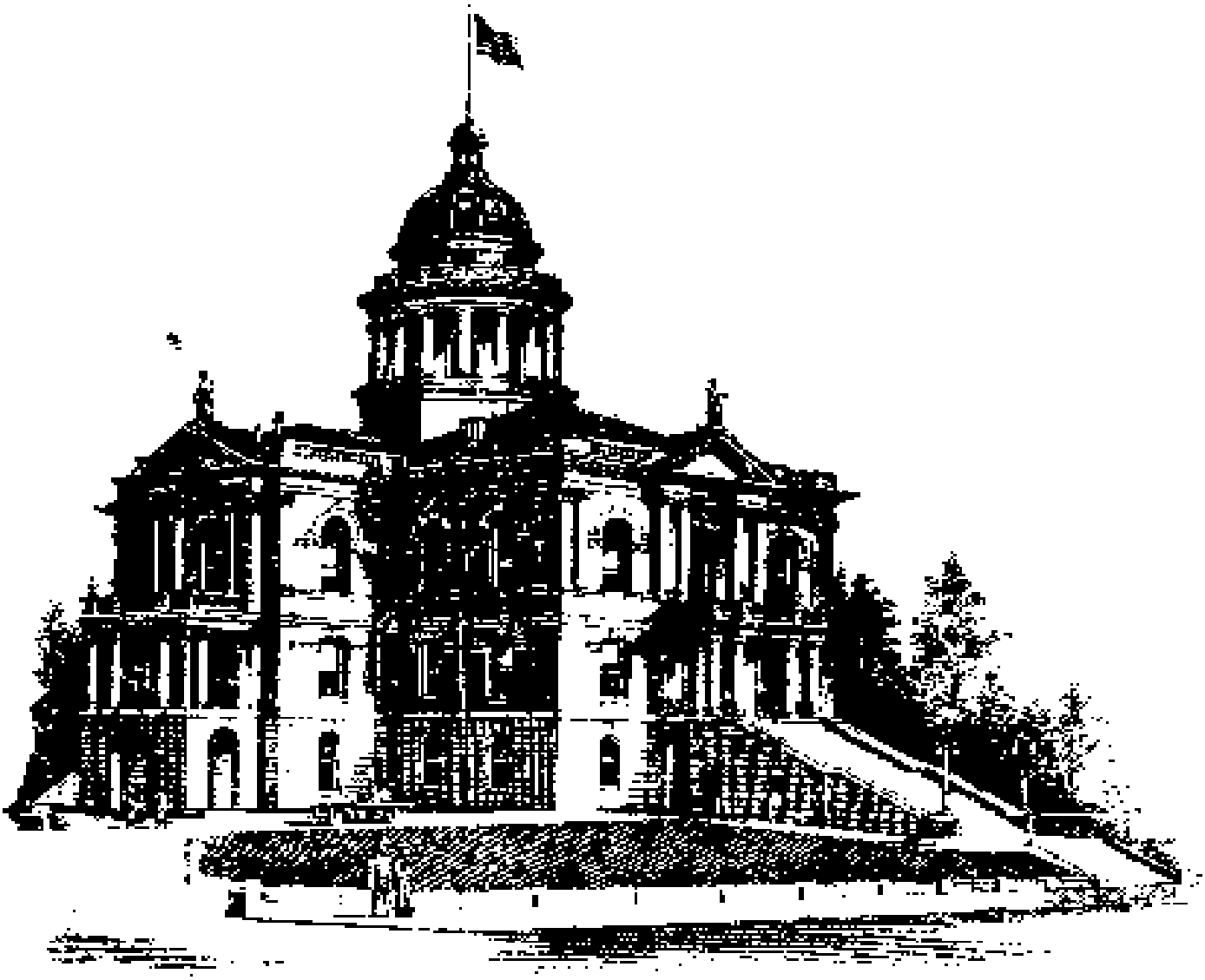
Superior Court of California, County of Placer



Local Rules of Court

Price: $20.00
Revision: January 1, 2016

www.placer.courts.ca.gov

NOTICE

Rules May be Purchased at the Following Superior Court Locations:

Superior Court, located at:

Santucci Justice Center	Historic Courthouse	Tahoe Courthouse
10820 Justice Center Drive	101 Maple St.	2501 N. Lake Blvd./P.O. Box 5669
Roseville, CA 95678	Auburn, CA 95603	Tahoe City, CA 96145
(916) 408-6000	(916) 408-6000	(530) 584-3460
8:00 a.m. – 3:00 p.m.	8:30 a.m. – 12:00 p.m.	8:00 a.m. – 3:00 p.m.

[Effective 7/1/14]

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

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QUICK REFERENCE GUIDE TO CHANGES TO LOCAL RULES

The following rules have been changed since the last revision on July 1, 2015 – the effective date for all of these changes is January 1, 2016. Changes are highlighted with the use of ***bold*** *text.*

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10.00 LOCAL RULES - GENERAL

RULE 10.1 SCOPE OF RULES FOR THE SUPERIOR COURT

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

RULE 10.2 EFFECTIVE DATE OF RULES

These rules shall take effect on **January 1, 2016**. Changes since the last publishing have been highlighted with the use of bold text. These rules shall on their effective date supersede all local court rules previously adopted by the Placer County Superior Court. **[Effective 7/1/16]**

RULE 10.3 EFFECTS OF RULES AND CITATION OF RULES

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

RULE 10.4 DEPARTMENTS

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

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

31	-	10820 Justice Center Drive, Santucci Justice Center, 1st Floor, Roseville
32	-	10820 Justice Center Drive, Santucci Justice Center, 1st Floor, Roseville
33	-	10820 Justice Center Drive, Santucci Justice Center, 1st Floor, Roseville
40	-	10820 Justice Center Drive, Santucci Justice Center, 2nd Floor, Roseville
41	-	10820 Justice Center Drive, Santucci Justice Center, 2nd Floor, Roseville
42	-	10820 Justice Center Drive, Santucci Justice Center, 2nd Floor, Roseville
43	-	10820 Justice Center Drive, Santucci Justice Center, 2nd Floor, Roseville
44	-	10820 Justice Center Drive, Santucci Justice Center, 2nd Floor, Roseville

[Effective 1/1/09]

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

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

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

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

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

[Effective 7/1/01]

RULE 10.6 SANCTIONS FOR VIOLATIONS OF LOCAL RULES

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

RULE 10.7 SUBSECTION DELETED [Effective 7/1/11]

RULE 10.8 EX PARTE ORDERS

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

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

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

RULE 10.9 FILING OF DOCUMENTS

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

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

C. All documents submitted for filing shall contain the submitting attorney's California State Bar Number as a part of the attorney's name, address and telephone number on the first page of all papers presented for filing; papers presented by pro per litigants shall contain the party's name,

address and telephone number. All papers presented for filing by an attorney which do not contain such state bar number shall be rejected for filing by the clerk unless otherwise ordered by the Court.

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

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

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

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

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

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

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

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

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

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

N. All persons submitting documents for filing are expected to provide the clerk with a self-addressed, postage paid envelope for the return of conformed or endorsed copies if the return of

copies is requested. Documents not accompanied by a postage-paid envelope will be placed in the attorney's document pickup box located in the clerk's office. Documents placed in the pickup box are expected to be claimed within thirty (30) days of being placed therein. All documents remaining unclaimed in excess of thirty (30) days will be deemed to have been abandoned and will be discarded by the clerk without notice.

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

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

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

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

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

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

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

V. The court will not accept for filing or file any documents e-mailed or faxed directly to Court Administration or a Judicial Officer. Except for submittal of form MC-410 Request for Accommodation by Persons with Disabilities and Response and proposed orders submitted pursuant to Local Rule 20.2.3, documents and pleadings that are emailed or faxed directly to Court Administration or a Judicial Officer will not be filed, responded to or considered by the Court. [Effective 1/1/14]

RULE 10.10 PLACE OF FILING

A. Except as provided in subsections B through E, or as otherwise ordered by the Court, all filings presented to the Superior Court, shall be filed at the clerk's office in the Santucci Justice Center, located at 10820 Justice Center Drive in Roseville, CA, between the hours of 8:00 AM and 3:00 PM, Monday through Friday, excluding court holidays, or at the clerk's office in the Auburn Historic Courthouse, located at 101 Maple Street in Auburn, CA, between the hours of 8:00 AM and 12:00 PM, Monday through Friday, excluding court holidays. [Effective 7/1/11]

B. The Tahoe Court does not accept Adoption, Family Support, Juvenile, or Probate papers. These documents must be filed at the appropriate clerk's office, as specified in subsections A, C through E. All other filings within the Superior Court's jurisdiction, presented for filing to the

Superior Court's Tahoe Division, shall be filed at the clerk's office, located at 2501 North Lake Boulevard, in Tahoe City, CA, between the hours of 8:00 AM and 3:00 PM, Monday through Friday, excluding court holidays. [Effective 7/1/11]

C. All Juvenile filings, presented for filing to the Superior Court, shall be filed at the Auburn clerk's office, located at 11270 "B" Avenue in Auburn, CA, between the hours of 8:00 AM and 3:00 PM, Monday through Friday, excluding court holidays. [Effective 7/1/11]

D. Except as provided in subsection B, or as otherwise ordered by the Court, all Traffic citations, criminal complaints, and all non-traffic violations, including animal control and building code violations, shall be filed at the clerk's office in the Santucci Justice Center, located at 10820 Justice Center Drive in Roseville, CA, between the hours of 8:00 AM and 3:00 PM, Monday through Friday, excluding court holidays. [Effective 7/1/11]

E. All child support complaints filed by the Placer County Department of Child Support Services shall be filed at the clerk's office in the Santucci Justice Center, located at 10820 Justice Center Drive in Roseville, CA, between the hours of 8:00 AM and 3:00 PM, Monday through Friday, excluding court holidays. [Effective 7/1/11]

F. Filings presented to the Superior Court, with the exception of Juvenile filings, may be placed in any of the court's after-hours drop boxes until 4:00 PM, Monday through Friday, excluding court holidays. Filings placed in the court's after-hours drop boxes after 4:00 PM will be filed by the court on the next court day. An after- hours drop box is available at all of the Clerk's Offices, as specified in subsections A through B and D through E. Filings not placed in the court's after hours drop box will not be accepted for filing. [Effective 7/1/11]

RULE 10.11 SUBSECTION DELETED [Effective 1/1/14]

RULE 10.12 COURT FILES

A. No papers shall be removed from any Court file of actions or placed therein except by authorized Court personnel. The clerk shall not deliver any papers filed except for purposes of inspection in the office of the clerk, to the possession of any person other than an employee of the Court unless so ordered by the Court. [Effective 7/1/01]

