trial conference.

(B) All adult parties and counsel whose consent is required to effect a binding settlement shall be personally present at the pre-trial conference unless excused by the Juvenile Court.

(C) Unless otherwise ordered by the court, any time a matter is scheduled for a pre-trial, each party shall prepare, serve and file a pre-trial statement in conformity with the rules of this chapter.

(D) In the pre-trial conference, all counsel shall be prepared to address pre-trial issues and settlement proposals. (Adopted 1/1/2013)

7.17 Meet and Confer.

(A) Unless otherwise ordered by the court, counsel for the parties in each dependency matter and any self-represented litigant shall meet and confer with each other and, where applicable, with the Department of Child, Family and Adult Services (DCFAS) and with the Court Appointed Special Advocate (CASA), as set forth herein, prior to seeking a court order on those matters described in this rule. Failure to meet and confer in good faith may be a basis for imposition of sanctions.

(B) Issues Subject to Meet and Confer

(1) Parent-Child Visitation;

(2) Discovery;

(3) Services to be provided to a parent or child by DCFAS;

(4) Home evaluation or placement with a relative; and

(5) Any other issue in the discretion of the judicial officer.

(C) Duties of Counsel and Self-Represented Litigants Prior to the Court Hearing

(1) Not later than two days prior to the scheduled hearing, advise all parties of the order requested, to allow opposing sides time to prepare and respond.

(2) Meet in person with CASA before the time designated for the hearing. If acceptable to all parties, the meeting may be by means other than in person.

(3) The moving party shall ascertain which parties agree to or oppose the proposed order.

(4) If an agreement is reached that requires a court order, the parties shall determine the exact wording of the order.

(5) Counsel and any self-represented litigant may prepare and submit the Stipulation and Request for Order Following Meet and Confer (local form JC\E-324) and Order on Stipulation and Request for Order Following Meet and Confer (local form JC\E-324_Order) to obtain an appropriate order.

(D) Duties of Counsel and Parties Not Represented by Counsel at the Court Hearing

(1) At calendar call, the moving party shall inform the court whether the parties have (a) met and conferred and (b) reached an agreement.

(2) In cases where an agreement has been reached prior to the court hearing, the moving party shall convey the agreed upon language to the judicial officer, without further comment or argument by any party.

(3) In cases where an agreement has not been reached prior to the court hearing, the parties shall be prepared to argue the matter on the record.

(E) Judicial Modification

The above rules shall not prevent any judicial officer to whom a case is assigned from modifying, changing or supplementing an order as may appear necessary or appropriate.
(Adopted 1/1/2013; revised 1/1/2017; revised 1/1/2018; revised 1/1/2019)

7.18 Hospitalizations for Mental Health Evaluation and Treatment.

(A) Involuntary Psychiatric Hospitalizations of Dependent Minor

(1) 72-Hour Psychiatric Hold. Upon notice of a dependent minor's 72-hour hold for evaluation and treatment pursuant to Welfare and Institutions Code section 5585 et seq., the Department of Child, Family and Adult Services (DCFAS) shall provide notice to the court and minor's counsel and parties of the name, address and phone number of the facility or person responsible for the minor's care. Such notice shall be provided immediately, and in any event no later than the close of business the day following DCFAS's receipt notice of the 72-hour hold. Such notice may be provided through the Notice of Psychiatric Hospitalization and/or Release of Minor (local form JC\E-311).

(2) 14-Day Psychiatric Hold. Upon completion of the initial evaluation, DCFAS shall notify the court, counsel, and parties of the results of the evaluation and whether or not the minor was certified for an additional 14 days of treatment pursuant to Welfare and Institutions Code section 5250. Such notice shall be provided immediately, and in any event no later than the close of business the day following DCFAS's receipt of notice of the minor's evaluation. Such notice may be provided through the Notice of Psychiatric Hospitalization and/or Release of Minor (local form JC\E-311).

(3) 30-Day Psychiatric Hold. DCFAS shall immediately notify the court, counsel, and parties if the minor is certified for an additional 30 days of treatment pursuant to Welfare and Institutions Code section 5270.15. Such notice shall be provided immediately, and in any event no later than the close of business the day following DCFAS's receipt of notice of the 30-day certification. Such notice may be provided through the Notice of Psychiatric Hospitalization and/or Release of Minor (local form JC\E-311).

(4) Upon discharge from the facility, DCFAS shall provide notice to the court and minor's counsel of the name, address and phone number of the minor's placement. Such notice shall be provided immediately, and in any event, no later than the close of business the day following DCFAS's receipt of notice of the minor's discharge. Other notice shall be provided as required by law. Such notice may be provided through the Notice of Psychiatric Hospitalization and/or Release of Minor (local form JC\E-311).

(5) Mental Health Services Hearing. Counsel may request that a Mental Health Services Hearing be held at any time during the evaluation and treatment period to review the treatment and placement decisions involving the dependent child. The court may also calendar a hearing on its own initiative.

(6) LPS/Conservatorship. Upon notice that an LPS action or conservatorship proceeding has been filed, DCFAS shall provide notice to the court, counsel and parties of the date, time and place of any scheduled hearings. The court may calendar the case for action as may be appropriate.

(B) Voluntary Hospitalization of Dependent Minor

(1) Any application for a dependent minor to be voluntarily admitted to a mental health facility shall be made by the minor's counsel pursuant to Welfare and Institutions Code section 6552 on the Application for Approval of a Minor's Request for Voluntary Inpatient Psychiatric Treatment (local form JC\E-312). The form shall be filed with the Dependency Court *ex parte*. Counsel shall contact the home court clerk and advise that he/she will be submitting the application for court review *ex parte*, and shall file the application as advised by the clerk. Counsel shall serve the application on all parties unless the court, upon finding good cause, waives the notice requirement.

(2) Unless otherwise waived by the court, counsel shall be available for additional information as the court may require. When the order is issued, counsel shall provide a signed copy of the order to the facility and to all parties in the dependency matter.

(3) The court may set the matter for hearing within three days at which time the minor may be brought before the court to acknowledge the following:

(a) The minor has had the opportunity to consult with his/her attorney to discuss his/her rights to such treatment including its benefits and consequences in a manner the minor is able to understand;

(b) The minor has the right to withdraw his/her voluntary request for admission to the treatment facility and shall be provided contact information for his/her attorney should he/she desire to withdraw such voluntary request for admission.

(c) Should the minor withdraw his/her voluntary request for admission he/she has the right to return to the Juvenile Court for further placement orders.

(4) Application for Approval of a Minor's Request for Voluntary Inpatient Psychiatric Treatment (local form JC\E-312), signed by the minor and attorney, shall constitute a sufficient basis for the hospital or facility to accept the minor as a voluntary inpatient, pending approval of the application by the Juvenile Court.

(5) Upon receiving information of the revocation of the voluntary application, DCFAS or minor's counsel may request a Revocation of Consent Dispositional hearing be set within three court days and notify all counsel and parties to the case.

(6) Upon discharge from the facility, DCFAS shall provide notice to the court and minor's counsel of the name, address and phone number of the minor's placement. Such notice shall be provided immediately, and in any event, no later than the close of business the day following DCFAS's receipt of notice of the minor's discharge. Other notice shall be provided as required by law. Such notice may be provided on the Notice of Psychiatric Hospitalization and/or Release of Minor (local form JC\E-311).
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018; revised 1/1/2019)

7.19 Request for Administration of Psychotropic Medication, Medical, Surgical and Dental Care.

(A) Psychotropic Medications. Any request for administration of psychotropic medication must be submitted by the Department of Child, Family and Adult Services (DCFAS). The request must be on the Application for Psychotropic Medication (Judicial Council form JV-220). Following preparation of the Judicial Council form JV-220, DCFAS shall scan and email, or otherwise provide a copy of, the request to counsel and self-represented litigants, along with a blank Input on Application for Psychotropic Medication (Judicial Council form JV-222). DCFAS shall wait two court days for responses. Counsel and self-represented litigants shall respond indicating agreement, disagreement without a request for hearing, or disagreement with a request for hearing. The responses, or lack thereof, shall be noted on the Judicial Council form JV-220 prior to filing the request with the court. DCFAS shall file the original plus one copy of Judicial Council form JV-220, Physician's Statement–Attachment (Judicial Council form JV-220(A)), and Proof of Notice of Application (Judicial Council form JV-221). DCFAS shall prepare and submit one Order on Application for Psychotropic Medication (Judicial Council form JV-223), with Page 3 of the Physician's Statement attached, for court signature. The documents shall be filed at the dependency filing counter located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. DCFAS shall provide a paper copy to all counsel and self-represented litigants. If any counsel or self-represented litigant files the Input on Application for Psychotropic Medication (Judicial Council form JV-222), they shall serve a copy on other counsel and self-represented litigants. These requirements are in addition to the specific requirements governing psychotropic medications in California Rules of Court, rule 5.640.

(B) Medical, Surgical or Dental Care. Medical, Surgical or Dental Care requests shall continue to be in accord with the Juvenile Dependency Court Protocol Authorization for Medical, Surgical or Dental Care pursuant to Welfare and Institutions Code section 369.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2016; revised 1/1/2018; revised 1/1/2019)

7.20 Attorney Competency Certification.

(A) All appointed counsel appearing in juvenile dependency proceedings shall meet the minimum standards of competency set forth in these rules. Each appointed counsel appearing in dependency matters before the court on the effective date of these rules, who believes that he or she meets the minimum standards for competency, shall complete and submit to the court, within 30 days of the effective date of these rules, the Certification of Attorney Competency (local form JC/E-005). After the effective date of these rules, any appointed counsel appearing in a dependency matter for the first time shall complete and submit a Certification of Attorney Competency to the court within 10 days of his or her first appearance in a dependency matter. The Certification of Competency shall be filed at the dependency filing counter located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826.

(B) Upon submission of a Certification of Attorney Competency which demonstrates that the appointed counsel has met the minimum standards set forth in Local Rules, rule 7.21, the appointed counsel shall be deemed competent to practice before the Juvenile Court in dependency cases unless the Presiding Judge of the Juvenile Court determines that a particular appointed counsel does not meet minimum competency standards. In such case, the court shall proceed as set forth in Local Rules, rule 7.22 hereinafter.

(C) In the case of an appointed counsel 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 appointed counsel maintains an office shall not excuse appointed counsel from complying with Local Rules, rule 7.20.
(Adopted 1/1/2013; revised 1/1/2018)

7.21 Minimum Standards of Experience, Education and Training.

Prior to certification, each appointed counsel appearing in a dependency matter before the Juvenile Court shall have either:

(1) Participated in at least eight hours of training or education in juvenile dependency law as specified in California Rules of Court, rule 5.660; or

(2) At least 24 hours of experience within the last year in dependency proceedings in which the appointed counsel has demonstrated competence in the appointed counsel's representation of his or her clients in said proceedings.
(Adopted 1/1/2013)

7.22 Failure of Attorney to Be Certified.

When a certified counsel 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 counsel that he or she will be decertified. That counsel shall have 20 days from the date of the mailing of the notice to submit evidence of compliance with Local Rules, rule 7.20.
(Adopted 1/1/2013)

7.23 Attorney Competency Certification Renewal.

In order to retain his or her certification to practice before the Juvenile Court, each appointed counsel or his or her supervisor shall file at the dependency filing counter an affidavit certifying that counsel has completed at least eight hours of continuing education related to dependency proceedings within the last three years. The dependency filing counter is located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. The affidavit must be filed on or before January 15 of each year.
(Adopted 1/1/2013; revised 1/1/2018)

7.24 Procedures for Reviewing and Resolving Complaints Regarding Performance of Counsel.

(A) Any party to a Juvenile Court proceeding may lodge a complaint with the court concerning the performance of his or her appointed counsel in a Juvenile Court proceeding. The person filing the complaint shall use the Complaint Regarding Performance of Court Appointed Attorney (local form JC/E-003) and shall file the complaint at the dependency filing counter in a sealed envelope. The dependency filing counter is located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. In the case of a complaint concerning the performance of a counsel appointed to represent a minor, the complaint may be lodged on the minor's behalf by any interested person.

(B) The court shall review a complaint, and if it determines that the counsel may have failed to act competently, provide the counsel with a copy of the complaint and give the counsel a reasonable chance to respond in writing within 30 days.

(C) Thereafter, the court shall review the complaint and the response and take appropriate action which may include, but is not limited to, conducting a hearing on the complaint.
(Adopted 1/1/2013; revised 1/1/2018)

7.25 Procedures for Informing the Court of the Interests of a Dependent Child.

(A) At any time during 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 of such interest or right, he or she shall so notify the court as soon as it is reasonably possible for counsel to do so.

(B) Notice to the court may be given by the filing of the Request to Change Court Order (Judicial Council form JV-180). 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 counsel believes is necessary, whether the counsel 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 action, 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 counsel for the child, a copy of the notice shall be served on the counsel 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 address the following at the hearing:

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

(2) Appoint a counsel for the child if the child is unrepresented;

(3) Notice a joinder hearing pursuant to Welfare and Institutions Code 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.
(Adopted 1/1/2013; revised 1/1/2018)

7.26 Applications for Rehearing; Referee or Commissioner Assigned as a Referee.

(A) Applications pursuant to Welfare and Institutions Code section 252 for rehearing of a decision by a referee in a dependency proceeding shall be filed in typewritten form and shall include a statement of reasons the rehearing is requested. Except for good cause shown, the court will not accept for filing an application that is submitted in handwritten form. The "good cause" requirement may be satisfied where a self-represented litigant submits handwritten documents in legible form.

(B) If represented by counsel, the application must be filed by the attorney of record and not by the minor, parent/guardian, or social worker personally.

(C) The applicant shall utilize the Application for Rehearing and Statement (local form JC/E-001). Other documents may be attached to local form JC/E-001 and incorporated by reference therein, but the court will not accept for filing an application that does not utilize the form as the first page of the application.

(D) In order to ensure timely preparation of the reporter's transcript, the application must accurately list the date(s) of the hearing(s) for which the applicant seeks a rehearing. If the application lists an incorrect hearing date or fails to include all of the relevant hearing dates, but is otherwise timely filed, the court will accept the application and deem it to be timely filed. However, solely for purposes of determining the time period in which the court must decide the matter, the court will deem the matter re-filed on the date the court discovers the applicant's error or omission.

(E) Prior to filing the application, the applicant shall serve a copy of the application and any accompanying documents on all attorneys and any party including a de facto parent who is acting without an attorney. The court will not accept for filing an application that does not have a proof of service of the application attached.

(F) The application must be filed in person at the dependency filing counter located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. The court will not accept for filing an application that is delivered by mail or presented to any court clerk other than at the filing counter.

(G) Any party including a de facto parent may file a response to the application within 10 days of the filing date of the application. The response must be filed in person at the dependency filing counter after being served on all attorneys and any self-represented litigant including a de facto parent who is acting without an attorney. The court will not accept for filing a response that does not have a proof of service of the response attached. The court will not accept for filing a response that is delivered by mail or presented to any court clerk other than at the filing counter.
(Adopted 1/1/2013; revised 1/1/2018)

7.27 Form of Papers Presented for Filing.

The footer required by California Rules of Court, rule 2.100 on all papers presented for filing shall conform to the following:

(1) The font size of the footer text should be no smaller than the equivalent to Times New Roman 8.

(2) The title shall include the case name, case number at a left justification and the name of the document, date of document at a right justification.

Each page of any document filed by any party, including attachments to a document must be numbered consecutively at the center bottom of each page.
(Adopted 1/1/2013)

7.28 Access to and Disclosure of Juvenile Court Records.

Request for inspection and/or disclosure of Juvenile Court records is governed by Sacramento County Juvenile Court Standing Order SSC-JV-99-021.
(Adopted 1/1/2013)

7.29 Orders.

The Presiding Judge of the Juvenile Court may issue orders for the administration of the Juvenile Court as the court deems appropriate. The court shall determine whether the content of any order shall be incorporated into these rules at the next revision of these rules. Orders will be filed with the clerk of the Juvenile Court. The clerk shall distribute such orders in a manner directed by the court and shall post them on the court's website at https://www.saccourt.ca.gov. The clerk of the court shall keep and provide to the general public copies of any such order and these rules. The clerk may charge for the cost of providing such copies.
(Adopted 1/1/2013)

7.30 (Deleted effective 1/1/2014)

7.31 Preparation of Judicial Council Form Custody Order-Juvenile.

Unless otherwise ordered by the court, whenever custody or visitation orders are sought at the time a dependency is to be terminated, counsel for the parent seeking custody shall electronically submit to the courtroom mailbox, the proposed Custody Order – Juvenile – Final Judgment (Judicial Council form JV-200), including the Visitation Order – Juvenile (Judicial Council form JV-205) and Reasons for No or Supervised Visitation – Juvenile (Judicial Council form JV-206), as appropriate.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018; revised 1/1/2019)

7.32 Orders for Psychological Assessments/Evaluations.

All parties requesting a court order for a psychological and related assessments and evaluations, shall bring to the hearing the requested order and a minimum of two copies. The appropriate local form shall be used: Court Ordered Psychological/Psychiatric Evaluation or Mental Health Assessment – For Children (local form JC\E-327) or Court Ordered Psychological/Psychiatric Evaluation or Mental Health Assessment – For Parent(s) (local form JC\E-326). The forms are available on the court's website at https://www.saccourt.ca.gov.
(Adopted 1/1/2013; revised 1/1/2018)

7.33 Proof of Compliance with Indian Child Welfare Act Notice Requirements.

In any case in which the Department of Child, Family and Adult Services (DCFAS) has notified a tribe or tribes or the Bureau of Indian Affairs (BIA) pursuant to California Rules of Court, rule 5.664, the DCFAS must file with the court and serve on the parties a copy of the notice sent and the return receipt, as well as any correspondence received from the Indian entity or the BIA relevant to the child's status.
(Adopted 1/1/2013; revised 1/1/2018; revised 1/1/2019)

7.34 Motions to Relieve Counsel.

(A) An attorney retained to represent a client in a dependency proceeding shall not withdraw or substitute from such representation except by order of the court following a timely motion.

(B) Unless otherwise ordered by the court, a motion to withdraw as attorney of record shall be in writing and shall include a signed affidavit prepared and served in compliance with California Rule of Court, rule 3.1362. The use of Judicial Council forms is not required. The motion must include the full name(s) of the child(ren), the case number(s), the full name of the client, the client's status in the case (e.g., child, parent, guardian, de facto parent), the date and

type of the next scheduled hearing, and the home court department. The motion shall be noticed and calendared, if possible, for the same day, time, and department as the next scheduled hearing.

(C) Except for motions filed as provided in subdivision (D) of this rule, the client and all other parties who have appeared in the case shall be provided 20 days notice of the motion to withdraw. The notice should contain in clear, simple, and non-technical terms a statement to the client regarding the attorney's intention to withdraw as attorney of record at the hearing.

(D) Except as provided in subdivision (E), a motion to withdraw shall be filed at the dependency filing counter and determined by the bench officer to whom the case is assigned. The dependency filing counter is located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826.

(E) Unless otherwise ordered by the court, a motion to withdraw shall be filed at the 1st floor reception counter of the Juvenile Courthouse located at 9601 Kiefer Boulevard, and directed to the Presiding Judge of the Juvenile Court when:

(1) Counsel seeks to be relieved as counsel of record on all cases she/he currently has pending before the Juvenile Dependency Court; or

(2) Counsel seeks to be relieved as counsel on a case and have an effective withdrawal date before the last day of the fiscal year.

(F) Counsel is not relieved as attorney of record until the court's signed order has been served on the client and all parties, and proof of service of such order has been filed with the court.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

7.35 Modification of Orders.

(A) Pre-Disposition

A party or other interested person seeking to modify an order or request a new order regarding placement or visitation prior to the dispositional hearing may use the form entitled Pre-Jurisdictional Motion to Modify Order of Court and/or Request for New Court Order (local form JC\E-319) located on the court's website at https://www.saccourt.ca.gov. If the court form is not used, the motion must contain all the information set forth on the local form JC\E-319. Following preparation of the form, the moving party shall email, or otherwise provide a copy of, the motion to all counsel and self-represented litigants. The moving party shall wait two court days for responses. Counsel and self-represented litigants shall respond indicating agreement, disagreement with no hearing requested, or disagreement with a hearing requested. The responses, or lack thereof, shall be noted on the local form JC\E-319 prior to filing the request with the court. The moving party shall serve upon counsel and self-represented litigants a hard copy of the documents filed with the court, or provide sufficient copies for the clerk to do such should the moving party not have the information necessary to provide service. The moving party shall file the original and one copy at the dependency filing counter. The court will process the request. After ruling, the clerk will serve the order on all counsel and parties.