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

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

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

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

RULE 10.13 DEPOSITS INTO COURT TRUST ACCOUNT

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

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

RULE 10.14 COURT INTERPRETERS

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

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

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

RULE 10.15 COURT REPORTERS

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

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

Any litigant who wishes to obtain a record of a hearing for any of the above types of matters must arrange for a court reporter at his or her expense. The Court's regular reporters may be available by calling Court Services at (916) 408-6153 sufficiently in advance of the hearing. Fees will also be charged for the use of regular reporters in the above-mentioned calendars as follows: Half day (more than one hour and less than 4 hours): $320.00; Full day (4 hours or more): $440.00. Checks for such services should be made payable to the Placer County Superior Court and paid for at the Clerks' Office. [Effective 7/1/13]

If a regular reporter is not available, litigants may arrange for the attendance of a private certified court reporter to report proceedings. [Effective 7/1/13]

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

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

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

Please be advised that if using a DVD that is "homemade" (not store-bought) the Court cannot guarantee that it will work in the court DVD player. In this case, attorneys are recommended to furnish their own player. If furnishing the player, the appropriate clerks' office should be notified at least two working days in advance of the court date. [Effective 7/1/05]

RULE 10.17 STANDARDS OF PROFESSIONAL CONDUCT FOR ATTORNEYS

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

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

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

RULE 10.18 ELECTRONIC RECORDINGS, COPIES

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

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

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

RULE 10.19 RECORDING DEVICES IN CLERK'S OFFICE

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

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

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

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

[Effective 1/1/11]

RULE 10.20 MOTIONS TO BE RELIEVED AS COUNSEL

Pursuant to California Rules of Court, Rule 3.1362(e), an order granting a motion to be relieved as counsel of record will not become effective until the proof of service of a copy of the signed order on the client has been filed with the court. [Amended and Renumbered 7/1/15]

RULE 10.21 ELECTRONIC COMMUNICATIONS WITH JUDICIAL OFFICERS

Consistent with all applicable laws, the Canons of Judicial Ethics, and the California Rules of Professional Conduct, an attorney or party may communicate by electronic mail with a judicial officer only as authorized by and at the discretion of the judicial officer. [Effective 7/1/15]

RULE 10.22 ELISORS

Where one of the parties fails to execute a document necessary to carry out a court order, the Clerk of the Superior Court, or the Clerk's authorized representative or designee, may be appointed as elisor to sign the document. When applying for an appointment of an elisor, the application and proposed order must designate "The Clerk of the Court or Designee" as the elisor and indicate for whom the elisor is being appointed and in what capacity they are to sign the document. An application for appointment of an elisor may be made ex parte or by emergency request in family law. The application must not set forth a specific court employee. The order must expressly identify the document(s) being signed and a copy of the document(s) must be attached to the proposed order. The original document, presented for signature by the elisor must match the copy of the document attached to the proposed order.

The order shall clearly identify the documents: A deed must state the type of deed (i.e. grant deed, interspousal transfer deed, et cetera). Escrow documents must be listed separately (i.e. Escrow Instruction Dated, Disclosure Regarding Real Estate Agency Relationship, Hazard Report, et cetera). The sample copy shall be highlighted in the location(s) where the elisor is to sign his/her name. Beneath the signature line(s) on the sample copy the moving party shall print the language being requested to identify the elisor's signature.

The declaration supporting the application must include specific facts establishing the necessity for the appointment of an elisor.

If the Court grants the application of an elisor, the moving party shall contact Court Administration to arrange for a time for the actual signing of the documents. The appointed elisor has up to three (3) court days to complete the actual signing of the documents. Any exceptions to the three day period shall be addressed on a case-by-case basis by the Court.

If the elisor is signing documents requiring notarization, the applicant must arrange for a notary public to be present when the elisor signs the documents.

[Effective 1/1/16]

20.00 CIVIL AND SMALL CLAIMS

RULE 20.1 CIVIL CASE MANAGEMENT UNDER THE DELAY REDUCTION ACT (Govt C§68600 et seq.) [Effective 7/1/01; Amended 7/1/15]

RULE 20.1.1 CIVIL CASES SUBJECT TO THESE RULES

A. The local rules under Rule 20.1 are adopted pursuant to the Trial Court Delay Reduction Act and apply to all "general civil cases" as defined in California Rules of Court, Rule 1.6(4), which excludes probate, guardianship, conservatorship, juvenile, family law proceedings (including proceedings under divisions 6-9 of the Family Code, Uniform Parentage Act, Domestic Violence Prevention Act, and Uniform Interstate Family Support Act; freedom from parental custody and control proceedings; and adoption proceedings), small claims proceedings, unlawful detainer proceedings, and "other civil petitions" (including civil harassment, elder abuse, workplace violence; petitions for name change; election contest petitions; and petitions for relief from late claims). [Effective 7/1/07; Amended 7/1/15]

RULE 20.1.2 CLASSIFICATION OF CASES

Pursuant to California Rules of Court, Rule 3.714, all general civil cases shall be managed and disposed of within the following classifications and time limits from the date of filing:

GENERAL CIVIL - Class 1 - 12 MONTHS

GENERAL CIVIL - Class 2 - 18 MONTHS

GENERAL CIVIL - Class 3 - 24 MONTHS

GENERAL CIVIL – COMPLEX - 36 MONTHS

A case falling under the "general civil –complex" classification is an "exceptional case" as described in California Rules of Court, Rule 3.714(c). At a case management conference, the court will evaluate and assign each case to the appropriate classification pursuant to the timelines in California Rules of Court, Rule 3.714(b). [Effective 7/1/01; Amended 7/1/15]

RULE 20.1.3 SUBSECTION DELETED [Effective 7/1/15]

RULE 20.1.4 SUBSECTION DELETED [Effective 7/1/15]

RULE 20.1.5 CHANGE IN CLASSIFICATION

A. For good cause shown, the court may enter an order changing the classification of a general civil case upon a noticed motion on the civil law and motion calendar or on the court's own motion. [Effective 1/1/04; Amended 7/1/15]

RULE 20.1.6 SUBSECTION DELETED [Effective 7/1/15]

RULE 20.1.7 CIVIL CASE MANAGEMENT CONFERENCES

A. Date of first case management conference. A first case management conference will be scheduled and held in all civil cases approximately one hundred and twenty (120) calendar days from the date of the filing of the complaint, except for collection cases under California Rules of Court, Rule 3.740. The date of the conference shall be set by the clerk at the time the complaint is filed. [Effective 1/1/13; Amended 7/1/15]

Plaintiff shall serve the clerk's notice of the first case management conference together with the summons and complaint.

Cross-complainant shall serve the clerk's notice of the first case management conference with the cross-complaint on any party added to the action by the cross-complaint before the first case management conference. [Effective 7/1/15]

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

C. Participation in case management conferences; notice of intent to appear.

Appearance at the first case management conference is not required. Appearances at subsequent case management conferences will be required only if deemed necessary by the Court.

If an appearance is not required by the court but an attorney or unrepresented party wishes to appear at the case management conference, the attorney or unrepresented party must provide written notice of the intent to appear. The notice shall be delivered to the clerk's office and provided to all other parties no later than 3:00 p.m. on the Thursday prior to the case management conference. Notices may be faxed to the attention of the case management clerk at (916) 408-6275. [Effective 1/1/13; Amended 7/1/15]

D. Case management calendar notes. The Court will issue case management calendar notes approximately twelve (12) calendar days prior to the case management conference. The notes will state whether an appearance is required, the procedural status of the case, any future dates set by the court (including any further case management conferences, trial dates, order to show cause hearings, etc.). The calendar notes will be based on information included in the parties' case management conference statements and in the file. The court may decline to consider untimely case management conference statements. [Effective 1/1/13]

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

E. Case management order. The court will enter a case management order after the case management conference. The order will include future hearing dates set by the court and any other orders the court deems necessary, including matters listed in California Rules of Court, Rule 3.728.

Unless the court otherwise directs, the clerk will mail a copy of the case management order to each attorney or unrepresented party only when (a) no hearing is held and the court sets trial and trial-related dates, or (b) the case management conference is dropped and an order to show cause hearing is set. [Effective 1/1/13; Amended 7/1/15]

F. Telephone appearances. Persons may appear at case management conferences by telephone pursuant to Local Rule 20.8. [Effective 7/1/14]

RULE 20.1.8 CASE MANAGEMENT CONFERENCE STATEMENT

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

RULE 20.1.9 ARBITRATION

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

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

C. Referral to Arbitration. When a case is referred to judicial arbitration, the Court will set a deadline for the completion of arbitration. This deadline shall not be modified unless the trial date is also modified by the Court. Failure to arbitrate by the date given by the Court may result in the arbitration referral being vacated. The deadlines for filing of the arbitration award and a request for trial *de novo* shall be governed by the appropriate statute. Failure to timely file a request for trial *de novo* shall result in entry of judgment based on the arbitration award and vacation of the mandatory settlement conference and trial dates. [Effective 7/1/08]

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

RULE 20.1.10 SETTLEMENT CONFERENCES

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

B. Not later than ten (10) days prior to the scheduled conference, all parties shall serve and file a settlement conference statement with the clerk. The Court may impose monetary sanctions payable to the Superior Court of the State of California, in and for the County of Placer, for failure of

any party to timely file a settlement conference statement in accordance with this rule. [Effective 7/01/08; Amended 7/1/15]

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

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

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

Telephone appearances at settlement conferences are highly disfavored. Written requests to appear by telephone must be received by the Master Calendar Department ten (10) days prior to the settlement conference. The Master Calendar Department will notify the requesting person after the court has determined whether to grant the request. [Effective 1/1/13; Amended 7/1/15]

E. If a settlement is reached prior to the settlement conference date, the master calendar clerk must be notified immediately. Notifying the clerk of the settlement does not vacate the trial dates but the court may set an OSC regarding dismissal of the case. A dismissal, stipulated judgment, or *Notice of Settlement (Judicial Council Mandatory Form CM-200)* shall promptly be filed with the clerk. [Effective 7/1/08; Amended 7/1/15]

RULE 20.1.11 CIVIL TRIAL CONFERENCES

A. The court may set a civil trial conference at the time trial is set. A civil trial conference normally will be scheduled ten (10) days before the scheduled trial date. Trial counsel are required to appear at the civil trial conference. At the conference, the court will determine the trial readiness of the case and the estimated time for trial. The court may assign the case to a specific department for trial,

return the case to Master Calendar for assignment, or make other orders necessary for the efficient management of the case.