(B) Post Disposition

Any request for modification of a prior court order following the Dispositional hearing must be filed on the Request to Change Court Order (Judicial Council form JV-180). The moving party shall email, or otherwise provide a copy of, the request to counsel, and/or self-represented litigants. The moving party shall wait two court days for responses. Counsel and self-represented litigants shall respond indicating agreement, disagreement with no hearing requested, or disagreement with a hearing requested. The responses, or lack thereof, shall be noted on Judicial Council form JV-180 prior to filing the request with the court. The moving party shall file the original and one copy at the dependency filing counter located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. The moving party shall serve upon counsel and self-represented litigants a hard copy of the documents filed with the court. The moving party shall prepare and submit one Court Order on Judicial Council form JV-180, Request to Change Court Order (Judicial Council form JV-183) for court signature. The court will process the request. After court ruling, the clerk will serve the completed Judicial Council

form JV-183 on all counsel and parties.
(Adopted 1/1/2013; revised 1/1/2018)

7.36 Electronic Filing Program/Scope.

The Superior Court of California, County of Sacramento, hereby adopts an Electronic Filing Program and Policy for its Juvenile Dependency division in accordance with Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.255 et seq. There shall be no direct electronic transmission of any pleadings or papers to the court except where specifically authorized by the court in these rules, or otherwise permitted by special order of the court. Electronic filing in these rules specifically does not include telephone "fax" transmissions.
(Adopted 1/1/2013)

7.37 Juvenile Electronic Filing Process.

Electronically transmitted documents must be both submitted to the court and accepted for filing by the court, as described below, in order to be considered duly filed with the court in accordance with these rules.

(A) Type of documents.

A Juvenile Dependency petition pursuant to Welfare and Institutions Code section 300, section 342 and/or section 387, and/or an application for a warrant, may be electronically transmitted for filing by the Department of Child, Family and Adult Services or County Counsel. No other document may be electronically filed.

(B) Date/Time of Filing.

A document may be electronically transmitted to the court at any time of the day. Acceptance of the document for filing shall be deemed to occur on the date the document was submitted to the court if the submission occurred between 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding court holidays. Documents submitted after 4:00 p.m. shall be deemed accepted on the next business day the clerk's office is open for business. Nothing in this section shall limit the clerk's ability to reject filings.

(C) Receipt of Data.

Upon receiving a document submitted electronically for filing with the court, a Notice of Acknowledgment of Receipt shall automatically be electronically transmitted to the filer. The Notice of Acknowledgment of Receipt shall confirm the date and time of receipt of the document by the court for review and filing. The clerk shall thereafter determine if the document is acceptable for filing with the court.

(D) Errors or Malfunctions in Submissions.

If for any reason the court does not receive an electronically transmitted document for submission and filing with the court, the filer will not receive an electronically transmitted Notice of Acknowledgment of Receipt of the document from the court and the document will not be deemed filed. The filer shall be solely responsible for the accuracy of the information contained in the filing and for obtaining confirmation of the filing of the document by the court and take other appropriate action to file the document if the Notice of Acknowledgment of Receipt is not transmitted.

(E) Acceptance of Filing.

Documents electronically submitted to the court for filing shall be reviewed by the clerk for required data elements. Upon acceptance of the document submitted for filing, an endorsed copy of the document, as described in paragraph (H) below, shall be electronically transmitted to the filer confirming the date and time the document was in fact filed with the court, as provided in paragraph (B) above. The confirmation of filing shall also include the transaction number associated with the filing, the titles of the documents as filed by the court, and the fees assessed for the filing. The confirmation filing of the document by the court and verification of the accuracy of the document filed by the court shall be the sole responsibility of the filer.

(F) Rejected Filings.

If an electronically transmitted document is submitted to the court and determined to be unacceptable for filing, a notice of rejection of the document shall be electronically transmitted to the filer by the clerk, notwithstanding the filer's compliance with paragraph (B) above. The notice shall set forth the grounds for rejection of the document. It shall be the responsibility of the filer to resubmit rejected documents, with appropriate corrections, to the court for filing. The court will retain a log confirming the rejection of electronically transmitted documents.

(G) Confirmation of Submission.

The confirmation of submission, subsequent resubmission of rejected documents with corrections, as well as the filing of documents with the court electronically is the sole responsibility of the filer. In the absence of confirmation of receipt and filing, there is no presumption that the court received and filed the document.

(H) Endorsement.

The clerk's endorsement of documents electronically transmitted to the court for filing shall consist of the words "Electronically filed by the Superior Court of California, County of Sacramento" followed by the date and time of filing and the printed name of the court clerk. Electronically filed documents so endorsed carry the same force and effect as a manually affixed endorsement stamp with the clerk's signature and initials.

(I) Signed Documents.

A party who electronically files a document represents that a signed copy of the document is in his or her possession or control. At any time after filing or service of an electronically filed document, the court, or any party to the action, may require the filing party to produce the signed copy of the electronically filed document. The demand shall be served on all other parties, but shall not be filed with the court.
(Adopted 1/1/2013; revised 1/1/2016; revised 1/1/2017; revised 1/1/2018; revised 1/1/2019)

7.38 Responsibility for Errors in Data.

In those instances where a document is submitted for filing in conjunction with data imbedded in an XML header format (data which creates the filer's information utilized by the court for initial and subsequent filings), the data in the header will be presumed to be correct and may be imported into the court's database. The filing party shall be solely responsible for the accuracy of such data. In the event that an inaccuracy in the data is discovered subsequent to submission, any interested party may request that the data be corrected by filing a "Request for Correction" with the court. Such errors may be corrected without notice and shall not constitute an amended filing.
(Adopted 1/1/2013)

7.39 Electronic Filing System Inquiries.

Inquiries, disputes or complaints regarding any aspect of the Electronic Filing System for Juvenile Dependency may be directed to:

Juvenile Dependency Unit
3341 Power Inn Road
Sacramento, CA 95826
(916) 875-3488
protectivecustodywarrant@saccourt.ca.gov
(Adopted 1/1/2013)

7.40 Non-Minor Dependent Telephonic Appearance.

A non-minor dependent as defined in Welfare and Institutions Code section 11400(v) has the right to appear telephonically at any hearing involving the non-minor dependent. At the time counsel appears for a hearing involving

a non-minor dependent, counsel shall advise courtroom personnel if the non-minor dependent desires to appear by telephone.
(Adopted 1/1/2017)

7.41 Settlement Conference.

The Juvenile Court has adopted a Juvenile Dependency Settlement Conference (JDSC) program to assist in resolution and/or reduction of issues to be litigated in complex, stagnant or lengthy cases. This is a voluntary program which requires the agreement of all trial counsel and the trial court judicial officer. JDSC occurs in lieu of a Pre-Trial Conference. The complete procedure can be found at https://www.saccourt.ca.gov.

A request to participate in a settlement conference may be made at the time a case is set for trial or, for a matter already set for trial, by submitting a stipulation signed by all parties to the trial court department. The JDSC date will be set by the judicial officer at the time he/she approves the request.
(Adopted 1/1/2019)

7.42 Juvenile Dependency Settlement Conference Statement.

The JDSC Statement shall be in writing and shall address the issues as set forth in the JDSC Statement (local form JC\E-348) located on the court's website at https://www.saccourt.ca.gov. The statement shall be sufficiently detailed to enable the judicial officer to conduct meaningful settlement discussions.

All counsel must consult with their clients prior to submitting the statement, and shall be prepared to discuss all aspects of the case at the JDSC date.
(Adopted 1/1/2019)

7.43 Juvenile Dependency Settlement Conference Procedures.

(A) All parties shall submit an original and one copy of the JDSC Statement to the assigned settlement conference department no later than the close of business three court days prior to the JDSC date, and serve on counsel within the same time period.

(B) All trial counsel and parties whose consent is required to effect a binding settlement shall be personally present at the JDSC unless excused by the Juvenile Court.

(C) The JDSC Statement is considered by the settlement judicial officer only and is not filed with the court.

(D) Upon settlement being reached, the appropriate findings and orders will be made on the record.
(Adopted 1/1/2019)

CHAPTER 8 - JUVENILE DELINQUENCY COURT

8.00 General Provisions.

(A) Scope of Rules. These rules set forth matters of general applicability to the public in dealing with the court. The rules do not include matters concerning the internal operations of the court or matters relating solely to the operations of any single agency.

(B) Forms. Forms prescribed for use by these rules are available on the court's website at https://www.saccourt.ca.gov and at the appropriate Juvenile Court filing counter.

(C) Statutory References. Unless otherwise indicated, statutory references herein are to the Welfare and Institutions Code.

(D) Home and Sister Courts. The department assignments of home courts and sister courts is available on the court's website at https://www.saccourt.ca.gov.
(Adopted 1/1/2013)

8.01 Orders.

The Presiding Judge of the Juvenile Court may issue orders for the administration of the juvenile court as the court deems appropriate. The court shall determine whether the content of any order shall be incorporated into these rules at the next revision of these rules. Orders will be filed with the clerk of the juvenile court. The clerk shall distribute such orders in a manner directed by the court and shall post them on the court's website at https://www.saccourt.ca.gov. The clerk of the court shall keep and provide to the general public copies of any such order and these rules. The clerk may charge for the cost of providing such copies.
(Adopted 1/1/2013)

8.02 Charging Documents.

(A) General Nomenclature. The following documents may be filed with the court to commence or resume an action:

(1) Original Petition: A petition concerning a minor not currently on probation in this county or having a delinquency matter pending in this court.

(2) Subsequent Petition: A petition alleging new offenses concerning a minor currently on probation in this county or having a delinquency matter pending in this court.

(3) Supplemental Petition: A petition that:

(a) alleges a violation of probation and seeks a change or modification of a previous order concerning a ward of the court by removing the ward from the custody of a parent, guardian, relative or friend and directing placement in an institution for more than 30 days because the previous order was ineffective in the rehabilitation or protection of the minor (section 777(a)); or

(b) alleges a violation of probation and seeks a commitment of the minor to a county institution for a period of 30 days or less or a less restrictive disposition (section 777(b)); or

(c) otherwise alleges a change of circumstance and seeks to change, modify, or set aside an order of the court, or to terminate the jurisdiction of the court (section 778).

(4) 725(a) Notice: A notice of alleged violation of probation imposed under section 725(a) which may also give notice of the reinstitution of wardship proceedings.

(5) 654.2 Notice: A notice of alleged violation of informal supervision conditions imposed under section 654.2 which seeks to have informal supervision extended or the petition sustained or extended.

(B) All documents shall be filed at the reception counter located on the 1st floor of the Juvenile Courthouse, 9605 Kiefer Boulevard, Sacramento, CA 95827.
(Adopted 1/1/2013)

8.03 Ex Parte Applications and Orders.

(A) Ex parte applications shall include the following information:

(1) The date and time that a hearing is requested to obtain the order;

(2) A description of the efforts made to obtain the consent of, or to give notice to the parties, the parents or legal guardians of the minor, and their attorneys of record or a statement indicating the reasons why said consent or notice should not be required;

(3) A statement whether any person who is described in paragraph (2) refuses to agree to the ex parte request, including the ground for the person's refusal, if known; and

(4) Full disclosure of any prior requests and the court's action thereon whenever a request for an ex parte order of the same character or for the same relief has been made to the court.

(B) (1) Applications and supporting documents shall be submitted to the clerk of the department in which the matter is pending, by appointment only. An ex parte application that does not contain a statement concerning notice may be summarily denied. Ex parte applications shall set forth by affidavit or declaration the following:

(a) that within the time prescribed in subparagraph (2) below, the applicant has informed other interested parties when and where the application would be made; or

(b) that the applicant attempted to inform an interested party or the party's attorney but was unable to do so, specifying the efforts made to inform the party; or

(c) that for reasons specified, the applicant should not be required to inform the interested party or the party's attorney.

(2) An applicant for an ex parte order shall give a minimum of 24 hours' notice to interested parties, absent a showing of exceptional circumstances. Notice shall include a specific statement of the nature of the order sought. Notice of the ex parte application may be excused if the giving of such notice would frustrate the purpose of the order, or cause the minor or the public to suffer immediate and irreparable physical or emotional harm. Notice may also be excused if, following a good faith attempt, the giving of notice is not possible.

(C) If an order issues after an ex parte application, then the applicant shall provide an endorsed filed copy of the ex parte application and order to all parties and their counsel. Any party disagreeing with the order may request that the matter be placed on calendar for further consideration.

(D) Ex Parte Requests for Medical Authorization. Requests for authorization for medical, dental or other remedial care may be presented to the court on an ex parte basis only in the following circumstances:

(1) The minor is not a ward of the court and a parent, guardian, or person standing in loco parentis has been contacted and objects to, or is unwilling to authorize, the provision of care found to be medically necessary and the person objecting to the care has been given notice of the ex parte request and the date and time that a hearing is requested to obtain the order;

(2) The minor is a ward of the court.

(E) Medical Authorization Form. Requests for medical authorization shall be submitted on the Court Order for Medical Authorization (local form JC/E-670), a copy of which is available on the court's website at https://www.saccourt.ca.gov and at the appropriate Juvenile Court filing counter.

As used in this rule, "interested party" means the minor, the minor's parent or guardian, the minor's attorney, the district attorney, the probation officer, or a county social worker assigned to a dependency matter involving the minor.
(Adopted 1/1/2013; revised 1/1/2018)

8.04 Access to Courtroom by Non-Parties.

Unless otherwise provided by law or order of the court:

(A) Request by Party. A party who wishes to have a non-party admitted to the courtroom for any hearing must orally move the court for such admission prior to or during the hearing. If the motion is granted, the court shall admonish the non-party that the proceedings are confidential.

(B) Request by Non-Party. A person who is not a party to a matter being heard before the court and who desires to be admitted to the hearing must request an order granting admission, by use of the Request to Attend Juvenile Court Proceedings (local form JC/E 006), a copy of which is available on the court's website at https://www.saccourt.ca.gov and at the appropriate Juvenile Court filing counter. The form shall be filed at the Juvenile Courthouse reception counter located on the 1st floor of the Juvenile Courthouse located at 9605 Kiefer Blvd, Sacramento, CA 95827, at least two court days prior to the hearing for which admission is requested, unless good cause is shown. The bench officer assigned to the proceeding shall rule on the request. If no bench officer has been assigned, the request shall be submitted to the presiding judge, and thereafter be ruled upon by the bench officer assigned to the proceeding. The clerk shall promptly notify the parties that a request has been filed. The court may hold a hearing on the request or rule on the request without a hearing. If the request is granted, the court shall admonish the non-party that the proceedings are confidential.

(C) This rule does not apply to hearings concerning offenses listed in section 676(a).
(Adopted 1/1/2013; revised 1/1/2018)

8.05 Continuances.

(A) Juvenile Court Priority. Dates calendared for juvenile proceedings shall be regarded by counsel as priority appearances. Counsel appearing in other courts on the same date for which a juvenile case is set shall advise the other courts of the precedence of juvenile matters over other matters so that the juvenile matter may proceed as scheduled. No matter shall be continued except with approval of the juvenile court for good cause shown.

(B) Continuance Motions. Motions for continuances shall be made as follows:

(1) For arraignments and other hearings in which no witnesses are to testify:

(a) by oral motion in open court after prior notice to the opposing party; or

(b) by written stipulation.

(2) For trials and other hearings in which witnesses are to testify:

(a) by written stipulation; or

(b) by written motion filed and served at least two days prior to the hearing, unless the moving party shows good cause for not complying with this rule.

(Adopted 1/1/2013)

8.06 Motions.

(A) Form and Content. All motions raising issues of law or fact or requiring the testimony of witnesses (e.g., motions to suppress evidence, discovery motions, Pitchess motions) shall be in writing and shall designate with specificity the issues to be litigated or the evidence sought to be suppressed. A motion shall state with specificity the theory of law, factual basis and legal authority which support the motion. Failure to specify the issue to be litigated or the evidence to be suppressed, theory of law, factual basis, or legal authority in support of a motion may be grounds for denial of the motion. A motion described herein shall be comprised of a notice of motion, a declaration in support of the motion where necessary to establish facts of consequence to the determination of the motion, and a memorandum of points and authorities in support of the motion.

(B) Oral Motions. Motions not raising issues of law or fact or not requiring the testimony of witnesses (e.g., motions to amend a petition or to join co-minors) need not be in writing and require no advance notice, unless otherwise stated in these rules.

(C) Notice. If a date for a jurisdiction hearing has been set, motions requiring notice shall be filed and served in accordance with California Rules of Court, rule 5.544.

(1) For motions required by California Rules of Court, rule 5.544 to be filed and served at least five court days in advance of the trial date (minor detained or motion to suppress), responses shall be filed and served at least two court days before the trial date.

(2) For motions required by California Rules of Court, rule 5.544 to be filed and served 10 days in advance of the trial date (minor not detained and any pretrial motion other than motion to suppress), responses shall be filed and served at least five court days in advance of the trial date.

(3) If no date for a jurisdiction hearing has been set, motions requiring notice shall be filed and served at least five court days prior to the date set for hearing the motion. Responses shall be filed and served at least two court days prior to the hearing date.

(D) Shortening Time. The court may prescribe a shorter time for the service and filing of a notice of motion and supporting papers only if the party seeking to shorten the time files an Application for Ex Parte Order Shortening Time with the Court. A party filing an Application for Ex Parte Order Shortening Time must give at least four hours notice of the nature of the application to each party, together with the proposed time and place of the hearing. Notice may be given by telephone. The Application shall be accompanied by an affidavit or declaration setting forth facts showing good cause for the order and any attempts made to notify each party of the ex parte hearing. The Application shall also be accompanied by a proposed order, as well as by the notice of motion and supporting papers.

(E) Motions raising issues of law or fact or requiring the testimony of witnesses shall be calendared on the trial assignment calendar unless otherwise ordered by the court.

(F) Hearing Dates. If a trial date has been set prior to the filing of the motion, the motion may be heard on the trial date. If no trial date has been set, the motion may be heard on a date approved by the court. The date for the motion to be heard shall be approved by the court (through the clerk) prior to filing and serving the motion.

(G) Proof of Service. The clerk shall not accept a motion for filing without a proof of service. Proof of service from an office located at the Juvenile Center on another office located at the Juvenile Center may consist of a date/time stamp or other notation indicating service or receipt.
(Adopted 1/1/2013)

8.07 Post-Detention Hearing Modifications.

The following procedure shall apply to determine the continuing custody status of the minor in each delinquency case where the minor is detained in the Youth Detention Facility prior to a detention hearing:

(A) At the detention hearing, the attorneys for each party shall be given the opportunity to be heard on whether it is appropriate for the minor to be released from custody pending further court proceedings to the care and custody of a parent/guardian without restriction, on home supervision, electronic monitoring, or to an interim group home.

(B) If, after hearing the positions of both parties on the appropriateness of any conditional release, the judicial officer at the detention hearing orders the minor to be detained in the Youth Detention Facility, the minor shall remain detained in that facility subject to the following possible modification procedure:

(1) If the probation officer elects to initiate an evaluation of the suitability for conditional release and determines to recommend a modification to the court's prior order, the probation officer shall not make an *ex parte* presentation of an application or proposed modification order to the judicial officer.

(2) In order to afford an appropriate opportunity for both parties to be heard on the matter, specific notice of the probation officer's application must be served on the attorneys for each party prior to presentation of the proposed modification order to the judicial officer.

(3) The application to the judicial officer shall consist of a recitation of relevant facts and a recommendation that a conditional release should be granted. The application shall be accompanied by a copy of the Probation Department Intake Sheet.

(4) When serving a copy of the application and proposed modification order on the attorneys for both parties, the probation officer shall ascertain in writing whether each party (a) requests a hearing before the judicial officer, (b) objects to the proposed modification of custody status, but does not request a hearing, or (c) agrees with the proposed modification order without a hearing, and shall include that information from the attorneys in the application to the judicial officer.

(C) After presentation of the probation officer's application to the court, if either attorney has requested a hearing pursuant to paragraph (B) above, the clerk of the court shall schedule a hearing on an expedited basis at 4:00 p.m. on the same day that the application was presented to the attorneys. Unless otherwise requested by either attorney, an informal hearing will be held in chambers, out of the presence of the minor or court reporter. The court shall file a written minute order or modification order detailing the result of the informal hearing.

(D) Applications and proposed modification orders for conditional release from custody shall be presented to the judicial officer designated below:

(1) Except as specified in subparagraphs (2) or (3) below, such applications and proposed Modification Orders shall be presented to the judicial officer who presided over the detention hearing.

(2) In any case where a Detention Early Resolution (DER) hearing or Serious Case Resolution (SCR) hearing has been held, the application and proposed modification order shall be presented to the judicial officer who presided over that hearing.

(3) In any case where an admission has taken place, trial has been conducted, or disposition was ordered, the application and proposed modification order shall be presented to the judicial officer who presided over the admission, trial, or disposition.

(4) In the absence of the judicial officer designated above, the application and proposed modification order shall be presented to the Presiding Judge of the Juvenile Court.
(Adopted 1/1/2013; revised 1/1/2018)

8.08 Discovery.

In addition to the provisions of California Rules of Court, rule 5.546:

(A) Disclosure of Materials to the Minor. The attorney for petitioner shall disclose to the minor or his or her attorney all of the following materials and information, if it is in the possession of the attorney for petitioner or if the attorney for petitioner knows it to be in the possession of the investigating agencies:

(1) The names and addresses of persons petitioner's attorney intends to call as witnesses at trial.

(2) Statements of the minor and all co-participants in the commission of the same alleged offense.

(3) All relevant real evidence seized or obtained as a part of the investigation of the offenses charged, including photographs or physical evidence.

(4) The existence of any act of moral turpitude that resulted in a felony or misdemeanor conviction or Sacramento County Juvenile Court adjudication for any witness petitioner intends to call. Such revealed information shall remain confidential pursuant to section 827 and shall not be revealed by minor's counsel except during Juvenile Court proceedings.

(5) Any exculpatory evidence.

(6) Relevant written or recorded statements of witnesses or reports of the statements of witnesses whom petitioner's attorney intends to call at the trial.

(7) Any reports or statements of experts made in conjunction with the case, including the results of physical or mental examinations, scientific tests, experiments, or comparisons which petitioner's attorney intends to offer in evidence at the trial.

(8) Records of statements, admissions, or conversations by the parent or guardian of the minor.

(9) Names, addresses and records of statements or conversations of witnesses or other persons interviewed by an investigating authority in connection with the pending matter.

(B) Disclosure of Address or Telephone Number of Alleged Victim or Witness.

(1) Except as provided in California Rules of Court, rule 5.546(b), no attorney may disclose or permit to be disclosed to a minor, members of the minor's family, or anyone else, the address or telephone number of an alleged victim or witness whose name is disclosed to the attorney pursuant to paragraph (A)(1) above unless specifically permitted to do so by the court after a hearing and a showing of good cause.

(2) Notwithstanding paragraph (B)(1) above, an attorney may disclose or permit to be disclosed the address or telephone number of an alleged victim or witness to persons employed by the attorney or to persons appointed by the court to assist in the preparation of a minor's case if that disclosure is required for that preparation. Persons provided this information by an attorney shall be informed by the attorney that further dissemination of the information, except as provided by this rule, is prohibited.

(3) Willful violation of this rule by an attorney, persons employed by the attorney, or persons appointed by the court may be punished by contempt.

(C) Disclosure of Information to Petitioner. The minor and his or her attorney shall disclose to the attorney for petitioner:

(1) The names and addresses of persons, other than the minor, he or she intends to call as witnesses at trial.

(2) Any relevant written or recorded statements of those persons, or reports of the statements of those persons.

(3) Any reports or statements of experts made in connection with the case whom he or she intends to call as witnesses at trial.

(4) The results of physical or mental examinations, scientific tests, experiments, or comparisons which the minor intends to offer in evidence at the trial.

(5) Any real evidence which the minor intends to offer in evidence at the trial.

(6) The existence of any known felony conviction of any witness minor's counsel intends to call.

(D) Nontestimonial Evidence. Nothing in this rule shall be construed as limiting the obtaining of nontestimonial evidence to the extent permitted by law.

(E) Discovery Orders.

(1) The provisions of this rule shall be in effect immediately upon the filing of an original, subsequent or supplemental petition pursuant to section 602. No further order of the court or informal request by a party shall be required to effectuate the provisions of this order.

(2) Before a party may seek a court order imposing sanctions pursuant to California Rules of Court, rule 5.546(c) for violations of this discovery order, the party shall make an informal request of opposing counsel for the desired materials and information. If, within a reasonable time of making such an informal request, the opposing counsel fails to provide the materials and information requested, the party may seek a court order pursuant to paragraph (E)(3) below.

(3) Upon a showing that a party has not complied with paragraphs (A) or (B) of this rule and upon a showing that the moving party complied with the informal discovery procedure provided in paragraph (E)(2), a court may make any order necessary to enforce the provisions of this order, including, but not limited to, immediate disclosure, contempt proceedings, delaying or prohibiting the testimony of a witness or the presentation of real evidence, continuance of the matter, dismissal of the petition or any other lawful order.

(F) Work Product Privilege. Neither the minor nor the attorney for petitioner is required to disclose any materials or information which are work product as defined in Code of Civil Procedure section 2018.030(a) or which are privileged pursuant to an express statutory provision, or are privileged as provided by the Constitution of the United States.

(G) Disclosure of Information; Time Limitations.

(1) The disclosures required under this order shall be made at least five days prior to the trial, unless good cause is shown why a disclosure should be denied, restricted or deferred. If the material and information becomes known to, or comes into the possession of, a party within five days of trial, disclosure shall be made immediately, unless good cause is shown why a disclosure should be denied, restricted or deferred. "Good cause" is limited to threats or possible danger to the safety of an alleged victim or witness, possible loss or destruction of evidence, or possible compromise of other investigations by law enforcement.

(2) Upon the request of any party, the court may permit a showing of good cause for the denial or regulation of disclosures, or any portion of that showing, to be made in camera. A verbatim record shall be made of any such proceeding. If the court enters an order granting relief following a showing in camera, the entire record of the showing shall be sealed and preserved in the records of the court, and shall be made available to an appellate court in the event of an appeal or writ. In its discretion, the trial court may after trial, unseal any previously sealed matter.

(H) Written Witness Statements.

(1) Material information obtained from a witness prior to calling the witness to testify, whether obtained by an investigator or attorney, which will be presented during the trial on direct or re-direct testimony, must be reduced to writing, whether in typewritten or handwritten form, and presented to opposing counsel.

(2) Applicable portions of an investigator's report, including the recorded statement of another witness who is to be impeached by prior inconsistent statements, must be discovered to the opposing counsel prior to the testimony of the investigator.

(3) Information obtained prior to a trial from or about a witness who is called by opposing counsel need not be revealed in discovery.

(I) Written Witness Statements.

(1) Counsel for the petitioner and counsel for the minor shall each cause a distinguishing number or other designation to be placed on each page or item of discovery given to opposing counsel.

(2) Counsel for the petitioner and counsel for the minor shall each cause a record or receipt to be generated and maintained in the case file that reflects the date that discovery of each numbered or other designated page or item of discovery was made available to opposing counsel.
(Adopted 1/1/2013; 1/1/2018)

8.09 Appointment of Counsel.

(A) Public Defender Appointments Prior to Arraignment or Detention Hearing.

(1) At 12:00 p.m. on the scheduled date of the arraignment or detention hearing, in the absence of a determination of conflict or overload, the Public Defender shall be deemed to be appointed to represent the minor in all proceedings thereafter on that petition, until relieved by the court.

(2) Upon such automatic appointment, the Public Defender shall examine the circumstances of the case and determine whether that office has a legal conflict or work overload that would prevent that office from accepting the appointment.

(3) Upon the determination of such a conflict or overload, the Public Defender shall prepare an informal memorandum notice of that fact and file it with the delinquency unit of the court prior to the detention hearing or arraignment of the minor. Upon the filing of such informal notice, the Public Defender shall automatically be relieved as counsel for the minor.

(B) Conflict Criminal Defenders Appointments Prior to Arraignment or Detention Hearing.

(1) In the event that the Public Defender declines to accept appointment as counsel for the minor under the circumstances described above, the Conflict Criminal Defenders (CCD) shall be deemed to be appointed to represent the minor in all proceedings thereafter, until relieved by the court, and shall be so informed by the delinquency unit of the court.

(2) The CCD Administrator shall thereafter exercise his or her sound discretion and select a qualified attorney from the panel of attorneys certified as available for appointment to Juvenile Court cases and inform that attorney of the court's automatic appointment of the CCD and the CCD’s assignment of that counsel.

(C) Acceptance of Appointment by Public Defender. The Assistant Public Defender assigned pursuant to the automatic appointment process described above shall appear at the arraignment or detention hearing for the minor and orally announce acceptance of the appointment.

(D) Acceptance of Appointment by CCD Attorney. Counsel assigned by the CCD pursuant to the automatic appointment process described above shall appear at the arraignment or detention hearing for the minor and orally announce acceptance of the appointment on behalf of the CCD.

(E) Retained Counsel. The automatic appointment described above of the Public Defender or CCD shall be deemed to be vacated in any case where retained counsel appears at the arraignment or detention hearing.

(F) Relieving Public Defender and Appointment of CCD After Arraignment or Detention Hearing.

(1) In any case where the Public Defender is appointed to represent a minor and initially accepts the appointment, but determines after the date of arraignment or detention hearing that his office has a legal conflict of interest and can no longer represent the minor, the Public Defender shall file an ex parte informal notice with the delinquency unit of the court and request to be relieved. A copy of the notice shall be provided by the Public Defender to the District Attorney's office.

(2) Upon the filing of the notice, the Public Defender shall be deemed relieved as counsel of record and the CCD shall immediately be deemed appointed to represent the minor in all proceedings thereafter, until relieved by the court, and shall be so informed by the delinquency unit of the court.

(3) The CCD administrator shall thereafter exercise his or her sound discretion and select a qualified attorney from the panel of attorneys certified as available for appointment to Juvenile Court cases and inform that attorney of the court's automatic appointment of the CCD and the CCD's assignment of that counsel.

(4) Counsel selected by the CCD pursuant to the automatic substitution process described above shall appear at the next scheduled appearance for the minor and orally announce acceptance of the appointment.

(5) Counsel assigned by the CCD pursuant to the automatic appointment process described above shall appear at the arraignment or detention hearing for the minor and orally announce acceptance of the appointment on behalf of the CCD.

(6) When the Public Defender has declared a conflict and the CCD has been appointed, the Public Defender thereafter shall be appointed to subsequent matters involving the minor as to which no conflict exists.

(G) Relieving Assigned CCD Attorney. Except as provided in paragraph (H) below, an assigned CCD attorney may be relieved as counsel of record only upon order of the court. Upon the issuing of such an order, the court shall inform the CCD administrator to select and assign a qualified replacement attorney from the panel of attorneys available for appointment to Juvenile Court cases.

(H) Relieving Public Defender and CCD Attorneys After Disposition. The Public Defender or CCD attorney appointed to a delinquency matter will be relieved after disposition as follows:

(1) Final Disposition. Except as hereinafter provided, the attorney of record is relieved 60 days after the disposition hearing if no restitution is to be ordered in the case or if the amount of restitution is fixed at the disposition hearing. If restitution is to be determined at a later date, the attorney of record is relieved 60 days after the restitution determination is made by the court.

(2) Informal Supervision Cases. The attorney of record is not relieved pursuant to subparagraph (1) above if findings on the petition are deferred for six months pursuant to section 654.2. The attorney shall remain attorney of record for the six-month period of informal supervision and is not relieved until 60 days after final disposition of the petition, unless otherwise ordered by the court.

(3) Placement Cases. The attorney of record is not relieved pursuant to subparagraph (1) above in any case in which the minor is committed to the care and custody of the Probation officer for suitable placement.
(Adopted 1/1/2013; 1/1/2018)

8.10 (Deleted effective 1/1/2018)

8.11 (Deleted effective 1/1/2018)

8.12 Calendars.

(A) Nomenclature. The following hearings are calendared as applicable for juveniles against whom a petition is filed:

(1) Detention

(2) Settlement Conference

(3) Trial Readiness Conference

(4) Jurisdiction (trial), and

(5) Disposition.

(B) Detention Hearings. All detention hearings are conducted in the department designated by the Presiding Judge of the Juvenile Court.

(C) Appearances After Detention Hearing. At the detention hearing, regardless of whether the minor is detained, the judge or referee shall set the matter for a Settlement Conference.

(D) Arraignment Hearings. Arraignment hearings on non-detaining petitions shall be conducted on the 1:30 p.m. calendar in the department designated by the Presiding Judge of the Juvenile Court.

(E) Continuance of Settlement Conference hearing. A Settlement Conference hearing may be continued in accordance with these rules.

(F) Trial Readiness Conference Hearings. A Trial Readiness Conference hearing may be set at the request of the parties following a Settlement Conference hearing and in advance of a Jurisdiction hearing.

(G) Hearings on violations of probation pursuant to sections 725(a) or 725(b) shall be scheduled pursuant to paragraphs (B), (C) and (D) above.

(H) Hearings on failures of informal supervision under section 654.2 are disposition hearings and shall be calendared in the home court's sister court.
(Adopted 1/1/2013; revised 1/1/2016; revised 1/1/2018)

8.13 Restitution Determination Procedures.

In any juvenile delinquency disposition where the Probation Department does not have sufficient information at the time of disposition to make a specific recommendation as to the amount of restitution to the victim that may be ordered pursuant to section 730.6(a)(2)(B), the following procedure will apply:

(A) A restitution determination hearing will be held within 60 days of the disposition hearing. The hearing will be calendared for an 8:30 a.m. appearance in the court presiding over the disposition hearing or contested proceeding. The court clerk will notice the minor and his or her parents or guardians of the restitution hearing date.

(B) The Probation Department shall investigate the matter and prepare a restitution recommendation report that addresses:

(1) The value of stolen or damaged property;

(2) Medical expenses;

(3) Lost wages or profits due to injury;

(4) Lost wages or profits due to time spent as a witness or assisting the police or District Attorney; and

(5) The names of any co-responsible persons.

(C) The restitution report shall be submitted to the court and both counsel no later than 45 days after the disposition hearing. The court will monitor the receipt of the report. If a report is not submitted by Probation by the time of the initial restitution hearing, the court will set restitution at $0.00.

(D) The documentation upon which the Probation officer relies in making the restitution recommendation shall be forwarded with the recommendation report to the District Attorney and minor's counsel, but not to the court.

(E) On the date set for the restitution hearing, the matter will be called on the record in the presence of counsel for both parties. The minor and the minor's parent/guardian must be present at the restitution hearing. The court will not entertain waivers of appearance at the hearing, except for those minors who have been committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities or are placed in a distant placement facility or home.

(1) If a party disputes the amount of restitution recommended by the Probation Department and is prepared to set the matter for an evidentiary hearing, a hearing will be set in the court which presided over the jurisdiction/disposition or contested proceeding. The burden of presenting evidence and the burden of proof shall be on the party disputing the recommended amount of restitution. Except in unusual circumstances, the court will not continue the evidentiary hearing.

(2) If a party disputes the amount of restitution recommended by the Probation Department but is not prepared to set the matter for an evidentiary hearing, the court will determine an amount. The amount set will be recognized as a tentative figure, subject to the modification policies and procedures set forth in paragraph (I), below.

(F) The initial restitution hearing shall be a non-evidentiary hearing. No witnesses may be called. The court will make every reasonable effort to set a restitution amount at this hearing. However, the amount set will be recognized as a tentative figure, subject to modification, in accordance with paragraph (I), below.

(G) After a restitution order is issued by the court, pursuant to section 730.7(b), the court clerk shall notify the victim within 60 days of the following:

(1) The name and address of the minor;

(2) The amount and terms of restitution ordered;

(3) The offenses that were sustained;

(4) The name and address of the parent/guardian of the minor;

(5) The applicability of Civil Code section 1714.1 and section 1714.3 regarding joint and several liability of the parent/guardian;

(6) Whether the minor's parents received proper notice of the proceedings and potential liability;

(7) The victim's right to a certified copy of the order reflecting items 1-6, above;

(8) The victim's right to enforce the restitution order as a civil judgment pursuant to section 730.6(r) and Penal Code section 1214.

(H) Thereafter, prior to hearing any motion to modify the restitution order, all parties and the victim shall be notified at least 10 days prior to the hearing date, as required by section 730.6(h).

(I) The Probation Department and counsel will be given liberal permission to seek to modify the amount of restitution set at the initial non-evidentiary restitution hearing, in accordance with the following:

(1) The Probation Department or counsel may file a written or oral modification motion to increase or decrease the amount of restitution. A written section 778 motion will not be required.

(2) Written documentation generated by the Probation Department in support of the modification shall be delivered to the attorneys of record as soon as possible. Written documentation generated by either counsel in support of the modification shall be delivered to opposing counsel as soon as possible.

(3) The court will not calendar the modification motion until the attorneys believe the matter is “ready” for litigation. The courtroom clerk will set the matter for hearing upon an oral or written request by an attorney.

(4) The court will not deny a request for hearing on a modification motion once the matter is determined “ready” for litigation. The clerk will set the matter for non-evidentiary hearing. The hearing shall be in the home court’s sister court.

(5) The defense attorney shall notify the minor and his/her parents of the scheduled date and time for the modification hearing. The minor and his or her parent must be present at any hearing where the modification motion seeks to increase the amount of restitution previously ordered.

(6) The District Attorney's office shall notify the victim of the scheduled date and time for any modification hearing wherein the petition for modification is to decrease the amount of restitution previously ordered.

(7) Every effort will be made to resolve the modification motion at the first hearing. If the matter cannot be resolved at the first hearing, the court will set the matter for a 1:30 p.m. hearing, whether or not an evidentiary hearing is likely to occur. Except in unusual circumstances, the court will not continue the hearing on the modification motion beyond the second hearing date.
(Adopted 1/1/2013; revised 1/1/2018)

8.14 Placement.

Unless otherwise ordered by the court, upon a minor being adjudged a ward of the court pursuant to section 602 and ordered committed to the care and custody of the Probation Department for suitable placement, the probation officer shall arrange for appropriate housing for the minor as follows:

(A) Level A Placement (In-State Placement)

(1) Unless otherwise specified by the court at the time of disposition, all orders for suitable placement shall be at this level. Level A placement does not include any out-of-state facility.

(2) Level A placement includes, and is limited to, placement in any of the following homes or facilities, located in the state of California:

(a) The home of a relative or friend of the minor;

(b) A licensed foster home;

(c) A licensed group home; or

(d) A licensed residential treatment center.

(3) In each case in which the court orders Level A placement, the probation officer shall use his/her discretion to initially select an appropriate home or facility in which to place the minor.

(4) The selection of a particular Level A home or facility in which to initially place the minor does not require specific approval by the court.

(B) Level B Placement (Out-of-State Placement)

(1) The probation officer may only place a minor at this level if specifically ordered by the court at time of disposition. Level B placement excludes any in-state home or residential treatment facility.

(2) In cases wherein the court orders Level B placement, the probation officer may place a minor only at the specific out-of-state facility identified in the court's order.

(C) Modifications of Placement Location

(1) Level A Placement

(a) During the period of Level A placement, the probation officer shall use his/her discretion to determine whether suitable placement requires that the minor be moved from a home or facility to a more appropriate Level A home or facility.

(b) The selection of a particular Level A home or facility to which the minor should be moved does not require specific approval by the court.

(c) The probation officer may not modify placement to a Level B facility of a minor who was ordered placed in a Level A home or facility, as described above, without a specific order of

the court after a sustained petition to modify the court's prior order pursuant to section 778, or a motion to violate probation granted pursuant to section 777.

(2) Level B Placement

(a) The selection of a particular Level B facility to which to the minor should be moved requires specific approval by the court.

(b) The probation officer may not modify the placement of a minor who was ordered placed in a particular Level B facility to a Level A home or facility or to a different Level B facility, as described above, without a specific order of the court after a sustained petition to modify the court's prior order pursuant to section 778, or a motion to violate probation granted pursuant to section 777.

(3) Return to Custody (Level A and Level B Placements); Urgency Basis

(a) The probation officer may return the minor to the Youth Detention Facility after placement in a Level A or Level B home or facility if:

(i) The minor is arrested for a criminal offense;

(ii) On an urgency basis, the person in charge of that home or facility informs the Probation Department that the minor is excluded therefrom, and there is not sufficient time or opportunity for the probation officer to locate another suitable placement location; or

(iii) On an urgency basis, that home or facility becomes legally ineligible to house wards of the court. An "urgency basis" means less than 15 days notice to the probation officer.

(b) Upon the return of a minor to the Youth Detention Facility, the probation officer shall file:

(i) A petition to modify the court's prior order pursuant to section 778, if the probation officer seeks to change a prior Level A or Level B placement to any other care and custody order, except a commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities.

(ii) A motion to violate probation pursuant to section 777 if the probation officer seeks to change a prior Level A or Level B placement to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities; or

(iii) A Motion to Modify Custody Status (MMCS) if the probation officer seeks to maintain the same Level A or Level B placement order as previously ordered by the court, but needs further time to arrange for returning the minor to the appropriate home or facility.

(c) Upon returning the minor to the Youth Detention Facility on either a petition to modify the court's prior order pursuant to section 778, a motion to violate probation pursuant to section 777, or a Motion to Modify Custody Status, the matter shall be calendared for a detention hearing.

(4) Return to Custody (Level A and Level B Placements); Non-Urgency Basis

(a) In any case wherein the probation officer has 15 or more days notice of a need to remove a minor from a Level A or Level B home or facility, he/she may not return a minor to the Youth Detention Facility without advance approval of the court.

(b) The probation officer must file a non-detention petition or motion and calendar the matter for an out-of-custody arraignment, at which time the court may determine whether the minor shall be detained thereafter in the Youth Detention Facility.

(D) Return Home

Except as described below, after the court orders placement in a Level A or Level B home or facility, the minor may not be permanently returned to the home of the minor's parent or guardian without prior approval of the court.

(1) Routine Home Visits

(a) The probation officer may authorize routine visits by the minor to the home of the minor's parent or guardian without specific approval by the court.

(b) A "routine visit" is limited to not more than 21 days during any consecutive 60-day period.

(2) Extended Home Visits

(a) After the court orders a Permanent Plan of "return home," the probation officer may authorize an extended visit by the minor to the home of the minor's parent or guardian without specific approval by the court.

(b) An "extended visit" is limited to not more than 30 days during any consecutive 90-day period.
(Adopted 1/1/2013)

8.15 Rehearings.

Applications for Rehearing of Decision of Referee.

(1) Applications for rehearing of a decision by a referee pursuant to section 252 shall be filed in typewritten form and shall include a statement of reasons the rehearing is requested. Except for good cause shown, the court will not accept for filing an application that is submitted in handwritten form. The "good cause" requirement may be satisfied where an unrepresented litigant submits handwritten documents in legible form.

(2) If represented by counsel, the application must be filed by the attorney of record and not by the minor or parent/guardian personally.