All trial briefs, witness lists, and neutral statement of the case shall be filed with the clerk at or before the civil trial conference. [Effective 1/1/11**;** Amended and Renumbered 7/1/15]

The court may conduct a settlement conference at the time of the civil trial conference if no settlement conference or other dispute resolution has occurred. In such instances, the presence of trial counsel, the parties, claims representatives, or other persons authorized to settle case is required. When a settlement conference or other dispute resolution has taken place before the civil trial conference, the parties and/or authorized representatives need only be available by telephone and do not need to be personally present. [Effective 7/1/08; Amended and Renumbered 7/1/15]

B. Exhibits shall be presented to the courtroom clerk on the first day of trial. [Effective 1/1/06; Renumbered 7/1/15]

RULE 20.1.12 CONTINUANCES OF CIVIL TRIAL CONFERENCES, SETTLEMENT CONFERENCES, AND TRIALS

No mandatory settlement conference, civil trial conference, or trial may be continued except upon noticed motion set before the presiding judge or another judicial officer as designated by the presiding judge. The parties may also present an ex parte application, subject to the requirements of Local Rule 10.8, requesting a continuance based upon the written stipulation of all parties. Stipulations to continue the trial date must include mutually acceptable future trial dates agreed upon by all parties. No continuance will be granted absent an affirmative showing of good cause. A trial conflict may not be deemed good cause for a continuance unless the conflict arose after the trial date was set and the conflict could not have reasonably been avoided. [Amended and Renumbered 7/1/15]

RULE 20.1.13 SANCTIONS

Sanctions may be imposed upon any party and/or counsel for their failure to appear, failure to file a statement or document required under these rules, or failure to participate in a conference in good faith. The court may also impose sanctions when a case is not ready to proceed to trial or is not compliant with the standards set forth in Rule 20.1. Sanctions may include monetary sanctions, dismissal of the case, or other appropriate sanction. [Effective 7/1/01; Amended and Renumbered 7/1/15]

RULE 20.2 CIVIL LAW AND MOTION PROCEDURES [Effective 7/1/15]

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

B. When the regularly scheduled law and motion calendar is heard by a Commissioner, the parties must file written notice indicating whether or not they stipulate to the Commissioner. Failure to file such notice of stipulation or non-stipulation at least five (5) Court days prior to the hearing date for

the motion will be deemed a stipulation to the Commissioner as temporary judge per CCP §259(d) for all purposes other than trial. [Effective 1/1/11]

C. The requirements of this rule are in addition and subject to the requirements under all applicable statutory provisions and the California Rules of Court. This rule applies to law and motion practice for most general civil cases, including petitions for extraordinary relief and administrative mandate; unlawful detainer proceedings; election contest petitions; and petitions for relief from late claims. The rule does not apply to guardianship, conservatorship, juvenile, family law proceedings, small claims proceedings, habeas corpus proceedings, or petitions to prevent civil harassment; elder abuse; workplace violence; or petitions for name change. [Amended and Renumbered 7/1/15]

RULE 20.2.1 REQUIRED CONFERENCE BEFORE FILING

Prior to filing any motion or demurrer, the moving party must make a reasonable and good faith attempt to resolve the matter, and if resolution is not possible, must attempt to coordinate hearing dates with any opposing parties. A declaration setting forth facts supporting such attempt must be filed with the motion. Orders for examination are exempt from the requirements of this section.
[Effective 7/1/01]

RULE 20.2.2 DROPPING AND CONTINUANCE OF LAW AND MOTION HEARINGS

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

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

RULE 20.2.3 TENTATIVE RULINGS FOR CIVIL LAW AND MOTION

A. Tentative rulings are issued pursuant to this rule only for regularly scheduled civil law and motion calendars.

The court will issue a tentative ruling for all matters heard on regular civil law and motion calendars on the court day prior to the hearing. The tentative ruling will be available after 12:00 noon as an audio recording accessible at (916) 408-6480. The tentative ruling will also be made available on the court's website, www.placer.courts.ca.gov.

The tentative ruling shall become the final ruling on the matter and no hearing will be held unless oral argument is timely requested or the tentative ruling indicates otherwise.

B. Requests for oral argument shall be made by calling (916) 408-6481 (for all departments except the Tahoe Division) or (530) 584-3463 (Tahoe Division only) no later than 4:00 p.m. on the court day prior to the hearing. The requesting party or attorney must leave a voice message stating the name and number of the case, the name of the party requesting oral argument, and that all other parties have been notified of the request.

C. For all matters heard on regularly scheduled civil law and motion calendars, the notice of motion must include one of the following statements:

1. For motions heard in all departments except the Tahoe Division:

"Pursuant to Local Rule 20.2.3, the court will issue a tentative ruling for this matter on the court day before the hearing. The tentative ruling will be available after 12:00 noon as an audio recording accessible at (916) 408-6480; the tentative ruling will also be available at the court's website, www.placer.courts.ca.gov. The tentative ruling shall become the final ruling on the matter and no hearing will be held unless oral argument is timely requested or the tentative ruling indicates otherwise. Requests for oral argument must be made by calling (916) 408-6481 no later than 4:00 p.m. on the court day prior to the hearing."

2. For motions heard in the Tahoe Division:

"Pursuant to Local Rule 20.2.3, the court will issue a tentative ruling for this matter on the court day before the hearing. The tentative ruling will be available after 12:00 noon as an audio recording accessible at (916) 408-6480; the tentative ruling will also be available at the court's website, www.placer.courts.ca.gov. The tentative ruling shall become the final ruling on the matter and no hearing will be held unless oral argument is timely requested or the tentative ruling indicates otherwise. Requests for oral argument must be made by calling (530) 584-3463 no later than 4:00 p.m. on the court day prior to the hearing."

RULE 20.2.4 SUBSECTION DELETED [Effective 7/1/15]

RULE 20.2.5 ORDERS AFTER HEARING; COMPLIANCE WITH ORDERS

A. In addition to the requirements of California Rules of Court, Rule 3.1312, the parties make a good faith attempt to resolve any dispute as to the form of an order after hearing. The prevailing party shall submit the proposed order after hearing to opposing counsel for approval within five (5) days after the court's ruling. The signed order after hearing shall be served on all parties within five (5) days after receipt of the order**.** [Effective 7/1/07; Amended 7/1/15]

B. Unless otherwise directed, compliance with the order after hearing shall be within ten (10) days of service of the signed order. [Effective 7/1/01; Amended 7/1/15]

C. In addition the requirements of California Rules of Court, Rule 3.1312(c) and notwithstanding Local Rule 10.9(V), editable, electronic proposed orders after hearing may be submitted for law and motion matters. These submissions will act as "courtesy copies" to assist the court and will not be filed. Submission of editable electronic proposed orders is not required. Such orders may be submitted by email to proposedorders@placer.courts.ca.gov; no other communications may be sent to this email address. For all emailed submissions: 1) the order must be submitted by email five (5) days prior to the hearing; 2) the order must be in editable Microsoft Word format; and 3) the email must include the case number and hearing date in the subject line. This rule does not excuse

compliance with other statutes or rules governing orders. [Effective 1/1/14; Amended and Renumbered 7/1/15]

RULE 20.2.6 APPLICABILITY OF RULE 20.2

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

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

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

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

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

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

(1) Domestic relations matters;

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

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

RULE 20.3 SETTLEMENTS

A. It is the duty of counsel to notify the court whenever a case has settled. If a settlement is reached prior to the settlement conference date, the master calendar clerk must be notified immediately. Notifying the clerk of the settlement does not vacate the trial dates or other hearing dates but the court may set an OSC regarding dismissal of the case. A dismissal, stipulated judgment, or *Notice of Settlement* (*Judicial Council Mandatory Form* CM200) shall promptly be filed with the clerk. [Effective 7/1/01; Amended 7/1/15]

RULE 20.4 MOTIONS IN LIMINE [Effective 7/1/15; Amended and Renumbered 7/1/15]

A. Application. This rule shall apply to civil cases. [Effective 7/1/11; Amended and renumbered 7/1/15]

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

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

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

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

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

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

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

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

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

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

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

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

5. If the motion concerns deposition testimony, the motion shall be supported or opposed by attached excerpts of relevant deposition testimony, in conformance with California Rule of Court, Rule 3.1116. [Effective 1/1/14]

G. Improper purposes. A motion in limine shall not be used for improper purposes, including

for the purpose of seeking summary judgment and/or summary adjudication of an issue or issues, which motions may only be made in compliance with Code of Civil Procedure section 437c and court rules pertaining thereto.

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

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

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

RULE 20.5 AMENDED AND RENUMBERED 7/1/15, see Local Rule 20.1.12

RULE 20.6 AMENDED AND RENUMBERED 7/1/15, see Local Rule 20.1.11

RULE 20.6.1 AMENDED AND RENUMBERED 7/1/15, see Local Rule 20.4

RULE 20.7 SCHEDULE OF ATTORNEY FEES IN DEFAULT ACTIONS

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

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

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

C. When a plaintiff is entitled to attorney's fees in a residential Unlawful Detainer default judgment, the Court will award the sum of $300 as an attorney fee. If a defendant has filed an answer which requires the matter to be set for trial and it is uncontested, the Court will award the sum of $350

as an attorney fee. If the matter is contested at trial, the Court will award $425 as an attorney fee. The Court may adjust these amounts upon a showing of sufficient justification. Attorney's fees in a commercial Unlawful Detainer shall be determined by the Court upon evidence presented at the hearing or by declaration if no hearing is held. [Effective 7/1/15]

RULE 20.8 TELEPHONIC APPEARANCES - CIVIL

A. Telephonic Appearances for Civil Law and Motion and Other Matters.

1. Civil Law and Motion

Telephonic appearances made through the court's telephonic appearance service are permitted for all civil law and motion matters at all court locations, including the Tahoe Court.

Telephonic appearances must be scheduled through the court's telephonic appearance reservation website, which can be accessed through the court's website (www.placer.courts.ca.gov). There shall be a charge for each telephonic appearance, pursuant to California Rules of Court, Rule 3.670. There may be an additional charge for appearances scheduled less than two (2) court days prior to the scheduled hearing. Charges for telephonic appearances must be paid by credit card or electronic funds transfer through the court's telephonic appearance reservation website. Telephone appearances by cell phones are not permitted.

Any person wishing to appear telephonically for a civil law and motion matter must file Form CIV-020 (NOTICE OF INTENT TO APPEAR BY TELEPHONE) pursuant to California Rules of Court, rule 3.670(h).

Submitting Form CIV-020 (NOTICE OF INTENT TO APPEAR BY TELEPHONE) and/or scheduling a telephonic appearance via the court's website shall not excuse the requirement of requesting oral argument pursuant to Local Rule 20.2.3.

2. Other Matters

Telephonic appearances made through the court's telephonic appearance services are permitted for the following matters: (1) Case Management Conferences; (2) Presiding Judge Orders to Show Cause; and (3) Presiding Judge motions.