(3) The applicant shall utilize an Application for Rehearing and Statement (local form JC\E-001), a copy of which is available on the court's website at https://www.saccourt.ca.gov and at the appropriate juvenile court filing counter. Other documents may be attached to local form JC\E-001 and incorporated by reference therein, but the court will not accept for filing an application that does not utilize the form as the first page of the application.
(Adopted 1/1/2013; revised 1/1/2018)

8.16 Trial Assignment.

Unless otherwise ordered by the court, attorneys representing a party in an evidentiary hearing shall comply with the following procedure:

(A) Counsel must contact the Master Calendar Coordinator by 11:30 a.m. on all cases set for an evidentiary hearing the following day. Contact may be made in person at the office of the Presiding Judge of the Juvenile Court, by telephone ((916) 875-5200), or by e-mail (DelMasterCalendar@saccourt.ca.gov).

(B) Absent good cause, the Coordinator shall inform counsel of the department to which the matter has been assigned and the time for appearance by 12:00 p.m. that same day.

(C) Absent good cause, an attorney who files an affidavit of prejudice against the assigned judge or who declines to stipulate to a temporary judge shall so inform the Coordinator and opposing counsel by 1:30 p.m. that same day. (Adopted 1/1/2013)

8.17 Emergency Removal of Minor from Youth Detention Facility.

(A) Emergency Removal of Minor

Absent further order of the court, any previous court order that a minor shall be detained in the Sacramento County Youth Detention Facility is suspended, and the minor shall be immediately removed from such facility by the probation officer and transported to the Sacramento County Mental Health Treatment Center (SCMHTC), upon the filing of a declaration with the Juvenile Court containing all of the following:

(1) The declarant is a mental health clinician assigned to the Youth Detention Facility (designated by the Sacramento County Department of Health and Human Services, Mental Health Division pursuant to section 5585.50) or is a probation officer assigned to the Youth Detention Facility;

(2) The declarant conducted an evaluation of the minor and as a result believes that the minor has a mental disorder which renders the minor a danger to himself/herself, a danger to others, or gravely disabled;

(3) The person conducting the evaluation believes sufficient medical and psychiatric services do not exist within the Youth Detention Facility to serve the minor's needs; and

(4) The person conducting the evaluation believes that an emergency situation exists which requires that the minor be temporarily removed as soon as possible from the Youth Detention Facility to be evaluated pursuant to section 5585.50.

Upon the filing of such a declaration and upon delivery of the Minor to SCMHTC, the minor shall no longer be detained by order of the juvenile court.

(B) Notice to Counsel

Before noon of the next judicial day after the minor is removed from the Youth Detention Facility pursuant to this rule, the probation officer shall notify the District Attorney and minor's last counsel of record of the removal. Upon the request of either counsel, the matter shall be calendared forthwith by the probation officer for a hearing before the court to modify the removal order.

(C) Return of Minor to Juvenile Hall within 72 Hours

Consistent with the provisions of section 5585.50, SCMHTC or its designee treatment facility may detain the minor for treatment and evaluation.

Notwithstanding any other provision of law, if the professional person in charge of SCMHTC, or its designee treatment facility, determines within a period not to exceed 72 hours that the minor's mental health needs can properly be served without being detained in the mental health treatment facility, the minor shall not be released unconditionally from the facility. At such time, the treatment facility shall instead notify the probation officer that the minor is ready for discharge from that facility.

The probation officer shall immediately transport the minor to the Youth Detention Facility. Upon delivery of the minor to the probation officer, the suspension imposed in paragraph (A) above shall be lifted and the previous court order that the minor shall be detained in the Youth Detention Facility shall be reinstated.

(D) Return of Minor after 72 Hours; Intensive Treatment

The authority to remove the minor from the Youth Detention Facility shall not extend beyond 72 hours unless the provisions of section 5585.53 are invoked in order to provide intensive treatment related to the minor's mental disorder.

Upon the expiration of the intensive treatment period, the minor shall not be unconditionally released. At such time, the facility where the minor received intensive treatment shall instead notify the probation officer that the minor is ready for discharge from that facility.

The probation officer shall immediately transport the minor to the Youth Detention Facility. Upon delivery of the minor to the probation officer, the suspension imposed in paragraph (A) above shall be lifted and the previous court order that a minor shall be detained in the Youth Detention Facility shall be reinstated.
(Adopted 1/1/2013; revised 1/1/2018)

8.18 Psychotropic Medication Authorization.

Any request for an order authorizing the administration of psychotropic medications for minors declared wards of the court shall comply with California Rules of Courts, rule 5.640. Applications must be completed and presented by the Probation Department to the court using the following forms: Application for Psychotropic Medication (Judicial Council form JV-220), Physician's Statement—Attachment (Judicial Council form JV-220A), Proof of Notice: Application (Judicial Council form JV-221), Physician's Request to Continue Medication-Attachment (Judicial Council form JV-220(B)) if the request is for the continuation of medication, and the County Report on Psychotropic Medication (Judicial Council form JV-224).
(Adopted 1/1/2013; revised 1/1/2018)

8.19 Access to and Disclosure of Juvenile Court Records.

Request for inspection and/or disclosure of juvenile court records is governed by Sacramento County Juvenile Court Standing Order SSC-JV-99-021 available on the court's website at https://www.saccourt.ca.gov.
(Adopted 1/1/2013)

CHAPTER 9 - TRAFFIC COURT

9.00 Trial by Declaration.

Pursuant to Vehicle Code section 40902, trial by written declaration shall be permitted for any citation for an infraction, except one that involves an accident or requires an appearance, or for which the defendant has failed to appear. The defendant must post bail in the amount established by the court pursuant to Vehicle Code section 40310.
(Adopted 1/1/2013)

CHAPTER 10 - CRIMINAL

PART ONE. General

10.00 Charging Documents.

(A) All charging documents shall be filed by the prosecuting agency with the criminal calendaring clerk in the manner and location designated by the Presiding Judge.

(B) The prosecuting agency shall place the following information in the upper-right corner of the first page of all original and amended charging documents:

(1) The arresting agency report number;

(2) The arrest or booking number as determined by the Sacramento County Sheriff's Department;

(3) The defendant's cross-reference number as determined by the Sacramento County Sheriff's Department;

(4) The court or team designation sufficient to identify in which court the matter will be filed.
(Adopted 1/1/2013)

10.01 Arraignment.

The time and place for the initial appearance by the defendant shall be in the department and at the time set forth by the Presiding Judge. For any matter where the defendant was arrested for a misdemeanor, but the prosecuting agency has determined to file a felony complaint, the complaint may be filed in open court on the day of the arraignment in the court where the matter was originally scheduled. For any matter where the defendant was arrested for a felony, but the prosecuting agency has determined to file a misdemeanor complaint, the complaint may be filed in open court on the day of the arraignment in the court where the matter was originally scheduled.
(Adopted 1/1/2013)

10.02 Continuances.

No matters will be continued, even by stipulation of the parties, except with approval by the court for good cause shown. Compliance with Penal Code section 1050 is required unless excused by the court.
(Adopted 1/1/2013)

10.03 Withdrawal as Attorney of Record.

An attorney retained to represent a client in a criminal proceeding shall not withdraw from such representation except by order of the court either upon a timely motion or by the consent of the defendant.
(Adopted 1/1/2013)

10.04 Pleas to Lesser Included, Reasonably Related, or Charges Not Reflected in the Charging Document.

Whenever a defendant enters a plea of guilty or no contest to a reasonably related charge, lesser included charge, or a charge that is not pled in the charging document, the court record shall be augmented so that there is documentation of the plea. The record shall be augmented by one of the following methods at the court's discretion:

(A) Counsel shall file a Waiver and Plea Form in open court on the day of the entry of a guilty or no contest plea; or

(B) The Court shall amend the current charging document by interlineation to include the charges to which a plea was entered by the defendant; or

(C) The prosecuting agency shall file an amended charging document reflecting the charges to which a plea will be entered by the defendant.

Upon implementation of the new Criminal Case Management System (CMS), the document filed or amended by interlineation shall be scanned and uploaded into the CMS as a separate document.
(Adopted 1/1/2019)

(Rules 10.05-10.09, reserved)

PART TWO. Law and Motion for All Matters

10.10 Criminal Law and Motion Departments.

The Presiding Judge shall designate the departments of the court to hear criminal law and motion proceedings. The calendars for law and motion matters will be published in the Home Court Schedule, disseminated to the Sacramento County Justice Agencies, when revisions are made, and made available on the court's website at https://www.saccourt.ca.gov.
(Adopted 1/1/2013)

10.11 Pretrial Motions not Waived.

Any pretrial motions, including demurrers, may be made after arraignment and notwithstanding a not guilty plea.
(Adopted 1/1/2013)

10.12 Filing of Papers.

(A) A law and motion matter may be set:

(1) By filing a noticed motion within the time requirements prescribed by Local Rules, rule 10.14;

(2) With oral permission of the court upon oral request of a party made in open court at a time when the case is otherwise regularly calendared; or

(3) Upon 48 hours' notice by submitting a Request for Calendaring form signed by a judge, using a form provided by the court and notifying opposing counsel of the order granting the request at least 24 hours prior to the hearing.

(B) All initial moving papers relating to pretrial motions, including those filed after obtaining an order shortening time, shall be filed with the criminal calendaring clerk in either the main courthouse or at the main jail. It is preferred that papers pertaining to motions that are to be set for hearing in the main courthouse be filed with the criminal calendaring clerk in the main courthouse, and that papers pertaining to motions that are to be set for hearing in the main jail be filed with the criminal calendaring clerk in the main jail. No matter shall be calendared prior to the filing of the moving papers and no hearing will be set contrary to the provisions of Local Rules, rule 10.14 except as approved by the court. Failure to file written documentation concerning the motion may cause the motion to be dropped from the calendar.

(C) All other papers, including opposition, reply papers, and proofs of service, if filed less than five days prior to the hearing, must be filed in the department in which the matter is to be heard.

(D) Failure to serve and file papers in opposition to a motion, other than an ex parte application may, in the court's discretion, be deemed a waiver of any objections and an admission that the motion or other application is meritorious.

A party who has not timely filed written opposition to a noticed motion may, in the court's discretion, be precluded from offering oral argument at the hearing.

(E) All opposition and reply papers shall be served upon opposing counsel by personal delivery, telecopy, express mail, federal express, or other means designed to ensure that the opposition and reply papers are received by opposing counsel within 24 hours of filing. The motion shall not be heard unless the above-mentioned documents have been served on all parties to the proceeding within the time limits specified.

A party shall not be deemed to have been served until that party receives actual notice of the motion; or if the notice of motion is mailed through the U.S. mail, a party shall be deemed to have been served five calendar days after the posting of the notice of motion.

(F) Failure, without good cause, to comply with the requirements of this rule concerning the time for filing and serving initial papers may, in the discretion of the court, be deemed an admission that the motion is without merit. Failure, without good cause, to comply with the requirements of this rule concerning the time for filing and serving opposing and reply papers may, in the discretion of the court, be deemed cause for acting on the matter without consideration of the document filed in violation of the rule.

(G) The above filing rules, paragraphs (A) through (D), do not apply to motions for continuance.
(Adopted 1/1/2013)

10.13 Format of Motions; Citations.

(A) Caption. The caption of all law and motion papers must contain the department, date and time of the hearing, and the trial date. The moving papers shall provide spaces for the insertion of the dates on which opposition and reply are due.

Required format as follows:

No. Dept.
MOTION TO
(CAPTION)
Opposition Due :
Moving Party Reply :
Hearing Date :
_____/ Trial Date:

(B) Citations. Citations to California cases must be by reference to the official reports and should indicate the year of the decision, the volume number, the first page of the case, and the specific page or pages on which the pertinent matters appear.

(C) If counsel relies on other than California state statutory or case authority, a copy of such authority shall be provided upon request of the court. This rule applies to Attorney General opinions, local ordinances, law review articles, citations to other state cases and statutes, and to all federal cases, other than United States Supreme Court decisions.
(Adopted 1/1/2013)

10.14 Time Limits on Notice of Motion.

(A) Waiver of Notice.

The notice requirements as specified in subdivision (B) of this section will be strictly enforced unless:

(1) The opposing parties waive the right to be served in a timely manner; or

(2) The court grants an order shortening the time for service; or

(3) The court finds good cause for failure of the moving party to comply with the time limits for service.

(B) Notice Requirements.

(1) Fifteen Calendar Days (all cases):

(a) Motion to set aside conviction; Penal Code section 1203.4.

(b) Bail bond motions.

(2) Ten Calendar Days (five calendar days for misdemeanor cases):

(a) Motion to amend complaint/information.

(b) Motion to consolidate.

(c) Motion to sever.

(3) Ten Calendar Days (all cases):

(a) Motion for new trial.

(b) Motion for sentence in absentia.

(c) Motion to compel disclosure of confidential informant.

(d) Motion for conditional examination of witnesses.

(e) Demurrers.

(f) Motion for discovery.

(g) Motion to dismiss information or count pursuant to Penal Code section 995.

(h) Motion for handwriting exemplar and/or prints.

(i) Motion to join defendants.

(j) Motion to withdraw plea.

(k) Request to set a restitution hearing.

(l) Motion to suppress in felony cases (except motion made at preliminary hearing).

(4) Five Court Days (all cases):

(a) Motion to strike prior convictions for enhancement, including driving under the influence matters.

(b) Motion to suppress to be made at the preliminary hearing.

(5) Two Court Days (May use Request for Calendaring Form):

(a) Motion to reduce/increase/set bail.

(b) Motion to stay/recall bench warrant.

(c) Motion to continue trial date.

(d) Motion to enter plea.

(e) Faretta motion (request for in pro per status).

(f) Request for juror personal identifying information.

(g) Motion for line up.

(h) Motion to modify sentence.

(i) Motion for plea negotiation conference.

(j) Motion for release on own recognizance.

(k) Motion to be relieved as attorney of record.

(l) Motion for substitution of attorney.

(Adopted 1/1/2013)

10.15 Failure of Counsel to Appear in Law and Motion.

A failure of the moving party to appear when called may, in the court's discretion, cause the matter to be ordered off calendar. In the event of an unavoidable schedule conflict, the attorney with the conflict can avoid having the matter dropped by calling the court at any time prior to the scheduled hearing and reporting the conflict.
(Adopted 1/1/2013)

10.16 Taking Matters off Calendar.

A matter may be dropped up to 48 hours before the calendar appearance date by notifying opposing counsel and the court. Within 48 hours of the calendar appearance, the moving party must appear, unless excused by the court.
(Adopted 1/1/2013)

10.17 Setting Evidentiary Hearing Motions.

Motions requiring the testimony of witnesses, including but not limited to a motion to suppress evidence or motions seeking discovery or disclosure of personnel records including but not limited to Discovery Motions (Pitchess) shall not be set for an evidentiary hearing except on a date as selected by the court with both sides present and after conferring with the law enforcement agency. A motion to set such an evidentiary hearing date may be brought within the time requirements prescribed by Local Rules, rule 10.14.
(Adopted 1/1/2013)

10.18 Setting Evidentiary Hearing on Discovery Motions (Pitchess).

Motions seeking discovery or disclosure of personnel records including but not limited to a Discovery Motion (Pitchess) shall not be set for an evidentiary hearing except on a date as selected after conferring with opposing party and law enforcement agency. A motion to set such an evidentiary hearing may be brought within the time requirements prescribed by Local Rules, rule 10.14.
(Adopted 1/1/2013)

(Rule 10.19, reserved)

PART THREE. Discovery

10.20 Discovery Requests.

(A) At the time of the defendant's first appearance on a felony or misdemeanor matter, an informal request for continuing discovery shall be deemed to have been made by the defendant requesting the prosecuting attorney to disclose all materials and information set forth in Penal Code section 1054.1 and as required to be disclosed by the state and federal Constitutions, including exculpatory information regarding guilt or innocence and sentencing mitigation covered by *Brady v. Maryland* (1963) 373 U.S. 83 and its progeny.

(B) At the time the prosecuting attorney provides the discovery of items in compliance with subparagraph (A) above, the prosecuting attorney shall provide a written receipt showing the date of compliance and shall include a written notice that either an informal request is made that the defense disclose all materials and information set forth in Penal Code section 1054.3 or that no informal request is being made.

(C) Upon receipt of the original request as specified above or any other informal request, the receiving party shall respond by either providing the information requested or specifying the items the party refuses to produce and the reason for the refusal.
(Adopted 1/1/2013)

10.21 Numbering of Discovery Documents and Tapes.

Any discovery material provided to the opposing side, including documents, photographs, audio, or video tape recordings, shall be recorded in a document retained by the party providing the discovery memorializing the specific items provided and the date they were provided to the opposing side.
(Adopted 1/1/2013)

10.22 Discovery Motions.

(A) When a party's compliance with an informal discovery request under Local Rules, rule 10.20 is considered insufficient in some particular by the requesting party, the requesting party shall make an informal request for the particular items sought prior to making a formal discovery motion.

(B) A formal motion for an order to compel discovery shall be supported by a declaration stating facts showing a failure by the opposing party to comply with the informal request for discovery. The declaration shall specify in particular those items not disclosed in response to any informal request for discovery.
(Adopted 1/1/2013)

(Rules 10.23-10.29, reserved)

PART FOUR. Matters Applicable to Felony Cases

10.30 Filing of Information.

At the conclusion of the preliminary hearing, if the magistrate issues an order holding the defendant to answer, either the prosecuting attorney shall immediately produce a document to be filed as the Information in the case or the magistrate, in his or her capacity as a Superior Court judge, shall deem a copy of the complaint on file to be the Information. The defendant shall then be immediately arraigned on the Information and a mandatory trial readiness conference and trial date will be set along with any other appropriate court appearance dates for a felony case. For good cause shown, the filing of the information and/or the arraignment may be delayed to a later date.
(Adopted 1/1/2013)

10.31 Bail Schedule.

The court shall review, approve and post an annual bail schedule on the court's website at https://www.saccourt.ca.gov Criminal Division.
(Adopted 1/1/2013)

10.32 Pre-Assignment Requests.

Counsel may move the Presiding Judge to assign a case to a trial judge for all purposes based on complexity of issues or scheduling. The motion must be joined by all parties, with express approval of the supervisor of each assigned counsel, if applicable, and must state the particular need for such assignment. If the motion is granted, the court shall notify the parties by minute order of the specific judge to which the case is assigned. Peremptory challenges pursuant to Code of Civil Procedure section 170.6 shall be lodged with the Presiding Judge.
(Adopted 1/1/2017)

10.33 Matters Requiring Review of Privileged or Confidential Records.

Upon arraignment after issuance of a holding order or indictment, a party anticipating the use of privileged or confidential records shall issue and serve a *Subpoena Duces Tecum* seeking production of such records to the applicable Home Court department. A party seeking production of juvenile records shall file a Petition for Disclosure of Juvenile Case Files in accordance with Sacramento Superior Court Standing Order SSC-JV-99-021. If it is apparent in the discretion of the Home Court Judge that review of the records pursuant to Welfare and Institutions Code section 827 and/or *People v. Hammon,* 15 Cal.4th 1117, will require substantial commitment of trial court resources, the Home Court Judge shall direct the attorneys to move the Presiding Judge to assign the case to a judge for all purposes in accordance with Local Rules, rule 10.32.
(Adopted 1/1/2017)

(Rules 10.34-10.39, reserved)

PART FIVE. Matters Applicable to Misdemeanor Cases and Infractions

10.40 Law and Motion; Trial Date.

After arraignment no law and motion matter may be heard unless a trial date has been set for a misdemeanor case. Upon concluding the law and motion matter, unless dispositive, the case shall be confirmed for trial and the trial date shall not be continued except pursuant to Penal Code section 1050.
(Adopted 1/1/2013)

10.41 Trial Readiness Conference.

At the Trial Readiness conference hearing, a defendant shall appear personally with an attorney or through an attorney provided the attorney has been authorized to accept or reject a settlement offer from the prosecution. Authority to act and accept a settlement offer on behalf of the defendant shall be evidenced by way of a fully executed Waiver and Plea and Plea In Absentia form and the Work Project Supplement form (if applicable). At the court's discretion, a continuance may be granted when defendant or the attorney fails to comply with the requirements of this section and the attorney is authorized to appear on the defendant's behalf as evidenced by an executed waiver pursuant to Penal Code section 977.
(Adopted 1/1/2013)

(Rules 10.42-10.49, reserved)

PART SIX. Trial

10.50 Assignment for Trial.

Each case set for trial shall be assigned to the criminal courts master calendar and shall then be assigned to a department for trial.
(Adopted 1/1/2013)

10.51 Jury Instructions.

In criminal jury trials, the court shall, insofar as is practicable, use those instruction forms obtained from Judicial Council of California Criminal Jury Instructions (CALCRIM). In proposing any instruction to the court, counsel shall provide in writing the number and text of the proposed instruction with appropriate modifications. Instructions other than CALCRIM shall be numbered consecutively, show the name of the party offering same, and contain citations of authority therefore. The court, in its discretion, may allow counsel to provide a list of the numbered CALCRIM instructions desired in lieu of providing the text.
(Adopted 1/1/2013)

10.52 Mandatory Trial Readiness Conference for Criminal Cases.

For any criminal case that is set for trial, a mandatory Trial Readiness Conference (TRC) must be set in the week preceding the trial date as set forth in the Home Court Schedule. The TRC date shall not be set less than two court days before the trial date.
(Adopted 1/1/2013)

10.53 Purpose of Trial Readiness Conference.

The purpose of trial readiness conferences is to attempt to negotiate resolution of pending cases and to confirm the readiness of pending trials.
(Adopted 1/1/2013)

10.54 Trial Readiness Notification.

All counsel shall notify the court of their readiness to begin trial. If the case is set for trial on Monday or Tuesday following a Monday holiday, all counsel shall notify the court by 3:00 p.m. two court days prior to the trial date. For all other cases, all counsel shall notify the court by 3:00 p.m. one court day prior to the trial date. Such notification shall be done electronically by accessing the "Criminal Trial Readiness Notification" link on the court's website at https://www.saccourt.ca.gov. Upon accessing the website, all counsel shall provide information as to the status of the case.

Notification by this method does not abrogate compliance with Penal Code section 1050.
(Adopted 1/1/2013)

10.55 Obtaining Web-Based Application Login.

(A) Counsel in all criminal cases set for trial in the Sacramento Superior Court shall obtain a web-based login and password in order to post their respective trial readiness status (Local Rules, rule 10.54). Counsel must complete an Account Registration Form available on the court's website at https://www.saccourt.ca.gov.

(B) The following information is required for the Account Registration: First Name, Last Name, Bar Number, Current Phone Number (Area code + Phone Number), and Current E-mail Address. Presentation of a current

California Driver's License or Identification card (private counsel) or authentication by affiliated agencies (PD, DA, CCD, AG, Sac City Attorney) will be required prior to account activation.
(Adopted 1/1/2013)

(Rules 10.56-10.59, reserved)

PART SEVEN. Miscellaneous

10.60 Probable Cause Hearings.

Upon the booking of any person into the county jail, except pursuant to an arrest warrant, the arresting agency shall present a declaration to the Criminal Division, Jail Support Unit establishing probable cause for the detention. The declaration shall be on a form approved by the court.
(Adopted 1/1/2013)

10.61 Temporary Release from Jail.

(A) Except as indicated below, applications by or on behalf of inmates confined in the county jail, as sentenced or committed prisoners, for temporary release from custody (in the custody of the sheriff or without such custody) for medical, family emergency, education, employment, and related purposes shall be made to the sheriff and not to the court.

(B) Only the following applications shall be made to the court:

(1) Orders to produce an inmate to testify as a witness in court.

(2) Applications to the court by affidavit of the sheriff for removal of an inmate who requires medical or surgical treatment necessitating hospitalization, which treatment cannot be furnished or supplied at county jail pursuant to Penal Code section 4011;

(3) Commitment of inmate to mental facility pursuant to Penal Code section 4011.6.

(4) Removal of inmate for mental health services pursuant to Penal Code section 4011.8.
(Adopted 1/1/2013)

10.62 Standing Income Deduction Order.

This local rule creates a Standing Income Deduction Order which shall apply in any case in which the court at time of sentencing orders that the defendant pay restitution to the victim and/or the Restitution Fund pursuant to Government Code section 13967(c) and/or Penal Code section 1203.04 and also orders an income deduction from all income due and payable to the defendant pursuant to Government Code section 13967.2. This Standing Income Deduction Order shall be effective so long as the order for restitution upon which it is based is effective or until further order of the court.

The terms of the Standing Income Deduction Order are:

(A) The matter is referred to the Sacramento County Department of Revenue Recovery (D.R.R.) for an evaluation and recommendation regarding the defendant's ability to pay restitution and ability to pay through an income deduction. If the defendant does not consent to the amount of the income deduction recommended by D.R.R., the matter shall be set for a hearing before the court. The court shall determine the total amount of income to deduct for each pay period and shall determine all applicable fees and interest.

(B) All payers of income due and payable to the defendant are directed to deduct from those amounts that sum of money fixed by the court according to paragraph (A) above.

(C) This order applies to all current and subsequent payers and periods of employment.

(D) A copy of this order shall be served on the defendant's payer(s).

(E) This order is stayed until D.R.R. determines that the defendant has failed to meet his/her obligation under the restitution order and the defendant has failed to provide D.R.R. with good cause for the failure according to the procedure below.

(F) If D.R.R. determines that the defendant has failed to meet his/her obligation under the restitution order, D.R.R. shall request the defendant to provide evidence indicating that timely payments have been made or provide information establishing good cause for the failure.

(G) If, within five days of the request, the defendant fails to provide D.R.R. with the evidence required in paragraph (F) or fails to establish good cause, D.R.R. shall immediately inform the defendant of that fact and shall inform the court that the stay on the income deduction order should be lifted and a notice to payer should be issued.

(H) If the Clerk of the Court receives information from D.R.R. as provided in paragraph (G) above, the clerk shall prepare and endorse an income deduction order and notice to payer. Unless the defendant applies within a 15-day period for a hearing to contest the lifting of the stay and enforcement of the income deduction order, the clerk shall forward the order and notice to D.R.R. for service on the defendant's payers.

(I) The defendant, within 15 days after being informed by D.R.R. pursuant to paragraph (G) above that the order staying the income deduction order shall be lifted, may apply for a hearing to contest the enforcement of the income deduction order only (1) on the ground of mistake of fact regarding the amount of restitution owed, or (2) on the ground that the defendant has established good cause for the nonpayment.

(J) Upon the filing of defendant's request pursuant to paragraph (I) above within the 15-day period, the matter shall be set for a hearing before the court to determine whether the enforcement of the income deduction order is proper.

(K) The defendant shall provide to D.R.R. the address of his/her current and subsequent payers and within seven days shall notify D.R.R. of any change of payer.

(L) The defendant shall notify D.R.R. within seven days of his/her change of address.
(Adopted 1/1/2013)

CHAPTER 11 - APPELLATE DIVISION

11.00 Sessions.

Regular sessions of the Appellate Division of the Superior Court shall be held on the third Friday of each calendar month at 10:00 a.m. in the department of the Presiding Judge of the Appellate Division unless the Presiding Judge of the Appellate Division orders otherwise. Special sessions may be held at the call of the Presiding Judge of the Appellate Division.
(Adopted 1/1/2013)

11.01 Briefs.

(A) Briefs shall be prepared, served, and filed as provided by California Rules of Court, rules 8.882 - 8.884, rule 8.927 and rule 8.928. All filings shall be filed with the appropriate Appellate Division clerk in Room 101 on the 1st floor of the Gordon D. Schaber Courthouse unless otherwise directed by the Presiding Judge of the Appellate Division.

(B) When filing any original brief, the parties shall provide the clerk with one original which is either unbound and clipped or rubber banded or which is electronic in format (CD or, if available, electronically filed) and three additional copies. The three copies shall be stapled once in the upper left-hand corner but should not be bound.
(Adopted 1/1/2013)

11.02 Hearing Date in Caption.

(A) All briefs, motions, applications, and other papers filed with the Appellate Division shall include the scheduled hearing date of the appeal on the front-page caption.

(B) All documents filed with the Appellate Division shall include: (1) the full case title specifically identifying all parties; (2) the attorney's address and California state bar number; and (3) which party in the action the attorney represents.
(Adopted 1/1/2013)

11.03 Motions for Augmentation and Correction of the Record; Motions for Additions to the Record.

(A) All motions for augmentation and/or correction of the record pursuant to California Rules of Court, rule 8.841, rule 8.873 and rule 8.923, shall set forth facts showing: (1) good cause why the materials have not been included in the record on appeal; and (2) any previous motions for augmentation or additions to the record granted or denied to any party after filing of the notice of appeal.

(B) All such motions shall specifically identify each paper, record, or exhibit that is being requested and/or specifically identify, by subject, date, and department what portion of the proceedings before the trial court is being requested to be transcribed.
(Adopted 1/1/2013)

11.04 Requests for Free Clerk or Reporter's Transcript.

(A) All requests for a free clerk or reporter's transcript on appeal shall be accompanied by a current financial declaration.

(B) A request for a free reporter's transcript will be granted only on a showing of colorable need for the transcript.
(Adopted 1/1/2013)

11.05 Binding of Original Appellate Division Clerk's Transcript for Civil Appeals.

The original Appellate Division Clerk's Transcript for civil appeals is to be two-hole punched and bound at the top in volumes of no more than 300 sheets.
(Adopted 1/1/2013)

SACRAMENTO COUNTY BAR ASSOCIATION

STANDARDS OF PROFESSIONAL CONDUCT

SACRAMENTO COUNTY BAR ASSOCIATION
STANDARDS OF PROFESSIONAL CONDUCT

PREAMBLE

Every attorney who practices law in Sacramento County is responsible for the quality of justice in this community. Each of us impacts the judicial system in some way, either litigating cases in our courts, advising clients in our offices and corporate legal staffs or working in the community. Each of us reflects the quality and character of the legal profession as perceived by those whom we serve.

A key element in the efficiency and fairness of the justice system is the professional relationships we have with each other, with our clients and with the courts. Practicing law in accordance with these Standards of Professional Conduct ("Standards") will reduce the cost of litigation in most cases, conserving judicial resources and financial resources of our clients.

The Standards are designed to define the quality of those professional relationships. The Standards are not new; most of the ideas are included in the canons of ethics and codes of conduct with which we are familiar. But unfortunately the intensity of our professional lives, particularly in litigating cases which lapse into "hardball" tactics, often seems to bring out the worst in some of us. The rising level of distrust, discourtesy and rancor between counsel results in rude, unprofessional conduct. Such conduct is a disservice to the interests of our clients and results in public outcry for the reform of the legal profession.

The Standards are designed to provide specific guidance as to how to maintain an acceptable standard of professional conduct. High standards of professional conduct have always been the goal of the Sacramento County Bar Association where the standards of professional conduct have always exceeded the minimum standards required in the canons of ethics. The Standards serve as an educational vehicle for younger lawyers and reminders for those who have practiced for many years. If adopted as rules of court, the Standards will provide guidance for acceptable conduct in our courts.

The Standards are structured to provide a general guiding principle in each area addressed followed by specific examples which are not intended to be all encompassing. While the examples reflect conduct primarily in traditional civil and criminal court venues, they are equally applicable to all alternative dispute resolution processes.

Lawyers are encouraged to comply with the spirit of the Standards and not simply blindly adhere to the strict letter of the Standards. The goals stated herein are equally applicable to all lawyers regardless of area of practice.

The Standards should be read against the context of the lawyer's underlying duty to zealously represent the lawyer's client. Nothing in the Standards should be read to denigrate the lawyer's duty of zealous representation.

Superior Court of California, County of Sacramento

SECTION 1

RESPONSIBILITIES TO THE CLIENT

Lawyers shall work to achieve their client's lawful and meritorious objectives as expeditiously and economically as possible:

Examples - Lawyers shall:

a. Be committed to their client's cause, but shall not permit that loyalty to interfere with giving the client objective and independent advice.

b. Advise their client against pursuing litigation (or any other course of action) that does not have merit.

SECTION 2

RESPONSIBILITIES TO THE PUBLIC

Lawyers should always be mindful that the law is a learned profession and that among its goals are devotion to public service, improvement of the administration of justice, and the contribution of uncompensated time and civic influence on behalf of persons who cannot afford adequate legal assistance.

Examples - Lawyers shall:

a. Contribute time on a pro bono basis to community activities.

b. Become actively involved in organized activities designed to improve the courts, the legal system and the practice of law.

c. Donate legal services to individuals unable to afford those services.

SECTION 3

RESPONSIBILITIES TO THE COURT AND THE BAR

Lawyers shall always act toward other members of the bar in a professional, courteous, dignified, and civil manner, mindful that all lawyers are officers of the court and members of a learned profession, and that every lawyer has a duty to the justice system to act with integrity and to set a high standard of civility. In keeping with these responsibilities, lawyers should, for example, act in the following ways:

3A. SCHEDULING

Lawyers shall understand and advise their client that civility and courtesy in scheduling meetings, hearings, and discovery are expected and not to be equated with weakness.

Examples - Lawyers shall:

a. Make reasonable efforts to schedule meetings, hearings, and discovery by agreement whenever possible and shall consider the scheduling interests of opposing counsel, the parties, witnesses, and the court. To avoid misunderstandings, formal notice shall be sent after agreement is reached.

b. Not arbitrarily or unreasonably withhold consent to a request for scheduling accommodations.

c. Not engage in delay tactics in scheduling meetings, hearings or discovery.

d. Try to verify the availability of key participants and witnesses either before a meeting, hearing or trial date is set or if that is not feasible, immediately after so that he or she can promptly notify the court, or other tribunal, and opposing counsel of any likely problems.

e. Notify opposing counsel and, if appropriate, the court or other tribunal as early as possible when scheduled meetings or other matters must be canceled or rescheduled.

3B. CONTINUANCES AND EXTENSIONS OF TIME

Consistent with existing law and court orders, lawyers shall agree to reasonable requests for extensions of time when the legitimate interests of his or her client will not be adversely affected.

Examples - Lawyers shall:

a. Agree to reasonable requests for extensions of time or continuances without requiring motions or other formalities.

b. Be committed to and advise clients that the strategy of not agreeing to reasonable requests for time extensions simply to appear tough is inappropriate.

c. Not seek extensions or continuances for the purpose of harassment or extending litigation.

d. Not condition an agreement to an extension on unfair and extraneous terms except those a lawyer is entitled to impose, such as preserving rights that an extension might jeopardize or seeking reciprocal scheduling concessions.

e. Not, by agreeing to extensions, seek to cut off an opponent's substantive rights, such as his or her right to move against a complaint.

3C. SERVICE OF PAPERS

The timing and manner of services of papers shall not be calculated to disadvantage or embarrass the party receiving the papers.

Examples - Lawyers shall:

a. Attempt not to serve documents, pleadings, or motions on the opposing party or counsel at a time or in a way that would unfairly limit the other party's opportunity to respond, such as late on Friday afternoon or the day preceding a secular or religious holiday.

b. Serve papers on the individual attorney known to be responsible for the matter and at their principal place of business.

3D. PUNCTUALITY

Lawyers shall be punctual in communications with others and in honoring scheduled appearances.

Examples - Lawyers shall:

a. Arrive sufficiently in advance of trials, hearings, meetings, depositions, or other scheduled events so that preliminary matters can be resolved.

b. Timely notify all other participants when, for a reason beyond their control, they will be unavoidably late.

c. Timely notify the other participants when they are aware that a participant will be later for a scheduled event.

3E. WRITINGS SUBMITTED TO THE COURT

Written materials submitted to the court shall be factual, concise, and accurately state current law and fairly represent the parties' position without unfairly attacking the opposing party or opposing counsel.

Examples - Lawyers shall:

a. Not use facts that are not properly brought before the court or part of the record in written briefs or memoranda of points and authorities.

b. Avoid degrading the intelligence, ethics, morals, integrity, or personal behavior of the opposing party, counsel or witness unless such matters are at issue in the proceeding.

3F. COMMUNICATIONS WITH ADVERSARIES

a. Not draft letters assigning to an opposing party a position that party has not taken or creating a record of events that have not occurred.

b. Sparingly use letters intended only to make a record and then only when they think it is necessary given all the circumstances.

c. Not send a letter addressed to opposing counsel to the judge unless specifically permitted or invited by the court.

d. Promptly respond to telephone calls on pending matters.

e. When redlining, clearly identify for other counsel or parties, all changes that have been made in documents.

3G. ELIMINATION OF BIAS

Lawyers shall always act impartially with respect to all persons including opposing counsel, clients, witnesses, and the public. Lawyers shall not engage in any act of bias based on race, gender, age, national origin, religion, sexual orientation or disability while engaging in the practice of law, and should work toward the elimination of bias in all aspects of the justice system.

Examples - Lawyers shall:

a. Treat opposing counsel with respect and courtesy regardless of race, gender, age, national origin, religion, sexual orientation or disability.

b. Not attempt to take advantage of or intimidate another lawyer on account of race, gender, age, national origin, religion, sexual orientation or disability.

c. Not tolerate bias or prejudice by another attorney or by the court and should take appropriate steps to prevent an occurrence of such behavior in the future.

d. Refrain from making any statement or comment, whether publicly or privately, which serves to denigrate any other lawyer, judicial officer or member of the public on the basis of race, gender, age, national origin, religion, sexual orientation or disability.

SECTION 4

DISCOVERY

Lawyers shall not use any form of discovery, the scheduling of discovery, or any other part of the discovery process as a means of harassing opposing counsel or the opposing party or as a means of delaying the timely, efficient and cost effective resolution of a dispute.

Examples - Lawyers shall:

a. As to Depositions:

(1) Take depositions only when actually needed to learn facts or information or to preserve testimony.

(2) In scheduling depositions, reasonably accommodate schedules of opposing counsel and the deponent, when it is possible to do so without prejudicing the client's rights.

(3) Make reasonable efforts to schedule discovery by agreement whenever possible and consider the scheduling interests of opposing counsel, the parties, witnesses, and the court. To avoid misunderstandings, send formal notice after agreement is reached.

(4) When a deposition is scheduled and noticed by another party for the reasonable near future, ordinarily not schedule another deposition for an earlier date without the agreement of opposing counsel.

(5) Not delay a deposition for bad faith purposes but only if necessary to meet real scheduling problems.

(6) Avoid questions asked solely for purposes of harassment.

(7) When representing a deponent or representing another party, limit objections to those that are well founded and necessary for the protection of the client's interest. (Lawyers shall remember that most objections are preserved and need be made only when the form of a question is defective or privileged information is sought.)

(8) When an objection is necessary, state it succinctly, concisely, free of argument or colloquy.

(9) Once a question is asked, not use objections for the purpose of coaching the deponent or suggesting answers.

(10) Not direct a deponent to refuse to answer a question unless the question seeks privileged information or is manifestly irrelevant or calculated to harass.

(11) Refrain from self-serving speeches during depositions.

(12) Not engage in any conduct during a deposition that would not be allowed in the presence of a judicial officer.

(13) Conduct all argument and colloquy between counsel in a professional manner and, where appropriate, outside the presence of the deponent.

b. As to Document Demands:

(1) Limit demands for production of documents to documents actually and reasonably believed to be needed for the prosecution or defense of an action and not to make demands which harass or embarrass a party or witness or to impose an inordinate burden or expense in responding.

(2) Not draft demands for document production so broadly that it encompasses documents clearly not relevant to the subject matter of the case.

(3) In responding to document demands, not interpret the request in an artificially restrictive manner in an attempt to avoid disclosure.

(4) Not produce documents in a way calculated to hide or obscure the existence of particular documents.

(5) Not wait to produce documents until the scheduled production date to prevent opposing counsel from inspecting documents prior to scheduled depositions or for any other tactical reason.

c. As to Interrogatories:

(1) Use interrogatories sparingly and never to harass or impose undue burden or expense on the opposing party.

(2) Not read or respond to interrogatories in an artificial manner designed to assure that answers are not truly responsive.

(3) Not object to interrogatories except when a good faith belief exists in the merit of the objection; and, if an interrogatory is objectionable only in part, lawyers shall answer the unobjectionable portion.

SECTION 5

MOTION PRACTICE

Motions are expensive and consume valuable judicial resources, contributing to delay and often creating side issues which make the case more complex. Motions should be filed sparingly, only in good faith and when the issue cannot be otherwise resolved without court intervention. Prior to filing any motion, the moving party should make a reasonable and good faith effort to resolve the substantive issues raised by the motion and, if resolution is not possible, to coordinate hearing dates with any opposing parties.

Examples - Lawyers shall:

a. Before filing a motion, engage in more than a pro forma good faith effort to resolve the issue.

b. Not engage in conduct which forces opposing counsel to file a motion and then not oppose the motion.

SECTION 6

DEALING WITH NONPARTY WITNESSES

Dealings with non-party witnesses shall be courteous and designed to leave that witness with a good impression of the legal system.

Examples - Lawyers shall:

a. Not issue subpoenas to non-party witnesses except in connection with their appearance at a hearing, trial or deposition in the pending action.

b. Ensure that deposition subpoenas are accompanied by notices of deposition with copies to all counsel.

c. Where lawyers obtain documents pursuant to a deposition subpoena, make copies of the documents available to all other counsel at their expense even if the deposition is canceled or adjourned.

SECTION 7

EX PARTE COMMUNICATIONS WITH THE COURT

Except as permitted by law, lawyers shall avoid ex parte communications on the substance of a pending case with a judge (or his or her law clerk) before whom such case is pending.

Example - Lawyers shall:

Even where applicable laws or rules permit an ex parte application or communication to the court, before making such an application or communication, make diligent efforts to notify the opposing party or a lawyer known to represent or likely to represent the opposing party and make reasonable efforts to accommodate the schedule of such lawyer to permit the opposing party to be heard; except where there is a bona fide emergency such that the lawyer's client will be seriously prejudiced if the application or communication were made with regular notice.

SECTION 8

SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION

Alternative dispute resolution in not only a collection of techniques but a way of thinking -- a continual search for ways to overcome obstacles, to create a process, to take some positive step -- to enhance the possibility of resolving a dispute. Lawyers shall raise and explore settlement and alternative dispute resolution possibilities in every case as early in the case as possible, and continue to explore those possibilities as the case unfolds.