Telephonic appearances must be scheduled through the court's telephonic appearance reservation website, which can be accessed through the court's website (www.placer.courts.ca.gov). There shall be a charge for each telephonic appearance, pursuant to California Rules of Court, Rule 3.670. There may be an additional charge for appearances scheduled less than two (2) court days prior to the scheduled hearing. Charges for telephonic appearances must be paid by credit card or electronic funds transfer through the court's telephonic appearance reservation website. Telephone appearances by cell phones are not permitted. Please note that telephonic appearances for the Tahoe Court using the court's telephonic appearance service are only available for Case Management Conferences.

3. Notwithstanding Local Rule 20.8(A)(1) and 20.8(A)(2), the court may order personal appearance. [Effective 7/1/14]

RULE 20.9 SUBSECTION DELETED [Effective 7/1/15]

RULE 20.10 ADULT ADOPTIONS

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

RULE 20.11 INSTALLMENT PAYMENTS

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

RULE 20.12 FILING OF LETTERS IN CIVIL CASES

Unless otherwise permitted by statute, order, California Rule of Court, or Local Rule, letters will not be filed, accepted or considered by the court in civil matters. Parties must file an appropriate application or motion, with any required supporting papers, to request the court's consideration of an issue. [Amended and Renumbered 7/1/15]

RULE 20.13 UNLAWFUL DETAINER CASES [Amended and Renumbered 7/1/15]

A. For each new unlawful detainer action, plaintiff or plaintiffs shall file local form "Notice of Restricted Access" (local form PL-CV002) when the complaint is filed. Plaintiff shall file a copy for the court and one copy for each party to the action. Plaintiff shall also submit a pre-addressed stamped envelope for each party for the court's use in serving the Notice of Restricted Access form.

B. Parties to an unlawful detainer action shall request the matter be set for trial after the case is at issue by filing *Request/Counter-request to Set Case for Trial-Unlawful Detainer* (*Judicial Council form UD-150*), together with "Notice of Time and Place of Trial" (local form PL-CV-001). The parties shall submit a copy of each of these forms for the court and one copy for each party to the action. Parties shall also submit a pre-addressed stamped envelope for each party for the court's use in serving the Notice of Time and Place of Trial.

RULE 20.14 ASSOCIATION OF COUNSEL

A notice of association of counsel must include the name, address, phone number, and bar number of at least one associating attorney. The notice must also be filed and served on all parties with a proof of service attached to the notice. [Amended and Renumbered 7/1/15]

RULE 21.0 SUBSECTION DELETED [Effective 7/1/15]

RULE 21.1 CLERK'S SERVICE OF PLAINTIFF'S CLAIM [Amended 7/1/15]

A. In each small claims case where the clerk serves *Plaintiff's Claim and Order to Go to Small Claims Court (Judicial Council form SC-100)* pursuant to Code of Civil Procedure section 116.340(a)(2), the plaintiff shall file the original claim and order, one complete copy of the claim and

order for each defendant, and up to two additional complete copies of the claim and order for conforming by the clerk. Plaintiff shall submit a pre-addressed envelope for each party for court's use in serving the claim and order. [Effective 1/1/07; Amended 7/1/15]

RULE 21.2 NOTICE OF ENTRY OF JUDGMENT [Effective 1/1/07; Amended 7/1/15]

A. In each small claims case, plaintiff shall lodge *Notice of Entry of Judgment (Judicial Council form SC-130)* with the parties' names and addresses pre-completed. Plaintiff shall lodge a copy for the court and one copy for each party to the small claims case. Plaintiff shall submit a pre-addressed stamped envelope for each party for the court's use in serving the notice of entry at the conclusion of the case. [Effective 1/1/07; Amended 7/1/15]

RULE 21.3 RETURN OF DOCUMENTS [Effective 1/1/07; Amended 7/1/15]

A. In each small claims case filed by mail, plaintiff shall lodge a pre-addressed envelope of sufficient size and with sufficient postage prepaid for the clerk to return any conformed copies. If no such envelope is provided, copies will be returned as provided in Local Rule 10.9(N).
[Effective 1/1/07; Amended 7/1/15]

RULE 22.0 CEQA PETITIONS

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

B. Repealed 7/1/15

C. Repealed 7/1/15

D. Status conference - Upon filing of the request for hearing, a Status Conference shall be set within fifteen (15) days to determine the status of the preparation of the administrative record, to set a briefing schedule, and to set a date for the hearing on the merits. The timelines set forth in PRC §21167.4(c) shall be followed in setting the briefing schedule and hearing on the merits, unless good cause is shown as set forth in PRC §21167.4(c). [Effective 7/1/14; Amended 7/1/15]

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

additional documents are located or are determined to be appropriate for inclusion in the record. The public agency shall include a certification of accuracy with the administrative record that is lodged with the Court. [Effective 7/1/15]

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

An electronic version of the administrative record, if available, is to be included and lodged in conjunction with the paper format of the certified administrative record. The electronic record lodged with the court must comply with California Rules of Court, Rule 3.2207. [Effective 7/1/15]

F. Format of administrative record -

(1) Binding and length of volumes of the administrative record

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

(2) Index

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

(3) Organization

The administrative record must be organized to comply with the requirements outlined in California Rules of Court, Rule 3.2205(a).

(4) Lodging of Electronic Copy of Administrative Record

An electronic version of the administrative record, if available, is to be included and lodged in conjunction with the paper format of the administrative record. The electronic record lodged with the court must comply with California Rules of Court, Rule 3.2207. [Effective 7/1/15]

G. Disputes re contents of administrative record - If any party disputes the accuracy of the administrative record, or wants the administrative record modified by the deletion or addition of documents, such dispute or modification shall be resolved by appropriate noticed motion pursuant to

CCP §1005. Any such motion shall be heard by the assigned CEQA judge. Such motion shall be heard prior to the hearing on the merits of the petition. Alternatively, the parties may stipulate to a modification of the administrative record.

H. Briefs - The briefs shall contain specific references to the administrative record, by record volume and page number and the document title, in support of any factual contentions asserted by a party in its brief. A reference to "the whole file" is not a specific reference. Each party shall submit an appendix to their brief(s) which contains copies of the pages of the administrative record cited in their briefs. The pages of each appendix shall be in BATES stamp order. [Effective 7/1/15]

RULE 23.0 VEHICLE FORFEITURE UNDER VEHICLE CODE SECTION 14607.6

A. The clerk shall set the hearing on the Petition for Forfeiture of Vehicle at the time of the filing of the petition.

Within five (5) court days of the filing of the petition, the district attorney shall cause the petition to be served on all claimants, and all legal and registered owners of the vehicle, by personal service or certified mail, return receipt requested. Proof of service shall be filed within ten (10) court days of the filing of the petition. [Effective 1/1/14]

B. The required filing fee shall be paid, or an Application for Waiver of Court Fees and Costs shall be filed, at or prior to the time of the hearing. [Effective 1/1/14]

30.00 FAMILY LAW

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

A. Mediation Procedures:

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

2. A moving party shall provide the court with a minimum of three copies of any Order to Show Cause (OSC) or ~~Notice of Motion (NOM)~~ **Request for Order** requesting a hearing on issues of custody and/or visitation. **[Effective 1/1/16]**

3. Unless rule 30.1(D) applies, all filings which request custody and/or visitation orders, including an Order to Show Cause or ~~Notice of Motion~~ **Request for Order**, shall be referred to Child Custody Recommending Counseling. Such referral documents shall be processed without the requirement of a judicial officer's signature. A stamped signature on such referral shall carry the same authority as an original signature. **[Effective 1/1/16]**

4. Assignment of a CCRC shall be made by the Court's **Family Court Services Director or the** Child Custody Recommending Counseling Coordinator. ~~or the Director of Family Court Services.~~ All parties shall provide the court with a current address and phone number and the address and phone number of the opposing party, if available. The ~~Court~~ **Family Court Services Director** shall consider the geographical locations of the parties in assigning a CCRC. **[Effective 1/1/16]**

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

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

7. Upon a showing of good cause, ~~telephone~~ Child Custody Recommending Counseling may take place **telephonically** when either party will suffer extreme hardship by traveling to the Child Custody Recommending Counseling appointment. The request for telephone Child Custody Recommending Counseling shall be made to the appointed CCRC in advance of the Child Custody Recommending Counseling appointment. Telephone Child Custody Recommending Counseling may be authorized by the Court, the Director of Family Court

Services, or any individual CCRC to whom a Child Custody Recommending Counseling assignment has been made. **[Effective 1/1/16]**

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

9. If the Court determines that a party was notified of the Child Custody Recommending Counseling appointment and failed to appear, the non appearing party may be ordered to pay a fee for a subsequent Child Custody Recommending Counseling appointment. That party may be ordered to pay the fee to the Court or directly to the CCRC as the Court shall determine, prior to the commencement of the subsequent Child Custody Recommending Counseling appointment. [Effective 7/1/13]

10. If neither party appears for a scheduled Child Custody Recommending Counseling appointment, any request for a re-referral to Child Custody Recommending Counseling shall be initiated by filing a subsequent **Request for Order** ~~motion~~ and paying the filing fees associated with such **Request for Order** ~~motion~~. Both parties may be ordered to pay the Child Custody Recommending Counseling fee to the Court or directly to the CCRC as the court shall determine, prior to any re-referral to Child Custody Recommending Counseling. **[Effective 1/1/16]**

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

12. Parties may stipulate to attend Private Child Custody Recommending Counseling by ~~completing an Order and Stipulation~~ **submitting a Stipulation and Order** form, ~~stamped by the judicial officer~~ **to the Court for signature**. Any Child Custody Recommending Counselor engaging in Private Child Custody Recommending Counseling shall complete an affidavit attesting to their qualifications under California Rules of Court**, rules** 5.210, 5.225**,** and 5.230. **[Effective 1/1/16]**

B. Child Custody Recommending Counseling Orientation

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

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

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

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

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

C. Emergency Child Custody Recommending Counseling

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

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

E. Child Custody Recommending Counseling Agreements

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

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

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

4. If the parties reach agreement in Child Custody Recommending Counseling, the CCRC shall report the agreement to the Child Custody Recommending Counseling Coordinator. The Coordinator shall direct the CCRC's letter and/or written agreement to a judicial officer for review and approval. Once approved and signed by a judicial officer, the agreement of the parties shall become a Temporary Order of the Court. Any party **who later** object~~sing~~ to the agreement as written or otherwise object~~sing~~ to the temporary order shall file **objection(s)** ~~a motion objecting~~ to **the** entry of the order within fifteen days after service of the signed order of the court. In the absence of ~~a~~ properly filed and noticed **objection(s)** ~~motion~~ filed within

fifteen days from service of the signed order, such temporary order shall become a valid and enforceable order. **[Effective 1/1/16]**

F. Non-confidential Child Custody Recommending Counseling.

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

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

3. The Child Custody Recommending Counseling Coordinator shall file the Child Custody Recommending Counseling recommendation and report in a confidential envelope. It shall be the responsibility of the parties or their attorneys to bring the matter before the Court by properly filed and noticed motion. The Child Custody Recommending Counseling report shall not be attached to any pleadings. [Effective 1/1/12]

4. The Court will receive the recommendation of the CCRC into evidence, without further need for foundation or authentication, at the time of the hearing on any family law and motion calendar. [Effective 7/1/13]

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

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

7. In the event the hearing for which a CCRC has been subpoenaed is continued or otherwise cancelled, notice of the continuance or cancellation shall be provided to the CCRC at least ten days prior to the scheduled hearing. In the absence of ~~ten days notice~~ **a court order to the**

contrary, the appearance fee of the CCRC shall be deemed earned and the party posting the fee shall not be entitled to a refund of any portion of the fee paid **if ten days notice is not provided**. **[Effective 1/1/16]**

G. Challenges to Assigned CCRCs

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

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

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

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

H. Contact with CCRCs

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

2. Any information provided to a CCRC or evaluator shall be accompanied with a proof of service verifying service upon the other party with a copy of all submitted materials at least three days prior to any Child Custody Recommending Counseling appointment. If the matter is referred as an Emergency Referral, the Child Custody Recommending Counselor may accept documents with a Proof of Service on the same day as the appointment. [Effective 7/1/13]

3. Each counsel may submit to the CCRC an “attorney input letter,” which must not exceed one double-spaced page. The letter shall be provided to the opposing party and/or counsel at least three days before the scheduled Child Custody Recommending Counseling appointment. If the matter is referred as an Emergency Referral, the Child Custody Recommending Counselor may accept documents with a Proof of Service on the same day as the appointment. [Effective 7/1/13]

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

5. The CCRC or evaluator shall not consider submitted documents from parties or their counsel in the absence of a proof of service verifying service upon the opposing parties at least three days prior to the scheduled Child Custody Recommending Counseling appointment. This applies to any written documents, audiotapes, videotapes, and photographs. Audiotapes shall not be considered if the party being taped was unaware of the taping. If the matter is referred as an Emergency Referral, the Child Custody Recommending Counselor may accept documents with a Proof of Service on the same day as the appointment. [Effective 7/1/13]

6. In general, the court will provide the CCRC or evaluator current copies of the pending moving papers, responses, and prior CCRC report for consideration. The CCRC or evaluator may request and consider additional information as necessary for any evaluation and/or recommendation. [Effective 7/1/13]

RULE 30.2 MANDATORY MEET AND CONFER REQUIREMENTS

A. Meet and Confer Prior to Hearing

Except as provided elsewhere in these rules or by provision of law, upon service of an Order To Show Cause, ~~a Notice of Motion,~~ a Request for Order, or any other documents for which a hearing has been set, the parties and/or attorneys must contact each other before the date of the hearing and make at least one peaceable attempt to settle all of the issues of the hearing. Each party and attorney must make good faith, reasonable proposals on all issues, attempting actual settlement thereof. This settlement attempt may be in writing, by fax or e-mail, by telephone, or in person. If the issues include child support or temporary spousal support, the parties or attorneys must exchange DissoMaster™, Xspouse™ or such other computerized support calculations as authorized by statute and California Rules of Court, rule 5.275, as part of their settlement attempts. If after meeting and conferring, the parties or their attorneys *both agree* that the hearing is not necessary, *both* parties or attorneys must immediately notify the court. Failure to meet and confer as required herein may result in the matter being delayed, or postponed, or dropped from calendar, or sanctions or other remedies imposed in the court's discretion. **[Effective 1/1/16]**

B. Meet and Confer on the Date of the Hearing

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

C. Meet and Confer Rule for Parties Subject to Restraining Orders

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

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

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

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

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

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

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

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

[Effective 1/1/13]

RULE 30.3 TEMPORARY SUPPORT ORDERS

[Effective 1/1/12]

A. DURATION OF SUPPORT ORDERS

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

B. STIPULATIONS TO ESTABLISH OR MODIFY SUPPORT ORDERS

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

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

C. CHILD SUPPORT

Statewide Uniform Guideline

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

D. SPOUSAL OR DOMESTIC PARTNER SUPPORT

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

a. "No child" support cases
In cases where there is no child of the relationship for whom the parties to the action have a legal duty to provide support, the Alameda County Guideline formula will be applied for temporary spousal or domestic partner support**.** [Effective 7/1/13]

b. Child support cases
In cases where there is a child of the relationship for whom the parties to the action have a legal duty to provide support, temporary spousal or domestic partner support shall be calculated according to the Alameda County Guideline. [Effective 7/1/13]

RULE 30.4 STANDARD DISCOVERY IN FAMILY LAW CASES

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

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

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

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

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

E. Any other documentation requested by the opposing party, provided such request is made in writing at least ten (10) days prior to the scheduled hearing. The party required to produce such additional documentation, however, may raise in writing any objection to the production of said documentation, provided that such objection be conveyed to the requesting party prior to the date of the scheduled hearing and provided, further, that the objecting party brings the subject documentation to the scheduled hearing. The Court shall resolve any objection at the hearing. Failure to object as herein provided may be deemed a waiver of any objection to the production of the requested documentation.

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

1. Continue the hearing.

2. Set a hearing for imposition of sanctions.

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

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

5. Make such other orders as the Court may deem appropriate.

[Effective 7/1/01]

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

RULE 30.5.1 **APPOINTMENT OF CUSTODIAL EVALUATION PURSUANT TO FAMILY CODE SECTION 3111 OR APPOINTMENT OF AN EXPERT PURSUANT TO EVIDENCE CODE SECTION 730 ~~AND FAMILY CODE SECTION 3110 REPORT~~ [Effective 1/1/16]**

A. In the event the Court orders an evaluation pursuant to Family Code §3111~~0~~ et seq. and/or Evidence Code §730, the parties shall inform the court at the setting of the evidentiary hearing whether they will stipulate to the admission of the evaluation report(s).
[Effective 1/1/16]

1. If a party will not stipulate to the admission of the evaluation report, that party shall notify the court and the opposing party that he/she will not stipulate no later than 30 calendar days prior to the hearing date.

2. If a party will not stipulate to the admission of the evaluation report, that party shall also notify the court no later than 30 calendar days prior to the

hearing whether the evaluator will be subpoenaed for the hearing date. [Effective 7/1/13]

B. Court orders for **an evaluation pursuant to Family Code §3111 and/or Evidence Code §730** ~~a 3110 child custody evaluation~~ shall specify how much each party shall pay for their share of the evaluation. The court order will specify the division of fees between the parties. The average fee is $750 for each parent. **[Effective 1/1/16]**

C. The commencement of the **Family Code §**3111~~0~~ **and/or Evidence Code §730** child custody evaluation will not begin until the retainer fee has been paid and the Director of Family Court Services has received notice of the payment. The Director of Family Court Services shall then assign a court connected child custody evaluator. **[Effective 1/1/16]**

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

E. The child custody evaluator shall not be required to read and review more than 30 additional pages of collateral documentation received from each party. All collateral documents must be received with a Proof of Service. These pages are in addition to the pages already contained in the file prepared for the child custody evaluator by the Family Court Services Office. [Effective 1/1/12]

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

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

RULE 30.6 CONTACT BETWEEN COURT-APPOINTED EVALUATORS AND MINOR CHILDREN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. Court appointed child custody CCRCs, court appointed child custody evaluators**,** and court appointed probate guardianship investigators may consult with one another and

have access to each others prior and current reports regarding the same family. [Effective 1/1/12]

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

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

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

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

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

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

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

RULE 30.7 SUBSECTION DELETED [Effective 7/1/14]

RULE 30.8 ORDERS AFTER HEARING IN FAMILY LAW CASES

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

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

RULE 30.8.1 REVIEW HEARINGS

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

RULE 30.9 STATEMENTS OF ISSUES AND CONTENTIONS

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

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

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

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

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

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

RULE 30.10 FAMILY LAW FACILITATOR

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

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

RULE 30.11.1 REQUEST FOR EMERGENCY ORDERS (Formerly Ex Parte Orders)

(A) Filing the Application:
The deadline for filing the Application for Emergency Orders is 9 a.m. the court date before the proposed date for the Emergency Request Hearing. The Party seeking Emergency Orders shall submit to the clerk:

1. An original and two copies of the documents required under California Rule of Court 5.151(c).

2. An original and two copies of the Notice of Emergency Request Hearing (Local Form #PL-FL013) with the proposed Emergency Request Orders attached as an exhibit.

(B) Setting the Time and Place of Emergency Request Hearing:

1. The court clerk will determine the time and place of the Emergency Request Hearing and will insert that information in the Notice of Emergency Request Hearing and return the copies to the party seeking Emergency Request Orders. [Effective 1/1/14]

(C) The application for Emergency Orders must comply with California Rule of Court 5.151(c)-(d). [Effective 7/1/13]

(D) Notice Requirements to the Adverse Party for Affirmative Relief: The party seeking Emergency Orders is required to provide notice to the adverse party as required by California Rule of Court 5.165(b). The applicant shall also deliver a copy of the Notice of Emergency Request Hearing with the proposed application and orders attached and the hearing information filled in by the clerk to the adverse party as soon as reasonably possible before the hearing requesting Emergency Orders, using the method most likely to provide the earliest possible notice, including, but not limited to, personal delivery or electronic transmission, including fax or email. If notice is not given, for the reasons set forth in California Rule of Court 5.165(B)(2), a declaration shall be submitted to the court as required by that Rule. The moving party shall submit his/her declaration regarding notice to the opposing party at the Emergency Request Hearing. [Effective 1/1/14]

(E) Hearings on Emergency Requests: The parties and/or their attorneys shall be in the courtroom where the Emergency Hearing has been designated to be heard. If after 15 minutes of the noticed time to appear, the moving party does not appear, the courtroom clerk may release the responding party. The court may impose sanctions for a moving party's failure to appear at or cancellation of an ex parte hearing without good cause after the moving party notices the ex parte hearing. [Effective 7/1/13]

RULE 30.11.2 ORDERS SHORTENING TIME

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

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

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

(1) The party seeking an Order Shortening Time must submit the following documents to the court clerk:

(a) Original and two copies of the Request for Order or other moving papers for which an Order Shortening Time is requested.