Examples - Lawyers shall:

a. Always attempt to resolve any controversy and bring the parties together.

b. Not falsely hold out the possibility of settlement as a means for terminating discovery or delaying trial.

c. In every case, consider whether the client's interest could be adequately served and the controversy more expeditiously and economically disposed of by arbitration, mediation or other form of alternative dispute resolution.

d. Advise the client at the outset of the availability of alternative dispute resolution and explain in simple language what the effects of the various ADR techniques, e.g., mediation, neutral evaluation or mini-trial might have on the case.

SECTION 9

TRIALS AND HEARINGS

Lawyers shall conduct themselves in trial and hearings in a manner which promotes a positive image of the profession, assists the court in properly deciding the case, and displays respect for the justice system.

Examples - Lawyers shall:

a. Be punctual and prepared for all court appearances.

b. Always deal with parties, counsel, witnesses, jurors or prospective jurors, court personnel and the judge with courtesy and civility.

c. In making objections during a trial or hearing, do so for legitimate and good faith reasons and not make objections for the purpose of harassment or delay.

d. Honor requests made by opposing counsel during trial which do not prejudice his or her client's rights or sacrifice tactical advantage.

SECTION 10

SOCIAL RELATIONSHIPS WITH JUDICIAL OFFICERS OR COURT APPOINTED EXPERTS

Lawyers shall avoid even the appearance of impropriety or bias in relationships with judicial officers and independent, court appointed experts.

SECTION 11

PRIVACY

All matters shall be handled with due respect for the rights of privacy of parties and non-parties.

Examples - Lawyers shall:

a. Not attempt to use, nor threaten to use, facts about the private lives of any party or other individual which are not relevant to the matters at issue in a case. This rule does not preclude inquiry into sensitive matters which are relevant to an issue, as long as the inquiry is pursued as narrowly and as reasonably possible.

b. If it is necessary to use such information, cooperate in arranging for protective measures designed to assure that the information revealed is disclosed only to those persons who need it in order to present the relevant evidence to the court.

SECTION 12

COMMUNICATIONS ABOUT THE LEGAL SYSTEM AND WITH PARTICIPANTS

Lawyers shall conduct themselves with clients, opposing counsel, judges, jurors, parties, and the public in a manner consistent with the high respect and esteem which they shall have for the courts, the civil and criminal justice systems, and the legal profession and its members.

Examples - Lawyers shall:

a. When making public communications shall at all times and under all circumstances reflect appropriate civility, professional integrity, personal dignity, and respect for the legal system. This rule does not prohibit good faith, factually based expressions of dissent or criticism made by a lawyer in public or private discussions having a purpose to motivate improvements in our legal system or profession.

b. Not make false or misleading statements.

c. Not fail or refuse without justification to respond promptly to the calls and letters of their clients and/or opposing counsel.

d. When serving as a prosecutor or defense counsel, conduct themselves in a manner that shows respect for the important functions that each plays within the criminal justice system.

California Attorney
Guidelines of Civility and Professionalism

The State Bar of California
180 Howard Street
San Francisco, CA 94105-1639

Adopted by the Board of Governors on
July 20, 2007

TABLE OF CONTENTS
ENTIRE GUIDELINES WITH EXAMPLES

Introduction	3
Responsibilities to the Justice System	3
Responsibilities to the Public and the Profession	3
Responsibilities to the Client and Client Representation	3
Communications	4
Punctuality	4
Scheduling, Continuances and Extensions of Time	4
Service of Papers	5
Writings Submitted to the Court, Counsel or Other Parties	6
Discovery	6
Motion Practice	7
Dealing with Nonparty Witnesses	8
Ex Parte Communication with the Court	8
Settlement and Alternative Dispute Resolution	8
Conduct in Court	9
Default	9
Social Relationships with Judicial officers, Neutrals and Court Appointed Experts	10
Privacy	10
Negotiation of Written Agreements	10
Additional Provision for Family Law Practitioners	11
Additional Provision for Criminal Law Practitioners	11
Court Proceedings	11
Attorney's Pledge	11
ABBREVIATED GUIDELINES WITHOUT EXAMPLES	12

CALIFORNIA ATTORNEY
GUIDELINES OF CIVILITY AND PROFESSIONALISM
(Adopted July 20, 2007)

INTRODUCTION

As officers of the court with responsibilities to the administration of justice, attorneys have an obligation to be professional with clients, other parties and counsel, the courts and the public. This obligation includes civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, and cooperation, all of which are essential to the fair administration of justice and conflict resolution.

These are guidelines for civility. The Guidelines are offered because civility in the practice of law promotes both the effectiveness and the enjoyment of the practice and economical client representation. The legal profession must strive for the highest standards of attorney behavior to elevate and enhance our service to justice. Uncivil or unprofessional conduct not only disserves the individual involved, it demeans the profession as a whole and our system of justice.

These voluntary Guidelines foster a level of civility and professionalism that exceed the minimum requirements of the mandated Rules of Professional Conduct as the best practices of civility in the practice of law in California. The Guidelines are not intended to supplant these or any other rules or laws that govern attorney conduct. Since the Guidelines are not mandatory rules of professional conduct, nor rules of practice, nor standards of care, they are not to be used as an independent basis for disciplinary charges by the State Bar or claims of professional negligence.

The Guidelines are intended to complement codes of professionalism adopted by bar associations in California. Individual attorneys are encouraged to make these guidelines their personal standards by taking the pledge that appears at the end. The Guidelines can be applicable to all lawyers regardless of practice area. Attorneys are encouraged to comply with both the spirit and letter of these guidelines, recognizing that complying with these guidelines does not in any way denigrate the attorney's duty of zealous representation.

SECTION 1
RESPONSIBILITIES TO THE JUSTICE SYSTEM

The dignity, decorum and courtesy that have traditionally characterized the courts and legal profession of civilized nations are not empty formalities. They are essential to an atmosphere that promotes justice and to an attorney's responsibility for the fair and impartial administration of justice.

SECTION 2
RESPONSIBILITIES TO THE PUBLIC AND THE PROFESSION

An attorney should be mindful that, as individual circumstances permit, the goals of the profession include improving the administration of justice and contributing time to persons and organizations that cannot afford legal assistance.

An attorney should encourage new members of the bar to adopt these guidelines of civility and professionalism and mentor them in applying the guidelines.

SECTION 3
RESPONSIBILITIES TO THE CLIENT AND CLIENT REPRESENTATION

An attorney should treat clients with courtesy and respect, and represent them in a civil and professional manner. An attorney should advise current and potential clients that it is not acceptable for an attorney to engage in abusive behavior or other conduct unbecoming a member of the bar and an officer of the court.

As an officer of the court, an attorney should not allow clients to prevail upon the attorney to engage in uncivil behavior.

An attorney should not compromise the guidelines of civility and professionalism to achieve an advantage.

SECTION 4
COMMUNICATIONS

An attorney's communications about the legal system should at all times reflect civility, professional integrity, personal dignity, and respect for the legal system. An attorney should not engage in conduct that is unbecoming a member of the Bar and an officer of the court.

For example, in communications about the legal system and with adversaries:

a. An attorney's conduct should be consistent with high respect and esteem for the civil and criminal justice systems.

b. This guideline does not prohibit an attorney's good faith expression of dissent or criticism made in public or private discussions for the purpose of improving the legal system or profession.

c. An attorney should not disparage the intelligence, integrity, ethics, morals or behavior of the court or other counsel, parties or participants when those characteristics are not at issue.

d. Respecting cultural diversity, an attorney should not disparage another's personal characteristics.

e. An attorney should not make exaggerated, false, or misleading statements to the media while representing a party in a pending matter.

f. An attorney should avoid hostile, demeaning or humiliating words.

g. An attorney should not create a false or misleading record of events or attribute to an opposing counsel a position not taken.

h. An attorney should agree to reasonable requests in the interests of efficiency and economy, including agreeing to a waiver of procedural formalities where appropriate.

i. Unless specifically permitted or invited by the court or authorized by law, an attorney should not correspond directly with the court regarding a case.

Nothing above shall be construed as discouraging the reporting of conduct that fails to comply with the Rules of Professional Conduct.

SECTION 5
PUNCTUALITY

An attorney should be punctual in appearing at trials, hearings, meetings, depositions and other scheduled appearances.

For example:

a. An attorney should arrive sufficiently in advance to resolve preliminary matters.

b. An attorney should timely notify participants when the attorney will be late or is aware that a participant will be late.

SECTION 6
SCHEDULING, CONTINUANCES AND EXTENSIONS OF TIME

An attorney should advise clients that civility and courtesy in scheduling meetings, hearings and discovery are expected as professional conduct.

For example:

a. An attorney should consider the scheduling interests of the court, other counsel or party, and other participants, should schedule by agreement whenever possible, and should send formal notice after agreement is reached.

b. An attorney should not arbitrarily or unreasonably withhold consent to a request for scheduling accommodations or engage in delay tactics.

c. An attorney should promptly notify the court and other counsel of problems with key participants' availability.

d. An attorney should promptly notify other counsel and, if appropriate, the court, when scheduled meetings, hearings or depositions must be cancelled or rescheduled, and provide alternate dates when possible.

In considering requests for an extension of time, an attorney should consider the client's interests and need to promptly resolve matters, the schedules and willingness of others to grant reciprocal extensions, the time needed for a task, and other relevant factors.

Consistent with existing law and court orders, an attorney should agree to reasonable requests for extensions of time that are not adverse to a client's interests.

For example:

a. Unless time is of the essence, an attorney should agree to an extension without requiring motions or other formalities, regardless of whether the requesting counsel previously refused to grant an extension.

b. An attorney should agree to an appropriate continuance when new counsel substitutes in.

c. An attorney should advise clients that failing to agree with reasonable requests for time extensions is inappropriate.

d. An attorney should not use extensions or continuances for harassment or to extend litigation.

e. An attorney should place conditions on an agreement to an extension only if they are fair and essential or if the attorney is entitled to impose them, for instance to preserve rights or seek reciprocal scheduling concessions.

f. If an attorney intends that a request for or agreement to an extension shall cut off a party's substantive rights or procedural options, the attorney should disclose that intent at the time of the request or agreement.

SECTION 7
SERVICE OF PAPERS

The timing and manner of service of papers should not be used to the disadvantage of the party receiving the papers.

For example:

a. An attorney should serve papers on the attorney who is responsible for the matter at his or her principal place of work.

b. If possible, papers should be served upon counsel at a time agreed upon in advance.

c. When serving papers, an attorney should allow sufficient time for opposing counsel to prepare for a court appearance or to respond to the papers.

d. An attorney should not serve papers to take advantage of an opponent's absence or to inconvenience the opponent, for instance by serving papers late on Friday afternoon or the day preceding a holiday.

e. When it is likely that service by mail will prejudice an opposing party, an attorney should serve the papers by other permissible means.

SECTION 8
WRITINGS SUBMITTED TO THE COURT, COUNSEL OR OTHER PARTIES

Written materials directed to counsel, third parties or a court should be factual and concise and focused on the issue to be decided.

For example:

a. An attorney should not make ad hominem attacks on opposing counsel.

b. Unless at issue or relevant in a particular proceeding, an attorney should avoid degrading the intelligence, ethics, morals, integrity, or personal behavior of others.

c. An attorney should clearly identify all revisions in a document previously submitted to the court or other counsel.

SECTION 9
DISCOVERY

Attorneys are encouraged to meet and confer early in order to explore voluntary disclosure, which includes identification of issues, identification of persons with knowledge of such issues, and exchange of documents.

Attorneys are encouraged to propound and respond to formal discovery in a manner designed to fully implement the purposes of the Civil Discovery Act.

An attorney should not use discovery to harass an opposing counsel, parties, or witnesses. An attorney should not use discovery to delay the resolution of a dispute.

For example:

a. As to Depositions:

1. When another party notices a deposition for the near future, absent unusual circumstances, an attorney should not schedule another deposition in the same case for an earlier date without opposing counsel's agreement.

2. An attorney should delay a scheduled deposition only when necessary to address scheduling problems and not in bad faith.

3. An attorney should treat other counsel and participants with courtesy and civility, and should not engage in conduct that would be inappropriate in the presence of a judicial officer.

4. An attorney should remember that vigorous advocacy can be consistent with professional courtesy, and that arguments or conflicts with other counsel should not be personal.

5. An attorney questioning a deponent should provide other counsel present with a copy of any documents shown to the deponent before or contemporaneously with showing the document to the deponent.

6. Once a question is asked, an attorney should not interrupt a deposition or make an objection for the purpose of coaching a deponent or suggesting answers.

7. An attorney should not direct a deponent to refuse to answer a question or end the deposition without a legal basis for doing so.

8. An attorney should refrain from self-serving speeches and speaking objections.

b. As to Document Demands:

1. Document requests should be used only to seek those documents that are reasonably needed to prosecute or defend an action.

2. An attorney should not make demands to harass or embarrass a party or witness or to impose an inordinate burden or expense in responding.

3. If an attorney inadvertently receives a privileged document, the attorney should promptly notify the producing party that the document has been received.

4. In responding to a document demand, an attorney should not intentionally misconstrue a request in such a way as to avoid disclosure or withhold a document on the grounds of privilege.

5. An attorney should not produce disorganized or unintelligible documents, or produce documents in a way that hides or obscures the existence of particular documents.

6. An attorney should not delay in producing a document in order to prevent opposing counsel from inspecting the document prior to or during a scheduled deposition or for some other tactical reason.

c. As to Interrogatories:

1. An attorney should narrowly tailor special interrogatories and not use them to harass or impose an undue burden or expense on an opposing party.

2. An attorney should not intentionally misconstrue or respond to interrogatories in a manner that is not truly responsive.

3. When an attorney lacks a good faith belief in the merit of an objection, the attorney should not object to an interrogatory. If an interrogatory is objectionable in part, an attorney should answer the unobjectionable part.

SECTION 10
MOTION PRACTICE

An attorney should consider whether, before filing or pursuing a motion, to contact opposing counsel to attempt to informally resolve or limit the dispute.

For example:

a. Before filing demurrers, motions to strike, motions to transfer venue, and motions for judgment on the pleadings, an attorney should engage in more than a pro forma effort to resolve the issue.

b. In complying with any meet and confer requirement in the California Code of Civil Procedure, an attorney should speak personally with opposing counsel and engage in a good faith effort to resolve or informally limit an issue.

c. An attorney should not engage in conduct that forces an opposing counsel to file a motion and then not oppose the motion.

d. An attorney who has no reasonable objection to a proposed motion should promptly make this position known to opposing counsel, who then may file an unopposed motion or avoid filing a motion.

e. After opposing a motion, if an attorney recognizes that the movant's position is correct, the attorney should promptly advise the movant and the court of this change in position.

f. Because requests for monetary sanctions, even if statutorily authorized, can lead to the destruction of a productive relationship between counsel or parties, monetary sanctions should not be sought unless fully justified by the circumstances and necessary to protect a client's legitimate interests and then only after a good faith effort to resolve the issue informally among counsel.

SECTION 11
DEALING WITH NONPARTY WITNESSES

It is important to promote high regard for the profession and the legal system among those who are neither attorneys nor litigants. An attorney's conduct in dealings with nonparty witnesses should exhibit the highest standards of civility.

For example:

a. An attorney should be courteous and respectful in communications with nonparty witnesses.

b. Upon request, an attorney should extend professional courtesies and grant reasonable accommodations, unless to do so would materially prejudice the client's lawful objectives.

c. An attorney should take special care to protect a witness from undue harassment or embarrassment and to state questions in a form that is appropriate to the witness's age and development.

d. An attorney should not issue a subpoena to a nonparty witness for inappropriate tactical or strategic purposes, such as to intimidate or harass the nonparty.

e. As soon as an attorney knows that a previously scheduled deposition will or will not, in fact, go forward as scheduled, the attorney should notify all counsel.

f. An attorney who obtains a document pursuant to a deposition subpoena should, upon request, make copies of the document available to all other counsel at their expense.

SECTION 12
EX PARTE COMMUNICATION WITH THE COURT

In a social setting or otherwise, an attorney should not communicate ex parte with a judicial officer on the substance of a case pending before the court, unless permitted by law.

SECTION 13
SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION

An attorney should raise and explore with the client and, if the client consents, with opposing counsel, the possibility of settlement and alternative dispute resolution in every matter as soon as possible and, when appropriate, during the course of litigation.

For example:

An attorney should advise a client at the outset of the relationship of the availability of informal or alternative dispute resolution.

a. An attorney should attempt to evaluate a matter objectively and to de-escalate any controversy or dispute in an effort to resolve or limit the controversy or dispute.

b. An attorney should consider whether alternative dispute resolution would adequately serve a client's interest and dispose of the controversy expeditiously and economically.

c. An attorney should honor a client's desire to settle the dispute quickly and in a cost-effective manner.

d. An attorney should use an alternative dispute resolution process for purposes of settlement and not for delay or other improper purposes, such as discovery.

e. An attorney should participate in good faith, and assist the alternative dispute officer by providing pertinent and accurate facts, law, theories, opinions and arguments in an attempt to resolve a dispute.

f. An attorney should not falsely hold out the possibility of settlement as a means for terminating discovery or delaying trial.

SECTION 14
CONDUCT IN COURT

To promote a positive image of the profession, an attorney should always act respectfully and with dignity in court and assist the court in proper handling of a case.

For example:

a. An attorney should be punctual and prepared.

b. An attorney's conduct should avoid disorder or disruption and preserve the right to a fair trial.

c. An attorney should maintain respect for and confidence in a judicial office by displaying courtesy, dignity and respect toward the court and courtroom personnel.

d. An attorney should refrain from conduct that inappropriately demeans another person.

e. Before appearing in court, an attorney should advise a client of the kind of behavior expected of the client and endeavor to prevent the client from creating disorder or disruption in the courtroom.

f. An attorney should make objections for legitimate and good faith reasons, and not for the purpose of harassment or delay.

g. An attorney should honor an opposing counsel's requests that do not materially prejudice the rights of the attorney's client or sacrifice tactical advantage.

h. While appearing before the court, an attorney should address all arguments, objections and requests to the court, rather than directly to opposing counsel.

i. While appearing in court, an attorney should demonstrate sensitivity to any party, witness or attorney who has requested, or may need, accommodation as a person with physical or mental impairment, so as to foster full and fair access of all persons to the court.

SECTION 15
DEFAULT

An attorney should not take the default of an opposing party known to be represented by counsel without giving the party advance warning.

For example an attorney should not race opposing counsel to the courthouse to knowingly enter a default before a responsive pleading can be filed. This guideline is intended to apply only to taking a default when there is a failure to timely respond to complaints, cross-complaints, and amended pleadings.

SECTION 16
SOCIAL RELATIONSHIPS WITH JUDICIAL OFFICERS, NEUTRALS AND COURT APPOINTED EXPERTS

An attorney should avoid even the appearance of bias by notifying opposing counsel or an unrepresented opposing party of any close, personal relationships between the attorney and a judicial officer, arbitrator, mediator or court-appointed expert and allowing a reasonable opportunity to object.

SECTION 17
PRIVACY

An attorney should respect the privacy rights of parties and nonparties.

For Example:

a. An attorney should not inquire into, attempt or threaten to use, private facts concerning any party or other individuals for the purpose of gaining an advantage in a case. This guideline does not preclude inquiry into sensitive matters relevant to an issue, as long as the inquiry is pursued as narrowly as possible.

b. If an attorney must inquire into an individual's private affairs, the attorney should cooperate in arranging for protective measures, including stipulating to an appropriate protective order, designed to assure that the information revealed is disclosed only for purposes relevant to the pending litigation.

c. Nothing herein shall be construed as authorizing the withholding of information in violation of applicable law.

SECTION 18
NEGOTIATION OF WRITTEN AGREEMENTS

An attorney should negotiate and conclude written agreements in a cooperative manner and with informed authority of the client.

For example:

a. An attorney should use boilerplate provisions only if they apply to the subject of the agreement.

b. If an attorney modifies a document, the attorney should clearly identify the change and bring it to the attention of other counsel.

c. An attorney should avoid negotiating tactics that are abusive; that are not made in good faith; that threaten inappropriate legal action; that are not true; that set arbitrary deadlines; that are intended solely to gain an unfair advantage or take unfair advantage of a superior bargaining position; or that do not accurately reflect the client's wishes or previous oral agreements.

d. An attorney should not participate in an action or the preparation of a document that is intended to circumvent or violate applicable laws or rules.

In addition to other applicable Sections of these Guidelines, attorneys engaged in a transactional practice have unique responsibilities because much of the practice is conducted without judicial supervision.

For example:

a. Attorneys should be mindful that their primary goals are to negotiate in a manner that accurately represents their client and the purpose for which they were retained.

b. Attorneys should successfully and timely conclude a transaction in a manner that accurately represents the parties' intentions and has the least likely potential for litigation.

c. With client approval, attorneys should consider giving each party permission to contact the employees of the other party for the purpose of promptly and efficiently obtaining necessary information and documents.

SECTION 19
ADDITIONAL PROVISION FOR FAMILY LAW PRACTITIONERS

In addition to other applicable Sections of these Guidelines, in family law proceedings an attorney should seek to reduce emotional tension and trauma and encourage the parties and attorneys to interact in a cooperative atmosphere, and keep the best interest of the children in mind.

For example:

a. An attorney should discourage and should not abet vindictive conduct.

b. An attorney should treat all participants with courtesy and respect in order to minimize the emotional intensity of a family dispute.

c. An attorney representing a parent should consider the welfare of a minor child and seek to minimize the adverse impact of the family law proceeding on the child.

SECTION 20
ADDITIONAL PROVISION FOR CRIMINAL LAW PRACTITIONERS

In addition to other applicable Sections of these Guidelines, criminal law practitioners have unique responsibilities. Prosecutors are charged with seeking justice, while defenders must zealously represent their clients even in the face of seemingly overwhelming evidence of guilt. In practicing criminal law, an attorney should appreciate these roles.

For example:

a. A prosecutor should not question the propriety of defending a person accused of a crime.

b. Appellate counsel and trial counsel should communicate openly, civilly and without rancor, endeavoring to keep the proceedings on a professional level.

SECTION 21
COURT PROCEEDINGS

Judges are encouraged to become familiar with these Guidelines and to support and promote them where appropriate in court proceedings.

ATTORNEY'S PLEDGE

I commit to these Guidelines of Civility and Professionalism and will be guided by a sense of integrity, cooperation and fair play.

I will abstain from rude, disruptive, disrespectful, and abusive behavior, and will act with dignity, decency, courtesy, and candor with opposing counsel, the courts and the public.

As part of my responsibility for the fair administration of justice, I will inform my clients of this commitment and, in an effort to help promote the responsible practice of law, I will encourage other attorneys to observe these Guidelines.

_____ _____
(Signature) (Date)

_____
(Print Name)

(Abbreviated Without Examples)

The State Bar of California
180 Howard Street
San Francisco, CA 94105-1639
Adopted by the Board of Governors on
July 20, 2007

California Attorney Guidelines of Civility and Professionalism
(Abbreviated, adopted July 20, 2007)

INTRODUCTION. As officers of the court with responsibilities to the administration of justice, attorneys have an obligation to be professional with clients, other parties and counsel, the courts and the public. This obligation includes civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, and cooperation, all of which are essential to the fair administration of justice and conflict resolution.

These are guidelines for civility. The Guidelines are offered because civility in the practice of law promotes both the effectiveness and the enjoyment of the practice and economical client representation. The legal profession must strive for the highest standards of attorney behavior to elevate and enhance our service to justice. Uncivil or unprofessional conduct not only disserves the individual involved, it demeans the profession as a whole and our system of justice.

These voluntary Guidelines foster a level of civility and professionalism that exceed the minimum requirements of the mandated Rules of Professional Conduct as the best practices of civility in the practice of law in California. The Guidelines are not intended to supplant these or any other rules or laws that govern attorney conduct. Since the Guidelines are not mandatory rules of professional conduct, nor rules of practice, nor standards of care, they are not to be used as an independent basis for disciplinary charges by the State Bar or claims of professional negligence.

The Guidelines are intended to complement codes of professionalism adopted by bar associations in California. Individual attorneys are encouraged to make these guidelines their personal standards by taking the pledge that appears at the end.

The Guidelines can be applicable to all lawyers regardless of practice area. Attorneys are encouraged to comply with both the spirit and letter of these guidelines, recognizing that complying with these guidelines does not in any way denigrate the attorney's duty of zealous representation.

SECTION 1. The dignity, decorum and courtesy that have traditionally characterized the courts and legal profession of civilized nations are not empty formalities. They are essential to an atmosphere that promotes justice and to an attorney's responsibility for the fair and impartial administration of justice.

SECTION 2. An attorney should be mindful that, as individual circumstances permit, the goals of the profession include improving the administration of justice and contributing time to persons and organizations that cannot afford legal assistance.

An attorney should encourage new members of the bar to adopt these guidelines of civility and professionalism and mentor them in applying the guidelines.

SECTION 3. An attorney should treat clients with courtesy and respect, and represent them in a civil and professional manner. An attorney should advise current and potential clients that it is not acceptable for an attorney to engage in abusive behavior or other conduct unbecoming a member of the bar and an officer of the court.

As an officer of the court, an attorney should not allow clients to prevail upon the attorney to engage in uncivil behavior. An attorney should not compromise the guidelines of civility and professionalism to achieve an advantage.

SECTION 4. An attorney's communications about the legal system should at all times reflect civility, professional integrity, personal dignity, and respect for the legal system. An attorney should not engage in conduct that is unbecoming a member of the Bar and an officer of the court.

Nothing above shall be construed as discouraging the reporting of conduct that fails to comply with the Rules of Professional Conduct.

SECTION 5. An attorney should be punctual in appearing at trials, hearings, meetings, depositions and other scheduled appearances.

SECTION 6. An attorney should advise clients that civility and courtesy in scheduling meetings, hearings and discovery are expected as professional conduct.

In considering requests for an extension of time, an attorney should consider the client's interests and need to promptly resolve matters, the schedules and willingness of others to grant reciprocal extensions, the time needed for a task, and other relevant factors.

Consistent with existing law and court orders, an attorney should agree to reasonable requests for extensions of time that are not adverse to a client's interests.

SECTION 7. The timing and manner of service of papers should not be used to the disadvantage of the party receiving the papers.

SECTION 8. Written materials directed to counsel, third parties or a court should be factual and concise and focused on the issue to be decided.

SECTION 9. Attorneys are encouraged to meet and confer early in order to explore voluntary disclosure, which includes identification of issues, identification of persons with knowledge of such issues, and exchange of documents.

Attorneys are encouraged to propound and respond to formal discovery in a manner designed to fully implement the purposes of the California Discovery Act.

An attorney should not use discovery to harass an opposing counsel, parties or witnesses. An attorney should not use discovery to delay the resolution of a dispute.

SECTION 10. An attorney should consider whether, before filing or pursuing a motion, to contact opposing counsel to attempt to informally resolve or limit the dispute.

SECTION 11. It is important to promote high regard for the profession and the legal system among those who are neither attorneys nor litigants. An attorney's conduct in dealings with nonparty witnesses should exhibit the highest standards of civility.

SECTION 12. In a social setting or otherwise, an attorney should not communicate ex parte with a judicial officer on the substance of a case pending before the court, unless permitted by law.

SECTION 13. An attorney should raise and explore with the client and, if the client consents, with opposing counsel, the possibility of settlement and alternative dispute resolution in every case as soon possible and, when appropriate, during the course of litigation.

SECTION 14. To promote a positive image of the profession, an attorney should always act respectfully and with dignity in court and assist the court in proper handling of a case.

SECTION 15. An attorney should not take the default of an opposing party known to be represented by counsel without giving the party advance warning.

SECTION 16. An attorney should avoid even the appearance of bias by notifying opposing counsel or an unrepresented opposing party of any close, personal relationships between the attorney and a judicial officer, arbitrator, mediator or court-appointed expert and allowing a reasonable opportunity to object.

SECTION 17. An attorney should respect the privacy rights of parties and non-parties.

SECTION 18. An attorney should negotiate and conclude written agreements in a cooperative manner and with informed authority of the client.

In addition to other applicable Sections of these Guidelines, attorneys engaged in a transactional practice have unique responsibilities because much of the practice is conducted without judicial supervision.

SECTION 19. In addition to other applicable Sections of these Guidelines, in family law proceedings an attorney should seek to reduce emotional tension and trauma and encourage the parties and attorneys to interact in a cooperative atmosphere, and keep the best interests of the children in mind.

SECTION 20. In addition to other applicable Sections of these Guidelines, criminal law practitioners have unique responsibilities. Prosecutors are charged with seeking justice, while defenders must zealously represent their clients even in the face of seemingly overwhelming evidence of guilt. In practicing criminal law, an attorney should appreciate these roles.

SECTION 21. Judges are encouraged to become familiar with these Guidelines and to support and promote them where appropriate in court proceedings.

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As part of my responsibility for the fair administration of justice, I will inform my clients of this commitment and, in an effort to help promote the responsible practice of law, I will encourage other attorneys to observe these Guidelines.

[Attorney Letterhead]

(indluding fax no.)

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

	Case No.
Plaintiff(s),	**MANDATORY SETTLEMENT CONFERENCE STATEMENT OF (PLAINTIFF/DEFENDANT, ETC. (PARTY'S NAME)**
v.	
Defendant(s).	
_____/	

1. <u>PARTIES AND COUNSEL</u>

a. Identify separately each Plaintiff and the respective attorney of record.

b. (Plaintiffs) Also identify each outstanding lien claimant and the total amount claimed by each.

c. Identify separately each Defendant and the respective attorney of record.

d. (Defendants) Also identify each insurance carrier and the name of the assigned adjuster or corporate representative.

2. <u>CASE STATEMENT</u>

Provide a short statement of the facts of this case.

3. <u>PLAINTIFF</u>

a. Explain your position on this case.

b. List all economic damages claimed in this case (for each plaintiff state the nature of the past and future damages such as property damage, medical expense, loss of income, etc).

c. List all non-economic damages claimed in this case.

d. Specify attorney fees, if any, that may be awarded to you.

e. Set forth all efforts made to negotiate all liens as required by Local Rule 4.01c(4).

f. Is a claim for punitive damages made? If so, what is the basis of such claim?

4. DEFENDANT

a. Explain your position on this case.

b. Specify attorney fees, if any, that may be awarded to you.

c. Are there any medical payment reimbursement issues? If so, please explain.

d. Do you anticipate any claim for post-trial reduction of special damages? If so, please explain.

5. LEGAL ISSUES

Identify major disputed legal issues.

6. FACTUAL ISSUES

Identify major disputed factual issues.

7. OFFERS

a. Specify all 998 offers made and the dates thereof.

b. What is the last best offer to settle made by each party?

Plaintiff(s):

Defendant(s):

Other(s):

8. SETTLEMENT EFFORTS

State what efforts have been made to settle.

9. ARBITRATION

a. State the date, name of arbitrator, and decision.

b. State whether you expect a jury verdict to be different.

c. State, in detail, why you expect a jury verdict to differ from the arbitrator's award.

10. LENGTH OF TRIAL

a. Please state the anticipated length of trial.

b. Please state the number of non-expert witnesses that you intend to call.

c. Please state the number of experts that you intend to call, specifying the number of retained experts and the number of non-retained experts.

11. INSURANCE CARRIERS (to be answered by defendants and cross defendants only).

a. Please list all primary and excess carriers to which a defense tender has been made and whether or not such demand(s) has (have) been accepted.

b. Is there any pending reservation of rights? If so, please explain.

12. ATTACHMENTS

Provide additional information or attachments, if any, which will aid the settlement, judge (such as excerpts from medical or police reports, photographs, compilations of damages, contracts, arbitrator decision, etc.).

I declare under penalty of perjury under the laws of the State of California, that the information provided herein reflects my good faith belief in the accuracy of the responses provided and that I am aware of the requirements of the Local Rules (4.00 et seq.) regarding mandatory settlement conferences.

DATED:

_____
(signature)

Attorney for _____

A

Access to and Disclosure of Juvenile Court Records.
17.32 94
7.28 74
Access to Courtroom By Non-Parties.
8.04 81
Account for Withhold.
4.73 47
Admission of Mediation or Evaluation Reports at Short Cause Hearings.
5.20 54
Admission of Will or Codicil Containing Deletions and/or Interlineations.
4.52 43
ADR Assessment at Case Management Conference.
2.64 22
ADR Grievance Procedure.
2.67 23
ADR Information.
2.61 22
ADR Neutral List.
2.65 22
ADR Participation.
2.63 22
ADR Program Administrator.
2.62 22
Alternative Dispute Resolution Policy Statement.
2.60 22
Amended Complaints.
2.20 14
Appeal from Decision of Labor Commissioner under Labor Code Section 98.2.
2.18 14
Appearance by Telephone.
2.04 9
Appearances Required at Mediation.
2.81 26
Application for Appointment of Guardian Ad Litem.
3.00 35
Applications for Rehearing - Referee or Commissioner Assigned as a Referee.
7.26 73
Appointment of Counsel.
8.09 86
Appointment of Guardian of Minor.
4.31 41
Apportionment of Statutory Compensation.
4.71 46
Arbitration of Attorney's Claims in Connection with Action to Recover Attorney's Fees and/or Costs.
2.71 24
Arbitration Proceedings Regarding a Limited Civil Case in General.
2.69 23
Arbitration.
2.68 23
Arraignment.
10.01 96
Assignment for Trial.
10.20 103
Assignment of Probate Referee.
4.17 40
Assignments in Family Law Departments.
5.09 51
Attorney Competency Certification Renewal.
7.23 71
Attorney Competency Certification.
7.20 70

Attorney's Fees in Actions on Promissory Notes, Contracts Providing for Payment of Attorney's Fees, and Foreclosures Attorney's Fee Schedule.
2.14 12
Attorney's Fees in Residential Unlawful Detainer Actions.
2.13 12
Bail Schedule.
10.31 102
Bankruptcy Matters.
2.54 21
Binding of Original Appellate Division Clerk’s Transcript for Civil Appeals.
16.05 107
Briefs.
16.01 106
Calendar Matters Recommended for Approval.
4.07 38
Calendars.
8.12 87
Case Management Conference.
2.50 20
Case Management Program.
2.45 18
Case Management Statements, Filing a Joint Statement, Default Judgment Status Statements, Meet and Confer Period.
2.51 20
Character of Property and Transmutation in Summary Proceedings.
4.65 45
Charging Documents.
10.00 96
8.02 79
Citation and Effect of Rules.
1.00 1
Civil Filings.
2.02 9
Civil Law and Motion Departments.
2.30 16
Civil Trial Readiness Notification.
2.92 28
Claims of Minors and Incompetents.
3.02 35
CMP Tentative Rulings.
2.47 19
Compensation for Extraordinary Services.
4.72 47
Compensation of Discovery Referees.
2.38 18
Compensation of Mediators.
2.84 27
Complaint Process - Child Custody Evaluators.
5.33 58
Confidential Mediation.
5.16 52
Confidentiality.
2.85 27
Consent of Testamentary Trustee to Act.
4.74 47
Conservatorship Final Account and Report.
4.83 48
Construction of Provision Drawn From the Family Code, California Rules of Court, Code of Civil Procedure, Evidence Code, or other Uniform Act.
5.01 50
Construction of Rules.
5.03 50
Construction of Tenses.
5.05 50

Contact with Parties Prior to Hearing (In/Out of Custody).
7.09 65
Contacting Court's Legal Research Staff.
1.13 4
Contested Guardianships.
4.32 41
Contested Matters.
4.09 38
Continuance - Short Cause Hearing, Long Cause Hearing, Trial.
5.23 54
Continuances.
10.02 96
8.05 81
Counsel of Record and Self-Represented Litigants.
7.06 64
Court Appointed Special Advocate Program (CASA).
7.00 63
Court Ordered Child Custody Evaluations - Finding a Qualified Evaluator.
5.19 53
Court Reporting Services Services.
1.11 3
Criminal Law and Motion Departments.
10.10 97
Defaults and Default Judgments.
2.34 17
Definition of Judicial Vacation.
1.03 1
Definitions and Use of Terms.
5.08 51
Demurrers in Limited Civil Cases.
2.32 17
Deposit of Personal Property for Reduction of Bond.
4.59 44
Detention Hearing or Initial Appearance.
7.08 64
Direct Calendaring, Calendar Call, Appearances, and Peremptory Challenges.
7.07 64
Discovery - Pre-Judgment - Post-Judgment.
5.25 55
Discovery during Mediation.
2.83 27
Discovery Motions.
10.22 101
Discovery Requests.
10.20 101
Discovery Sanctions. Code of Civil Procedure Section 2023(c).
2.36 18
Discovery.
8.08 83
Distribution of Property Held by Depository.
4.60 44
Distribution to Minors.
4.70 46
Dress and Conduct Code.
7.11 65
Drop Box.
1.16 4
Duties if Case Settles.
2.91 28
Effect of Headings.
5.02 50
Electronic Filing Process.
1.21 6

Electronic Filing Program/Scope.
1.20 6
7.36 76
Electronic Filing System Inquiries.
1.23 8
7.39 77
Eligible Cases.
2.75 25
Emergency Removal of Minor from Youth Detention Facility.
8.17 93
Evidence of Record Title in Proceedings under Probate Code Sections 850 Et. Seq. and Sections 17200 Et. Seq.
4.66 45
Ex Parte Application.
5.13 52
Ex Parte Applications and Orders.
8.03 80
Ex Parte Applications in Presiding Judge's Department.
1.07 2
Ex Parte Applications.
2.35 17
Ex Parte Orders.
7.12 66
Examination of Judgment Debtors, Garnishees, and Others Noticed for Appearance at the Main Downtown Courthouse.
2.10 11
Exchange of Information and Disclosure of Juvenile Court Records.
6.01 60
Exemption for Short Cause Cases upon Certification of All Parties.
2.52 21
Exemption from Mandatory Settlement Conference Program.
2.80 26
Exhibits.
2.22 14
2.98 33
Failure of Attorney to Be Certified.
7.22 71
Failure of Counsel to Appear in Law and Motion.
10.15 100
Failure to Comply with Rules.
1.01 1
Failure to Meaningfully Participate in Arbitration Procedures.
2.72 24
Family Law Advocacy and CASA.
7.02 63
Family Law Facilitator - Additional Duties.
5.37 58
Filing Fee - Pleadings Filed by Minor’s Counsel On Behalf.
5.35 58
Filing of Information.
10.30 101
Filing of Papers.
10.12 97
2.31 16
Filings.
7.04 63
First Appearance, by Appearance, Stipulation & Waivers
Filing Fee Due.
5.11 51
Form of Case Management Documents.
2.48 19
Form of Judgment.
2.15 13
Form of Papers Presented for Filing.
4.00 37

7.27 73
Formal Orders.
4.16 40
Format of Motions Citations.
10.13 98
General Compliance with Probate Code 1063(g) and 1064(a)(b).
4.80 47
General Motions.
2.96 33
General Provisions.
8.00 79
Guardianship Accounts.
4.81 47
Guardianship Final Account and Report.
4.82 48
Guardianships – Visitation with Ward.
4.33 41
Hearing Date in Caption.
16.02 106
Hospitalizations for Mental Health Evaluation and Treatment.
7.18 69
Identification, Check-in and Waiting Area.
6.05 61
Identify Persons to Receive Notice.
4.04 38
Included Actions Exceptions Excluded Actions.
2.46 19
Independent Administration of Estates.
4.57 44
Information Required of Personal Representatives Upon Acknowledgement of Duties.
4.61 45
Issuance of Writs and Abstracts.
1.17 4
Joining Motions of Other Parties.
2.09 11
Judicial Arbitration under Code of Civil Procedure Section 1141.10 Et Seq.
2.70 24
Judicial Modification.
2.99.03 33
Jurisdictional/Dispositional Hearings.
7.10 65
Jury Fees.
1.10 3
Jury Instructions.
10.51 103
2.97 33
Juvenile Dependency Settlement Conference Procedures.
7.43 78
Juvenile Dependency Settlement Conference Statement.
7.42 78
Juvenile Electronic Filing Process.
7.37 76
Law and Motion Pleadings - Filing - Assignment. Time Limitation.
5.15 52
Law and Motion Trial Date.
10.40 102
Limited Civil Cases.
2.21 14
Locations for Photography and/or Video/Audio Recording.
6.07 61
Lost Wills.
4.53 43
Mandatory Civil Local Forms.