(b) Original and two copies of the Notice of Request for Order Shortening Time (Expedited Hearing) (Local Form #PL-FL014) with a copy of the proposed

Request for Order attached as an exhibit. [Effective 1/1/14]

(2) The court clerk will insert the opposition filing deadline on the Notice of Request for Order Shortening Time and return the copies to the requesting party and will lodge the original documents in the file. [Effective 1/1/14]

(3) The requesting party must give notice to the opposing party no later than noon of the following day of the request for Order Shortening Time and must deliver a copy of the Notice of Request for Order Shortening Time to the other party promptly by the most expeditious means possible, including personal service or electronic transmission (e.g. fax or email) and must file their Declaration re Notice of Request for Order Shortening Time promptly. [Effective 1/1/14]

(4) Opposing the Application: If the adverse party opposes the granting of the order shortening time, the adverse party may file a declaration stating the basis for such opposition. Such declaration must be filed with the court and served on the moving by the deadline stated in the Notice of Request for Order Shortening Time. [Effective 1/1/14]

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

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

Pursuant to California Rules of Court, rule 5.24, a~~A~~ny person not a party to a family law action who asserts an interest in a family law proceeding relating to custody of any child of the parties may petition the Court for an order permitting his or her joinder as a party to the family law action. ~~In custody matters, the person seeking to be joined as a party shall file Placer County Form "Petition for Joinder of Party Asserting Interest in Custody".~~ **[Effective 1/1/16]**

RULE 30.13 SUBSECTION DELETED [Effective 1/1/14]

RULE 30.14 FAMILY LAW ASSIGNMENT CALENDAR FOR TRIALS AND LONG CAUSE EVIDENTIARY HEARINGS ~~TRIAL SETTING CASE MANAGEMENT CONFERENCES~~

A. Setting a **Family Law Trial.** ~~Trial Setting Case Management Conference~~. When a party determines that a case is ready for trial, that party **may** ~~shall~~ file an At Issue Memorandum (Placer County Local Form PL-FL0**06**~~18~~). The court clerk, after the required time has passed for the filing of a Counter At Issue Memorandum, will set a **hearing on the Family Law Assignment Calendar** ~~Trial Setting Case Management Conference~~ and will give notice to all parties of the date, time and department of such hearing. **[Effective 1/1/16]**

B. Telephonic Appearances. Telephonic appearances at the **Family Law Assignment Calendar** ~~Trial Setting Case Management Conference~~ may be scheduled **through the court's telephonic appearance reservation website pursuant to Local Rule 30.17.** ~~by filing a Request for Telephonic Appearance (Placer County Local Form PL-FL016) at least five (5) court days prior to the hearing date.~~ **[Effective 1/1/16]**

C. Persons Attending. Attorneys and parties not represented by an attorney shall appear at the **Family Law Assignment Calendar unless excused by the Court, a stipulation to dates is filed, or a telephonic appearance has been approved.** ~~Trial Setting Case Management Conference.~~ Parties who are represented by an attorney are not required to attend the **hearing.** ~~Trial Setting Case Management Conference.~~ **[Effective 1/1/16]**

D. The Issuance of Trial and Related Dates. At the **Family Law Assignment Calendar,** ~~Trial Setting Case Management Conference,~~ the Court will determine the issues being set for trial **or for a long cause evidentiary hearing** and the estimated length of **the** trial **or hearing**. **For trials, the** ~~The~~ Court will then set the Trial date, the Trial Confirming Conference date, the Mandatory Settlement Conference date, and the final date by which parties shall file their Statements of Issues and Contentions and their updated Income and Expense Declarations as set forth in Local Rule 30.9. **[Effective 1/1/16]**

E. Available Trial Dates. At least five (5) **c**~~C~~ourt days prior to the **Family Law Assignment Calendar** ~~Trial Setting Case Management Conference~~, the Court will post available Trial and Related dates on the Court's internet website. If all parties to the action agree on the Trial and Related dates, the parties may follow the procedure in Local Rule 30.14(F) and no appearances at the **Family Law Assignment Calendar** ~~Trial Setting Case Management Conference~~ will be required. If all parties to the action do not agree on the Trial and Related dates, appearances at the **Family Law Assignment Calendar** ~~Trial Setting Case Management Conference~~ will be required. **[Effective 1/1/16]**

F. Stipulation Regarding Trial Dates. If all parties to the action agree on the Trial and Related dates, the parties shall complete a Family Law Stipulation Regarding Trial Dates (Local Form FL-102) and file such Stipulation at least two (2) court days prior to the **Family Law Assignment Calendar** ~~Trial Setting Case Management Conference~~. Faxed signatures will be accepted. There will be no filing fee for the filing of Local Form FL-102. At the **Family Law Assignment Calendar,** ~~Trial Setting Case Management Conference,~~ the Court will adopt the stipulated dates and no appearances at the **Family Law Assignment Calendar** ~~Trial Setting Case Management Conference~~ will be required. **[Effective 1/1/16]**

[Effective 7/1/08]

RULE 30.15 MANDATORY SETTLEMENT CONFERENCES

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

Case Management Conference. [Effective 7/1/08]

B. Telephonic Appearances. **Telephonic appearances in mandatory settlement conferences are only allowed in extraordinary circumstances.** Telephonic appearances at the Mandatory Settlement Conference may be scheduled **through the court's telephonic appearance reservation website pursuant to Local Rule 30.17.** ~~by filing a Request for Telephonic Appearance (Placer County Local Form PL-FL016) at least five (5) court days prior to the hearing date.~~ **[Effective 1/1/16]**

C. Persons Attending. All parties and their attorneys, if applicable, must personally attend the Mandatory Settlement Conference, unless excused by the Court for good cause. [Effective 7/1/08]

RULE 30.16 TRIAL CONFIRMING CONFERENCES

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

B. Telephonic Appearances. **Telephonic appearances at the Trial Confirming Conference may be scheduled through the court's telephonic appearance reservation website pursuant to Local Rule 30.17.** ~~Parties may appear by telephone at the Trial Confirming Conference by filing a Request for Telephonic Appearance (Placer County Local Form PL-FL016 at least five (5) court days prior to the hearing date. Timely filed requests are automatically granted without a court order. This will be a direct telephone call made by the courtroom clerk to the party at the time the matter is called for hearing.~~ **[Effective 1/1/16]**

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

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

[Effective 7/1/08]

RULE 30.17 TELEPHONIC APPEARANCES – FAMILY LAW AND FAMILY SUPPORT

A. Pursuant to California Rules of Court, rule 3.670 and rule 5.9, telephonic appearances may be authorized at the discretion of the court. The Placer Superior

Court authorizes telephonic appearances for family law and family support matters at all court locations, including the Tahoe Court, pursuant to this local rule. Personal appearance in family law and family support matters is, however, encouraged.

B. Any party wishing to appear telephonically may be required to obtain prior approval for certain hearing types as listed on the court's website (www.placer.courts.ca.gov).

Parties in family law matters must file Local Form PL-FL016 *Request for Telephonic Appearance (Family Law)* at least five (5) court days before the hearing if the hearing type requires judicial approval, except for an emergency request hearing (ERH), in which case the form must be filed by noon the day before the hearing. Such parties must notice the other parties pursuant to Local Form PL-FL016.

A party wishing to appear telephonically in family law matters does not need to file Local Form PL-FL106 if the hearing type does not require judicial approval. In all circumstances, the parties must still provide notice to the other parties of their intent to appear telephonically at least four (4) court days before the hearing using the procedure most likely to provide the earliest possible notice, including, but not limited to, personal delivery or electronic transmission, including fax or email.

If judicial approval has been previously granted for a hearing that is continued by the court, or if approval for a telephonic appearance is granted by a judicial officer on the record and both parties are present in court, no further notice is required and Local Form PL-FL106 does not need to be filed.

Parties in family support matters where local child support agency is providing services under Title IV-D of the Social Security Act must file Judicial Council Form FL-679 *Request for Telephonic Appearance (Governmental)* at least twelve (12) court days before the hearing and must notice the other parties pursuant to CRC 5.324(e) regardless of whether or not the hearing type requires judicial approval.

C. Telephonic Appearances must be scheduled through the court's telephonic appearance reservation website, which can be accessed through the court's website (www.placer.courts.ca.gov). Telephonic appearances through a landline phone are preferred and in some hearings may be required by the court.

D. Notwithstanding Local Rule 30.17(A), 30.17(B), and 30.17(C), a judicial officer may authorize a telephonic appearance without using the court's telephonic appearance service. This would be a direct telephone call made by the courtroom clerk to the party at the time the matter is called for hearing.

E. Notwithstanding Local Rule 30.17(A), 30.17(B), 30.17(C), and 30.17(D), the court may order personal appearance of a party at any time.

[Effective 1/1/16]

40.00 CRIMINAL RULES

RULE 40.1 DEFINITION OF TERMS

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

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

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

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

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

RULE 40.2 MISDEMEANOR SETTINGS

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

1. Early Status Conference (ESC)

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

[Effective 7/1/12]

RULE 40.3 FELONY SETTINGS

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

1. Early Status Conference (ESC)

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

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

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

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

[Effective 7/1/12]

RULE 40.4 CRIMINAL LAW AND MOTION

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

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

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

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

D. Motions.

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

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

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

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

RULE 40.5 DISCOVERY OF PLACER COUNTY PROBATION DEPARTMENT FILES

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

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

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

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

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

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

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

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

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

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

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

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

RULE 40.6 REAL PROPERTY BONDS

A. A defendant or any other person may give as security any equity in real property which he or she owns provided, however, the value of the equity offered is equal to twice the amount of the cash bail required. (PC 1298) [Effective 7/1/01]

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

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

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

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

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

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

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

[Effective 7/1/01]

C. The Court may require additional evidence in order to ascertain the true equity in the property held by the applicants. All costs incurred to process the property bond and to comply with this Rule shall be borne by the applicant. [Effective 7/1/01]

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

1. The original signed promissory note.

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

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

[Effective 7/1/01]

E. Upon the delivery to the Clerk of the foregoing documents, the applicant shall be entitled to obtain an ex parte order of the Court for the release of the designated defendant. [Effective 7/1/01]

F. The Clerk shall deposit the original deed of trust and promissory note with the Clerk of the Court (Court Executive Officer) for safekeeping, maintaining copies of same in the case file. [Effective 7/1/12]

G. In the event the property bond is ordered forfeited, upon entry of summary judgment and order of the Court, the Clerk shall prepare an appropriate form of order for the Court's signature to release the original deed of trust and promissory note for the commencement of foreclosure proceedings. [Effective 7/1/12]

H. In the event the property bond is ordered exonerated, the defendant or defendant's representative shall prepare an appropriate form of order for the Court's signature directing the Clerk of the Court (Court Executive Officer) to release the original deed of trust and promissory note for the appropriate endorsement of the request for full reconveyance on the deed of trust and for the return of such endorsed deed of trust and original promissory note to the maker. [Effective 7/1/12]

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

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

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

Defendant's name:_____

Bond fixed in the amount of:_$_____

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

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

Attached in support of this motion are the following exhibits:

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

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

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

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

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

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

Executed on _____at _____, California.