2.01 9
Mandatory Settlement Conference - Long Cause Hearing, Trial.
5.28 56
Mandatory Trial Readiness Conference for Criminal Cases.
10.52 103
Master Calendar Departments.
1.04 1
Matters Regarding Discovery in Limited Civil Cases.
2.37 18
Matters Requiring Review of Privileged or Confidential Records.
10.33 102
Meaning of Shall, May Shall Not, and May Not.
5.06 50
Mediation Program Statements and Supporting Documents.
2.82 26
Mediation Statement.
2.78 26
Mediator Qualifications.
2.87 27
Mediator Statement.
2.86 27
Meet and Confer.
7.17 68
Minimum Standards of Experience, Education and Training.
7.21 71
Minor's Counsel - Complaint Procedure.
5.36 58
Minor's Funds for Support and Maintenance – Financial Support of Parents.
4.34 41
Modification of Orders.
7.35 75
Motion to Tax Costs.
2.16 13
Motions for Augmentation and Correction of the Record Motions for Additions to the Record.
16.03 106
Motions in Limine.
2.95 32
Motions to Compel Entry of Judgment. Orders After Hearing.
2.06 10
Motions to Continue Trial Date.
2.11 11
Motions to Implement and for Relief.
2.53 21
Motions to Relieve Counsel.
7.34 74
Motions to Strike in Limited Civil Cases.
2.33 17
Motions.
8.06 82
Multiple Representatives.
4.62 45
Nonminor Dependent Telephonic Appearance.
7.40 77
Notice and Request to Attend Court Proceedings.
6.03 60
Notice of Administration to Creditors.
4.63 45
Notice of Settlement.
2.66 23
Notice Requirement on Court Appointed Attorney Fee Petition.
4.19 41
Noticing Persons Listed in Petitions for Administration.
4.55 44

Numbering of Discovery Documents and Tapes.
10.21 101
Objections.
4.08 38
Obtaining Web-Based Application Login.
10.55 104
Order Shortening Time - Request for Order.
5.14 52
Orders After Hearing.
2.07 10
Orders for Psychological Assessments/Evaluations.
7.32 74
Orders to Be Complete in Themselves.
4.15 40
Orders to Produce Incarcerated Parties in Dependency Cases.
7.13 67
Orders to Show Cause.
2.55 21
Orders.
7.29 74
8.01 79
Pending Hearing Date Disclosure on Pleading.
5.10 51
Petition for Final Distribution.
4.68 46
Petition to Include Proposed Distribution.
4.69 46
Petitions for Family Allowance.
4.64 45
Photography or Video/Audio Recording of Minors in Juvenile Institutions.
6.09 62
Placement.
8.14 90
Pleas to Lesser Included, Reasonably Related, or Charges Not Reflected in the Charging Document.
10.04 96
Pooling.
6.08 62
Post-Detention Hearing Modifications.
8.07 82
Pre-Assignment Requests.
10.32 102
Preparation of Judicial Council Form Custody Order-Juvenile.
7.31 74
Preparation of Notices.
4.03 37
Preparing for Hearing.
4.01 37
Prerogative Writs.
2.26 15
Presentation of Testimony by Remote Video Access.
2.99.04 34
Presenting Wills for Lodging in Admittance.
4.50 43
Presiding Judge Law and Motion Proceedings.
1.05 1
Pre-Trial Conference Procedures.
7.16 67
Pretrial Motions not waived.
10.11 97
Pre-Trial Statement and Pre-Trial Conference.
7.14 67
Pre-Trial Statement.
7.15 67

Private Mediation - Procedure - Mediator Standards - Requests to Change - General Problems.
5.18 53
Probable Cause Hearings.
10.60 104
Probate Calendar.
4.02 37
Probate Hearing Once Noticed cannot be advanced Procedure for Dropping and Resetting a Matter for Hearing.
4.05 38
Procedures for informing the Court of the Interests of a Dependent Child.
7.25 72
Procedures for Reviewing and Resolving Complaints Regarding Performance of Counsel.
7.24 71
Proceeding for Spousal Property Transaction.
4.42 42
Proceedings under Probate Code Sections 3410 Et Seq.
4.35 41
Production of Estate Planning Documents in Proceedings Pursuant to Probate Code Sections 2580 or 3100.
15.46.6 42
Proof of Compliance with Indian Child Welfare Act Notice Requirements.
7.33 74
Proof of Wills by Affidavit or Declaration.
4.51 43
Psychotropic Medication Authorization.
8.18 94
Public Admission and Media Coverage of Juvenile Court Matters.
6.02 60
Purpose of Trial Readiness Conference.
10.53 103
Recommending Mediation.
5.17 52
Reference of Statute Includes Amendments and Additions.
5.04 50
Rehearings.
8.15 92
Removal, Resignation, and Termination of CASA Volunteer.
7.03 63
Replacing Lost Papers.
1.14 4
Report of Trustee.
4.85 49
Request for Administration of Psychotropic Medication, Medical, Surgical and Dental Care.
7.19 70
Requesting Reporting Services.
1.12 3
Requests for Free Clerk or Reporter's Transcript.
16.04 106
Requests to Change Mediators - Peremptory Challenge to Court-Connected Mediator - Complaints.
5.32 57
Requirements for Giving Notice of Probate of Will.
4.56 44
Reserving Hearing Dates.
2.39 18
Resolving Conflicting Protective Orders.
1.19 5
Responsibility for Errors in Data.
7.38 77
Responsibility for Errors in Electronically Filed Data.
1.22 7
Restitution Determination Procedures.
8.13 88
Right of CASA to Appear.
7.01 63
Sale of Conservatee's Residence.

4.41 42
Sale of Specifically Devised Property.
4.67 45
Sanctions.
2.00 9
7.05 64
Scope of Rules.
6.00 60
Self-Represented Parties Acting as Counsel.
1.02 1
Sessions.
16.00 106
Setting Civil Cases for Trial.
2.88 28
Setting Evidentiary Hearing Motions.
10.17 100
Setting Evidentiary Hearing on Discovery Motions (Pitchess).
10.18 100
Settlement Conference Procedures Assignments, Duties and Requirements of Counsel, Parties, and Insurers.
2.94 29
Settlement Conference.
7.41 78
Settlement Conferences - Small Claims and Unlawful Detainer Cases Heard at the Carol Miller Justice Center.
2.94.01 31
Settlement Conferences.
2.93 29
Settlement Conferences.
4.11 39
Settlement of Contested Matters.
4.12 39
Severability of Provisions.
5.07 50
Sexually Violent Predator Cases.
1.18 5
Signature of Self-Represented Party on Agreement or Stipulation - Notary Required.
5.12 52
Small Claims - Request to Correct or Cancel Judgment and Answer.
2.23 15
Special Letters, Notice, and Appointment.
4.54 43
Standing Income Deduction Order.
10.62 104
Statement of Issues and Contentions.
5.29 56
Statement of the Case.
2.99.02 33
Stipulated Judgment Form to Be Separate from Stipulation.
2.17 13
Stipulation to Establish or Modify Child Support - Child Receiving Public Assistance.
5.31 57
Stipulation to Mediation.
2.76 25
Substitution or Association of Attorneys or of Party In Pro Per.
2.08 10
Taking Matters off Calendar.
10.16 100
Telephone Appearance.
5.24 54
Temporary Release from Jail.
10.61 104
Temporary Spousal Support - Calculation.
5.22 54
Tentative Ruling System.

1.06 2
Time Estimates - Long Cause Hearing and Trial.
5.27 55
Time Limits on Notice of Motion.
10.14 98
Timing of Mediation and Trial Dates.
2.79 26
Title of Rules.
5.00 50
Trial Assignment.
8.16 92
Trial Brief.
2.99.01 33
Trial by Declaration.
9.00 95
Trial Judge Motions.
2.12 12
Trial Procedures.
4.13 39
Trial Readiness Conference.
10.41 102
Trial Readiness Notification.
10.54 103
Trial Setting Process for Civil Cases Other Than Short Cause Matters.
2.89 28
Trial Setting.
2.90 28
Trial SettingMemorandum to Set.
5.26 55
Trust Accountings.
4.84 48
Trusts Created Pursuant to Court Order.
3.03 35
Type of Mediation Available.
2.74 25
Typing Services or Non-Attorney Court Document Preparers.
1.15 4
Uninsured Motorist Cases: Duty to Advise Court of Uninsured Motorist Claim Additional Time for the Resolution of Claim Duty to Advise Court of Resolution of Claim.
2.49 20
Use of Cameras or Recording Equipment.
6.04 61
Vacancy and Challenge of ADR Neutral.
2.77 25
Video Presentation of Conservator's Duties.
4.40 42
Voir Dire Juror Questionnaire.
1.08 3
Voluntary Civil Mediation.
2.73 25
Waiver of Bond.
4.58 44
Waiver of Court Fees and Costs.
1.09 3
Withdrawal as Attorney of Record.
10.03 96
Withdrawal of Funds.
3.01 35
Witness List.
2.99 33

LOCAL FORMS MASTER LIST
(By operational section)

CIVIL		
Abandonment of Appeal	CV\E–MU-01	Optional
Amendment to Complaint	CV\E–120	Optional
Attorney/Party Compliance Statement	CV\E–112	Mandatory
Award of Arbitrator	CV\E–126	Mandatory
Case Management Conference Request	CV\E–144	Mandatory
Program Case Notice	CV\E–143	Mandatory
Certificate of Service	CV\E–128	Mandatory
Designation Statement	CV\E–113	Mandatory
Uninsured Motorist Statement	CV\E–132	Mandatory
Ex Parte Application to Extend Arbitration Date	CV\E–115	Mandatory
Rejection of Arbitration Award and Request for Trial de Novo	CV\E–116	Optional
Certificate of Service	CV\E–128	Mandatory
Certification for Short Cause Matters	CV\E–131	Mandatory
Civil Bench Warrant with Instructions	CV\E-127A&B	Mandatory
Default Judgment Status Statement	CV\E–148	Mandatory
Designation Statement	CV\E–113	Mandatory
Ex Parte Application to Extend Arbitration Date	CV\E–115	Mandatory
Judgment by Default by Clerk	CV\E–121	Optional
Judgment by Default by Court	CV\E–122	Optional
Judgment Pursuant to 1710.25 (Sister State)	CV\E–123	Optional
Notice of Appeal (Limited Civil Case)	CV\E–MU–17	Optional
Qualification Statement/Notice of Assignment of Arbitration Hearing Date	CV\E–119	Mandatory
Rejection of Arbitration Award and Request for Trial De Novo	CV\E–116	Optional
Uninsured Motorist Statement	CV\E–132	Mandatory
Arbitrator Panel Application	CV\E – ARB-102	Mandatory
Stipulation and Order to Mediation – Unlimited Civil Cases	CV\E-MED-179	Mandatory
Limited Civil Case Status Memorandum	CV\E-202	Mandatory

Stipulation and Order to Arbitration/Mediation – Limited Civil Cases	CV\E-203	Mandatory
CRIMINAL		
Petition & Order under PC 851.8	CR-84	Mandatory
Request for Tape Transcripts	CV/I-ER209	Mandatory
FAMILY LAW		
Attachment to Request for Elder and Dependent Adult Abuse Restraining Orders	FL/E-LP-614	Mandatory
Attachment to Petition for Injunction Prohibiting Harassment	FL/E-LP-615	Mandatory
Authorization for Non-Attorney Court Document Preparer	FL/E-LP-609	Mandatory
Petition for Grandparent Visitation	FL/E-LP-606	Mandatory
Declaration Notice Upon Ex Parte Application for Orders	FL/E-LP-604	Mandatory
Attachment to Request for Domestic Violence Restraining Order	FL/E-LP-613	Mandatory
Family Law Case Demographics Information Sheet for Child Custody/Visitation	FL/E-ME-811	Mandatory
Child Custody Recommending Counseling (CCRC) Return and Notice of Hearing Re: CCRC Report	FL/E-ME-810	Mandatory
Notice of Hearing on Memorandum to Set Counter Memorandum to Set (Family Law)	FL/E-LP-605	Mandatory
Memorandum to Set (Family Law) /Amended Memorandum to Set (Family Law)	FL/E-LP-625	Mandatory
Response to the Petition for Private Child Custody Recommending Counseling	FL/E-LP-602	Mandatory
Order for Private Child Custody Recommending Counseling	FL/E-LP-603	Mandatory
Parent Child Relationship Declaration (Family Code Section 6323)	FL/E-LP-616	Mandatory
Petition for Joinder (Custody/Visitation)	FL/E-LP-607	Mandatory
Petition for Joinder (Property etc.)	FL/E-LP-608	Mandatory
Petition for Confidential Mediation	FL/E-ME-804	Mandatory
Petition for Private Child Custody Recommending Counseling	FL/E-LP-601	Mandatory
Declaration of Private Child Custody Recommending Counselor Regarding Qualifications	FL/E-FR-411	Mandatory
Family Law Request for Telephone Appearance	FL/E-CT-022	Mandatory
Order Granting Inspection of Adoption Records	FL/E-LP-646	Optional
Petition to Inspect Adoption Records	FL/E-LP-645	Optional
Investigation Questionnaire	FL/E-LP-647	Mandatory
Attachment to Petition for Orders to Stop Private Postsecondary School Violence	FL/E-LP-650	Mandatory

Postsecondary School Violence Order Date of Birth Verification	FL/E-LP-649	Mandatory
Attachment to Petition for Orders to Stop Workplace Violence	FL/E-LP-648	Mandatory
Workplace Violence Order Date of Birth Verification	FL/E-LP-651	Mandatory
Elder Abuse Date of Birth Verification	FL/E-LP-641	Mandatory
Civil Harassment Date of Birth Verification	FL/E-LP-639	Mandatory
Domestic Violence Date of Birth Verification	FL/E-LP-640	Mandatory
Statement of Issues	FL/E-CT-032	Optional
Family Law Agreement	FL/E-CT-025	Optional
Facsimile Request to Drop or Continue Hearing, Long Cause Hearing or Trial	FL/E-CT-031	Mandatory
Family Law Case Participant Enrollment Form (Party)	FL/E-LP-660	Mandatory
Family Law Case Participant Enrollment Form (Attorney of Record)	FL/E-LP-663	Mandatory
Inmate Request for Payment Plan	FL/E-LP-657	Mandatory
Statement of Account (Authorization By Inmate For Release of Financial Records)	FL/E-LP-658	Optional
Inmate Payment Plan Order	FL/E-LP-659	Mandatory
Consent of Parent For Minor to Marry	FL/E-LP-661	Optional
Out of State Request for Copies of Family Law Records	FL/E-LP-662	Mandatory
Underage Marriage Permission Applicant Information	FL/E-ME-822	Mandatory
JUVENILE		
Application for Rehearing and Statement	JC\E-001	Mandatory
Application for Court-Appointed Juvenile Justice Expert Panel	JC-E-663	Mandatory
Certification of Attorney Competency	JC\E-005	Mandatory
Complaint Regarding Performance of Court Appointed Attorney	JC\E-003	Mandatory
Court Order for Medical Authorization	JC\E-670	Mandatory
Court Ordered Psychological/Psychiatric Evaluation or Mental Health Assessment for Children	JC\E – 327	Mandatory
Court Ordered Psychological/Psychiatric Evaluation or Mental Health Assessment for Parent(s)	JC\E-326	Mandatory
Declaration for Access to Juvenile Case File in Possession of Juvenile Court	JC-E-667	Mandatory
Dependency Drug Court: Notice of Confidentiality and Waiver	JC-E-368	Mandatory
Juvenile Dependency Ex Parte Application	JC\E-335	Mandatory

Juvenile Dependency Settlement Conference (JDSC) Statement	JC-E-348	Mandatory
Juvenile Expert Panel Fee Claim Form	JC\E-639	Mandatory
Juvenile Proceedings: Request for Court Reporter Transcript	JC-E-010	Mandatory
Motion and Order to Return to Home Court Following Dependency Drug Court	JC-E-367	Mandatory
Motion for Inclusion in Dependency Drug Court	JC\E 361	Mandatory
Notice of Reassignment of Court Appointed Attorney (Without Court Order)	JC\E-362	Mandatory
Notice to Court of Due Diligence of Mailing	JC\E-342	Mandatory
Order Authorizing Medical and Dental Care and Limited Release of Information for Children Placed by the Juvenile Court in Out-of-Home Care	JC-E-365	Mandatory
Order Authorizing Emergency or Non-Routine Medical, Surgical, or Dental Care	JC-E-678	Mandatory
Order on Stipulation and Request for Order Following Meet and Confer	JC\E-324_Order	Optional
Order to Produce State Prisoner to Testify	JC\E-331	Mandatory
Physician's Declaration RE: Medical, Surgical, or Dental Care	JC-E-677	Mandatory
Pre-Jurisdictional Motion to Modify Order of Court and/or Request for New Court Order	JC\E-319	Optional
Pre-trial Statement	JC\E-305	Optional
Request for Court Order Authorizing Emergency or Non-Routine Medical, Surgical, or Dental Care	JC-E-679	Mandatory
Request to Appoint Sacramento Court Appointed Special Advocates (CASA)	JC\E-338	Mandatory
Request to Attend Juvenile Court Proceedings	JC\E-006	Mandatory
Response to Juvenile Court Appointed Sacramento Court Appointed Special Advocates (CASA)	JC\E-339	Mandatory
Stipulation and Request for Order Following Meet and Confer	JC\E-324	Optional
Stipulated Request and Order	JC\E-601	Optional
PROBATE		
Declaration of Diligent Search and Request to Dispense with Notice	PR/E-LP-010	Mandatory
Notification to Court of Address of Conservatorship	PR/E-LP-012C	Mandatory
Notification to Court of Address on Guardian	PR/E-LP012G	Mandatory
Verification that Video Tape of Conservator's Duties has been Viewed	PR/E-LP-020	Mandatory
Declaration and Notice Upon Ex Parte Application for Orders – Probate	PR/E-LP-036	Mandatory
Attachment to Declaration of Notice Upon Ex Parte Application for Orders – Probate	PR/E-LP-043	Mandatory
Request for Court Ordered Visitation	PR/E-LP-026	Mandatory

Proof of Service by Mail (Mediation)	PR/E-LP-024	Mandatory
Request for Confidential Mediation Regarding Visitation	PR/E-LP-025	Mandatory
Account and Report of Conservator and Petition for Approval of Account and Report	PR/E-LP-027	Optional
Final Account and Report of Conservator	PR/E-LP-028	Optional
Final Report on Waiver of Account of Conservator and Petition for Approval of Report	PR/E-LP-029	Optional
Property Tax Certification	PR/E-LP-037	Mandatory
Response to Calendar Notes	PR/E-LP-022	Optional
Authorization for Non-Attorney Court Document Preparer	PR/E-LP-021	Optional
Confidential Conservator Screening Form Additional Page	PR/E-LP-018	Mandatory
Confidential Guardian Screening Form Additional Page	PR/E-LP-008	Mandatory
Confidential Cover Page For Financial Account Statement	PR/E-LP-007	Mandatory
Alternative Dispute Resolution Certification and Selection Form	PR/E-LP-002	Mandatory
Stipulation to Alternative Dispute Resolution and to Select ADR Provider	PR/E-LP-001	Mandatory
Request for Waiver of Probate Court Investigator Fee – Conservator Cases Only	PR/E-LP-044	Mandatory
Caregiver's Authorization Affidavit	PR/E-LP-023	Optional
Account and Report of Conservator and Petition for Approval of Account and Report	PR/E-LP-027	Optional
Final Account and Report of Conservator	PR/E-LP-028	Optional
Final Report on Waiver of Account of Conservator and Petition for Approval of Report	PR/E-LP-029	Optional
SMALL CLAIMS		
Application and Ex Parte Motion for Entry of Satisfaction of Judgment by Court	SCL/E-1	Optional
Certificate of Added Costs	SCL/E-3	Optional
Civil Bench Warrant	SCL/E-2	Mandatory
Civil Bench Warrant with Instructions	7483 Form 056 – County	Optional
Request for Court Reset	SCL/E-5	Optional
TRAFFIC		
Abandonment of Appeal	CR-145	Optional
Accident Citation Failure to Appear Notice		Mandatory
Acknowledgment of Responsibility, Payment of Court Appointed Counsel Fees (PD)	(TRL/I-60	Optional

Agreement to Attend Alcohol or Drug Program	TRL/1-55	Optional
Agreement to Attend Traffic Violator School	TRL/1-32	Optional
Agreement to Pay Department of Revenue Recovery	TRL/I - 31	Optional
Agreement to Pay Fine	TRL/I - 52	Optional
Agreement to Report - Car Seat Program		Optional
Agreement to Report - Safety Program		Optional
Agreement to Report to Alternative Sentencing Program	TRL/I - 54A	Optional
Agreement to Report to Jail	TRL/I-57	Optional
Boater Safety Course Referral		Optional
Civil Assessment Failure to Appear Notice		Mandatory
Copy / Certified Copy Notice	TRL/I-89	Optional
Court Date Change Notice	TRL/I-75	Optional
Court Date Verification Form		Optional
Court Trial Continuance Request Form	TRL/I-70	Optional
Decision and Notice of Decision	TR-215	Mandatory
Deferred Entry of Judgment, Referral and Enrollment Form		Optional
False Insurance Notice	TRL/I-87	Optional
Faretta Warning Form		Optional
Information on Appeal Procedures for Infractions	CR-141	Optional
Loaves and Fishes Community Service Referral Form	TRL/I-53	Optional
Notice and Instructions to Arresting Officer	TR-210	Mandatory
Notice of Appeal and Record of Oral Proceedings	CR142	Optional
Notice of Court Driver's License Suspension		Optional
Notice of Decision - Trial in Absentia Notice	TRL/I-92	Optional
Notice of Fines Due	TRl/I-100	Optional
Notice of Non-Compliance / Clearance	TRL/I-102	Optional

Notice of Non-Compliance or Ineligibility	TRL/I-86	Optional
Officer's Declaration	TR-235	Mandatory
Order and Notice to Defendant of New Trial (Trial de Novo)	TR-225	Mandatory
Order Concerning Appellant's Proposed Statement on Appeal	CR - 144	Optional
Plea in Absentia Form		Optional
Proof of Insurance Insert	TRL/I-71A	Optional
Proof of Service	APP-109	Optional
Proposed Statement on Appeal	CR-143	Optional
Red Light Camera Statement Regarding Identification	TR-200 TR-205 TRL/I-16	Optional
Request for New Trial (Trial de Novo)	TR-220	Mandatory
Request Returned to Defendant Notice	TRL/I-84	Optional
Traffic School Notice of Non-Compliance / Ineligibility	TRL/I-73	Optional
Verification of Counter/Court Appearance Form	TRL/I - 18	Optional
Waiver & Plea Form		Optional
Written Trial by Declaration - Complete Packet		Optional
UNLAWFUL DETAINER		
Amendment To Complaint	UDL/E-1	Optional
Declaration in Support of Application for Default Judgment	UDL/E-7	Optional
Judgment by Default by Clerk For Restitution of Premises	UDL/E-3	Optional
Judgment by Default by Court	UDL/E-4	Optional
Notice of Time and Place of Trial	UD	Mandatory
Prejudgment Claim of Right of Possession	UDL/E-6	Optional
Proof of Service by Mail	UDL/E-8	Optional

(Revised 1/1/2014; revised 1/1/2016; revised 1/1/2017; revised 1/1/2018; revised 1/1/2019)