_____
Signature

_____
Signature

CERTIFICATE OF MAILING
[Effective 7/1/09]

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

_____

EXHIBIT A

PROMISSORY NOTE
[Effective 7/1/08]

$_____ Date:_____

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

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

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

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

_____
Signature of Maker

_____
[Typed name of Maker]

_____
Signature of Maker

_____
[Typed name of Maker]

EXHIBIT B

RULE 40.7 DECLARATION OF CONFLICTS OF INTEREST

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

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

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

C. Multiple Defendant Cases:

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

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

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

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

D. Conflicts with Current Clients:

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

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

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

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

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

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

E. Former Clients as Witnesses or Victims:

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

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

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

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

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

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

(a) Declaration of Conflict in Other Circumstances:

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

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

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

bb. Where a witness or victim is a member of the office staff of counsel or a member of such staff's family. Merely having knowledge of or acquaintance with the witness or victim shall not be grounds for a declaration of conflict of the entire office of counsel, but may warrant re-assignment of the case within counsel's firm.

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

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

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

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

F. When a conflict is declared:

1. Conflicts shall be declared as soon as discovered.

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

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

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

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

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

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

RULE 40.8 EXPENSES OF DEFENSE

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

50.00 JUVENILE COURT RULES

RULE 50.1 AUTHORITY (Govt C§68070; W&IC§§317.6(b), 350; CRC Rule 5.500 et seq.)

These local rules are intended to supplement state statutes that are found principally in the Welfare and Institutions Code (W&IC) and to supplement the California Rules of Court (CRC) relating to Juvenile Court matters. The Local Rules adopt the rules of construction and the severability clauses in CRC Rule 5.501(d). The~~se~~ Local Rules cover Juvenile Court Law, not Juvenile traffic hearings or traffic hearing appeals. These Rules shall be applied in a fair and equitable manner that is consistent with the best interests of the children and families appearing before the Juvenile Court. [Effective 7/1/13]

RULE 50.2 STANDING ORDERS (CCP§187; Govt C§68070(a).)

The Presiding Judge of the Juvenile Court may issue, modify, or delete Standing Orders relevant in Juvenile matters as the Court deems appropriate. Any newly issued, modified, or current Standing Orders are filed with and maintained by the Clerk of the Juvenile Court. All Standing Orders relating to juvenile matters issued by the Placer County Juvenile Court prior to the effective date of these local rules are hereby rescinded except such standing Orders as are attached to these local rules as an Appendix. Any standing order is deemed effective the date it is issued by the court. [Effective 7/1/13]

RULE 50.3 STANDARDS FOR COUNSEL REPRESENTING PARTIES IN JUVENILE PROCEEDINGS (W&IC §317.6; CRC Rule 5.660.)

All attorneys who represent parties in juvenile court proceedings shall comply with and meet the minimum requirements set forth in CRC Rule 5.660. Each attorney or attorney's office shall retain verification that the attorney meets and complies with the requirements of CRC Rule 5.660. Upon demand of the Juvenile Court, the attorney and/or attorney's office shall produce a copy of verification that demonstrates the attorney's qualifications and compliance with CRC Rule 5.660.
[Effective 7/1/13]

RULE 50.4 SUBSECTION DELETED [Effective 7/1/13]

RULE 50.5 SUBSECTION DELETED [Effective 7/1/13]

RULE 50.6 SUBSECTION DELETED [Effective 7/1/13]

RULE 50.7 ATTORNEY COMPLAINT RESOLUTION PROCEDURES (W&IC §317.6(a)(3); CRC Rule 5.660(e).)

A. NOTICE TO CLIENT OF COMPLAINT PROCEDURES

Counsel appointed for a parent or legal guardian must provide his or her client with information on how to file a complaint concerning counsel's performance with the court. Minor's counsel shall provide this information to the minor's caretaker or directly to the minor if he or she is twelve (12) years of age or older. [Effective 7/1/13]

B. FILING A WRITTEN COMPLAINT

The person filing a complaint must fill out local form "Complaint Form – Juvenile Court". The form must be placed in a sealed enveloped and lodged with the clerk of the Juvenile Court. [Effective 7/1/13]

C. REVIEWING A COMPLAINT

The court shall review any complaint and forward the document to counsel within 10 calendar days of receipt of the complaint. Counsel will be given an opportunity to respond in writing within 30 calendar days of his or her receipt of the complaint. The court will then review the complaint and the response and take any appropriate action, which may include conducting a hearing in chambers on the complaint. [Effective 7/1/13]

RULE 50.8 COUNSEL FOR MINOR'S RESPONSIBILITY REGARDING INTERESTS OF DEPENDENT CHILD (W&IC §317(e); CRC Rule 5.660.)

Counsel for minor shall make an independent investigation to ascertain the existence of any interests or rights a minor may have beyond the scope of the juvenile proceeding pursuant to W&IC §317(e). Counsel shall inform the court of any such interests by filing a *Request to Change Order* (JV-180) and properly noticing all interested parties. Counsel shall set forth the interest or right to be protected/pursued, the related administrative agency or judicial forum, the nature of the proceeding, any identifying case information, and whether there is counsel available either on a pro bono or contingency basis. Counsel shall file a *Notice of Hearing on Joinder – Juvenile* (JV-540) where a joinder of a party is necessary to adequately protect the minor's interests. Based upon the information provided by counsel, the Juvenile Court shall set hearings and make any further orders as it deems necessary. Neither court nor county funds shall be used to fund legal or other services in another forum outside of the juvenile dependency proceedings. [Effective 7/1/13]

RULE 50.9 ACCESS TO MINORS (DEPENDENCY) (W&IC §362(a).)

No party or attorney shall interview the minor about the events relating to the allegations of the petition(s) on file without prior approval of the Juvenile Court or minor's counsel. No party or attorney shall cause a minor to undergo a physical, medical, or mental health examination or evaluation without prior approval of the Juvenile Court. This rule does not apply to the Department of Health and Human Services (Department) case manager, other authorized Department social worker, or a child advocate. [Effective 7/1/13]

RULE 50.10 INTERVIEWING MINORS WHO ARE ALLEGED VICTIMS OF CHILD ABUSE (W&IC §362(a).)

All attorneys and parties, including a child advocate, shall attempt to minimize the number of interviews taken of a minor relating to the events surrounding the alleged abuse. All attorneys and parties shall first review any interview taken or reports made by the investigating officer(s).
[Effective 7/1/13]

RULE 50.11 SUBSECTION DELETED [Effective 7/1/13]

RULE 50.12 SUBSECTION DELETED [Effective 7/1/13]

RULE 50.13 SUBSECTION DELETED [Effective 7/1/13]

RULE 50.14 PRE-HEARING DISCOVERY (CRC Rule 5.546.)

A. The parties shall conduct pre-hearing discovery on a reciprocal and informal basis in accordance with CRC Rule 5.546. Updates to the social worker's narratives shall be provided at least two (2) court days prior to the hearing unless the matter is contested, then the updates shall be provided at least ten (10) court days prior to the contested hearing. [Effective 7/1/13]

B. The parents and legal guardians of a minor shall disclose to the Department relevant, non-privileged material and information upon a timely request. [Effective 7/1/13]

C. No civil discovery – including depositions, interrogatories, and subpoenas - shall be conducted without approval of the Juvenile Court. Any request for formal discovery shall be brought by noticed motion that includes a declaration detailing the steps taken to exhaust all methods of informal discovery. The motion shall be filed and served at least sixteen (16) court days prior to the hearing. Any responsive documents shall be filed and served at least ten (10) court days prior to the hearing. [Effective 7/1/13]

RULE 50.15 MEET AND CONFER

Prior to any scheduled hearing before the Juvenile Court, the parties shall meet and confer in good faith at least twenty four (24) hours prior to the hearing in order to resolve contested issues.
[Effective 7/1/13]

RULE 50.16 FILING MOTIONS IN JUVENILE COURT (W&IC §§203, 362(a), 700.1, 388; CCP §1013; CRC Rules 5.570, 5.555, 3.1110 et seq.)

All motions brought before the Juvenile Court shall comply with the requirements of the W&IC §§700.1, 388, and CRC Rules 5.570, 5.555. In cases where there is no specific statutory timeline for filing a motion, the parties shall file the motion at least ten (10) court days prior to the hearing date and comport to the service requirements of CCP §1013 and format requirements of CRC Rule 3.1110 et seq. [Effective 7/1/13]

RULE 50.17 SUBSECTION DELETED [Effective 7/1/13]

RULE 50.18 TRAVEL AUTHORIZATION (W&IC §362(a).)

A. TRAVEL WITHIN THE STATE OF CALIFORNIA

Unless otherwise ordered by the court, a minor's care provider may authorize travel by the minor within the state for a period of less than thirty (30) consecutive days. The minor's care provider shall consult with the Department. For travel in excess of seven (7) consecutive days, the Department shall file a "Notice of Travel" with the court notifying the court of the travel plans and steps taken to notify the parents. The Notice shall be served on all attorneys of record at least 5 court days prior to the scheduled trip. [Effective 7/1/13]

B. TRAVEL IN EXCESS OF 30 DAYS OR OUTSIDE OF THE STATE OF CALIFORNIA

Any travel in excess of thirty (30) consecutive days and/or outside of the state shall require prior approval of the court. The Department shall file an ex parte application at least five (5) court days prior to the scheduled trip. The application shall include the time, place, and length of the trip. It shall also detail the steps taken to notify the parents of the travel plans and whether the parents object to the trip. All counsel of record shall be served with a copy of the application. [Effective 7/1/13]

RULE 50.19 RELEASE OF INFORMATION (W&IC §827; CRC Rule 5.552.)

Information concerning the identity of persons suspected, detained, or charged as being within Section 300, 601, or 602 of the Welfare and Institutions Code may be released only to the extent and subject to the qualifications provided in Section~~s~~ 827 of the Welfare and Institutions Code, by the procedures adopted in all applicable standing orders, or by an order of the presiding judge of the juvenile court or a juvenile court judicial officer. Upon application for the release of a minor's juvenile records by the parties to a family law action, the juvenile court may at its discretion direct on the minute order of the court that the family law judicial officer will conduct the ex parte review of the juvenile court records pursuant to either W&IC §827 or Family Code §3152. [Effective 7/1/13]

RULE 50.20 COURT APPOINTED SPECIAL ADVOCATE PROGRAM GUIDELINES

Pursuant to Welfare and Institutions Code Section 100, the Judicial Council's Court Appointed Special Advocate Program guidelines as outlined in California Rules of Court, rule 5.655, are adopted and incorporated by reference. [Effective 7/1/15]

60.00 COURT APPOINTED COUNSEL AND EXPERTS

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

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

For additional information regarding the Assigned Counsel Program, including payment procedures, visit the Placer County website at:
http://www.placer.ca.gov/departments/ceo/programs%20and%20policies/assigned-counsel
[Effective 7/1/15]

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

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

APPLICATION AND CERTIFICATION FOR ATTORNEY PARTICIPATION

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

B. APPLICATION FOR FEES

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

a. Application for fees and expenses:

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

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

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

3. In all other cases to the Presiding Judge.

b. Amount of fees:

1. Non-Capital or Life-Sentence Cases:

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

2. Capital and Life-Sentence Cases:

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

A. Claims for Payment:

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

Witness Fees

Court Appointed Counsel

Doctors

Investigators

Professional Special Services

Travel and Transportation

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

3. All Cases:

In no event shall the court grant fees or expenses not reasonably justified by the nature of the case, as supported by written application. The written application shall specify the nature and purpose of the proposed investigation and shall contain

an estimate of the fees and expenses involved. Unusual or extraordinary requests shall be justified in detail.

c. Order for fees and expenses:

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

d. Maximum rates for investigative services:

Claims for investigative services, authorized pursuant to this rule, shall be paid at the rate not to exceed $40.00 per hour plus mileage at the current rate authorized for payment by the Placer County Auditor together with actual and necessary incidental expenses. All such amounts must be within the total fees and expenses authorized by the court. [Effective 7/1/15]

e. Submission of claims:

Claims for investigation fees and expenses shall be made on a form approved by this court. A copy of the court order awarding fees, as well as a detailed accounting of all claimed fees and expenses must be attached. The attorney of record shall certify the accuracy of the claim and appropriateness of the fees incurred. The claim shall be submitted to the Court Executive Officer for subsequent approval by the department specified in paragraph A of this order. [Effective 1/1/11]

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

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

http://www.placer.ca.gov/departments/ceo/programs%20and%20policies/assigned-counsel
[Effective 7/1/15]

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

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

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

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

C. PAYMENT REQUESTS

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

D. CASE TRANSFERS TO ANOTHER COUNTY

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

2. The attorney's living expenses will be allowed at the rate provided by the Judicial Council of California. [Effective 7/1/15]

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

E. APPOINTMENT OF MINORS' COUNSEL IN FAMILY LAW CASES

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

F. CATEGORIES OF CRIMES OR OTHER MATTERS

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

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

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

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

G. MINIMUM EXPERIENCE REQUIREMENTS FOR APPOINTED ATTORNEYS

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

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

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

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

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

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

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

[Effective date 7/1/05]

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

A. Juvenile Cases.

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

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

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

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

B. Criminal Cases.

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

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

The Court will reimburse at the following levels:

<u>Partial Evaluation</u>:

FY 10/11: $450

<u>Full Evaluation</u>:

FY 10/11: $700

In Custody or Detained Supplement: $75

C. Domestic Cases.

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

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

D. Exceptional Cases.

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

[Effective 1/1/11]

RULE 70.00 TRAFFIC

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

RULE 70.2 FAILURE TO APPEAR/FAILURE TO PAY FINE

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

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

RULE 70.4 OFFICIAL COURT FILE

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

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

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

[Effective 1/1/12]

RULE 80.00 PROBATE

[Effective 7/1/07]

RULE 80.1 GENERAL PROBATE RULES

RULE 80.1.1 SCOPE OF RULES

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

RULE 80.1.2 TELEPHONIC APPEARANCES

A. Telephone appearances for matters heard on the probate, conservatorship and guardianship calendars are governed by C.R.C. 3.670 and Local Rule 20.8. [Effective 7/1/14]

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

RULE 80.1.3 NON-STIPULATIONS TO COMMISSIONER

A. When a regularly scheduled probate, conservatorship, or guardianship calendar is heard by a Commissioner, the parties must file written notice indicating whether or not they stipulate to the Commissioner. Failure to file such notice of stipulation or non-stipulation at least five (5) court days prior to the hearing date for the matter will be deemed a stipulation to the Commissioner for all purposes other than trial. [Effective 7/1/07]

RULE 80.1.4 CALENDAR NOTES

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

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

RULE 80.1.5 DOCUMENTS SUBMITTED IN RESPONSE TO CALENDAR NOTES

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

RULE 80.1.6 OBJECTIONS

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

RULE 80.1.7 CONTINUANCES

A. Continuance of initial hearing. The petitioner may request to continue the initial hearing on any matter by contacting the probate clerk.

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

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

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

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

RULE 80.1.8 PROBATE ACCOUNTS

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

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

RULE 80.2.1 ESTATES WHICH DISTRIBUTE TO INTER VIVOS TRUST

A. When a Petition to Administer Estate seeks to admit to probate a will which includes a distribution to an inter vivos trust, the petitioner must give notice of the hearing to all trustees, successor trustees, and beneficiaries (as defined in Probate Code § 24 (c)-(d)). The petitioner must also file with the petition either an authenticated copy of the trust or an affidavit or declaration by a party or counsel which identifies the trustees, successor trustees, and beneficiaries (as defined in Probate Code § 24 (c)-(d)). [Effective date 1/1/13]

RULE 80.2.2 SUBSECTION DELETED [Effective 1/1/13]

RULE 80.3 CONSERVATORSHIPS [Effective 7/1/07]

RULE 80.3.1 REVIEW HEARINGS

A. Notice of all review hearings and accountings must be provided to the court investigator at least fifteen (15) calendar days prior to the hearing date. The address of the Court's investigator is: 3090 Fite Circle, Suite 102, Sacramento, CA 95827. [Effective 1/1/13]

RULE 80.3.2 PETITIONS SEEKING DEMENTIA ORDERS

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

RULE 80.3.3 LIMITED CONSERVATORSHIPS

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

RULE 80.4 GUARDIANSHIPS [Effective 7/1/07]

RULE 80.4.1 PROPOSED GUARDIAN; FINGERPRINTING

A. Where a Petition for Guardianship has been filed, proposed guardians shall undergo a fingerprint background check. Proposed guardians shall submit to the background check by completing Form BCIA 8016 and having fingerprints taken at a Public Applicant Live Scan Site, as certified by the State Department of Justice. Fees charged by Public Applicant Live Scan

Site providers vary and are the responsibility of the proposed guardian. The results of the background check shall be sent directly to the Superior Court of Placer County and will be used by the Probate Investigator in the completion of required reports to the court. The court will provide the petitioner with the information required to ensure the results are sent to the Court. [Effective 1/1/16]

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

[Reserved.]

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

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

RULE 100.0 APPELLATE DIVISION AND APPEALS

RULE 100.1 USE OF COURT FILE IN LIEU OF CLERK'S TRANSCRIPT (CRC Rules 8.833(a), 8.863(a), 8.914(a)

100.1.1 The original trial court file shall be used in any limited jurisdiction civil, misdemeanor, or infraction appeal in lieu of a clerk's transcript. [Effective 1/1/09; Amended 7/1/15]

RULE 100.2 SUBSECTION DELETED [Effective 7/1/15]

RULE 100.3 SUBSECTION DELETED [Effective 7/1/15]

RULE 100.4 BRIEFS

100.4.1 Format of Briefs**.** All filed briefs must comply with the requirements of CRC Rules 8.883(c) and 8.928(c). [Effective 1/1/09; Amended 7/1/15]

100.4.2 Copies of Briefs [CRC Rules 8.882(e)(2), 8.927(c)(2)]. All parties shall provide three copies of any brief when filing a brief in the appellate division. [Effective 7/1/15]

RULE 100.5 PREPARATION OF CLERK'S TRANSCRIPT ON APPEAL

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

RULE 100.6 USE OF ELECTRONIC RECORDINGS IN TRAFFIC INFRACTION APPEALS

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

B. Pursuant to California Rules of Court rule 8.916(d)(6)(A) the trial court judge may order that the original of an official electronic recording of the trial court proceedings, or a copy made by the court, be transmitted to Appellate Division as the record of oral proceedings in traffic infraction cases without being transcribed and in lieu of correcting a proposed statement on appeal. Such order may be made whenever the judge believes so doing would save court time and resources. [Effective 7/1/11]

C. Pursuant to California Rules of Court rule 8.917, the original of an official electronic recording of the trial court proceedings, or a copy made by the court, may be transmitted to the

Appellate Division as the record of oral proceedings in traffic infraction cases without being transcribed. [Effective 7/1/11]

RULE 100.7 ORAL ARGUMENT

Each party shall file Local Form PL-APP001 *Notice re Oral Argument* at least five court days prior to the scheduled date for oral argument to inform the appellate division whether the party desires to waive oral argument. [Effective 7/1/15]

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10.3	EFFECTS OF RULES	Eff. 7/1/01/Rev. 7/1/05
10.4	DEPARTMENTS	Eff. 7/1/02/Rev. 1/1/09
10.5	USE OF FACILITIES, FILES & DOCUMENTS FOR PRIVATE JUDGES	Eff. 7/1/01
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10.10	PLACE OF FILING	Eff. 7/1/02/Rev. 7/1/11
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10.16	USE OF DVD/VCR PLAYERS BY ATTORNEYS	Eff. 7/1/05
10.17	STANDARD OF PROFESSIONAL CONDUCT	Eff. 7/1/09/Rev. 1/1/13
10.18	ELECTRONIC RECORDINGS, COPIES	Eff. 7/1/10
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10.21	ELECTRONIC COMMUNICATIONS WITH JUDGES	Eff. 7/1/15
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For the County of Placer
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APPENDIX A
LOCAL COURT FORMS

Form #	*Case Type*	*Form*	*Optional or Mandatory*
PL-AP001	Appeals	Notice Re Oral Argument	**Mandatory**
PL-AP002	Appeals	Request for Continuance: Small Claims Appeal Hearing	Optional
PL-AP003	Appeals	Proposed Statement on Appeal	Optional
PL-AP004	Appeals	Request for Extension of Time	**Mandatory**
PL-CR-002	Criminal	Waiver of Personal Presence	Optional
PL-CR-003	Criminal	Defendant's Motion	Optional
PL-CR003I	Criminal	Defendant's Motion Instructions	Optional
PL-CV001	Civil	Notice of Time and Place of Trial	Mandatory
PL-CV002	Civil	Notice of Restricted Access	Mandatory
PL-CV003	Civil	Addendum to Name Change Packet	Mandatory
PL-CV004	Civil	Stip. & Order for Expedited Jury Trial	Optional
PL-CV005	Civil	Order: No Further Expedited Jury Trial Proceedings	Optional
PL-CW001	Courtwide	Copy Request	Optional
PL-CW005	**Courtwide**	**Request for Interpreter (Civil & Family Law)**	**Mandatory**
PL-FCS001	FCS	Family Court Services Work Sheet	Mandatory
PL-FCS002	FCS	Children's Voices & Testimony - Child Custody Cases	Mandatory
PL-FCS003	FCS	Private CCRC Stipulation & Order Form	Mandatory
PL-FCS004	FCS	Private CCRC Qualifications Form – Short	Mandatory
PL-FCS005	FCS	Non-Professional Visitation Monitor Declaration of Qual.	Optional
PL-FL001	FL	Request for Default Setting	Optional
PL-FL002	FL	Request to Drop Restraining Order and Dec.	Optional
PL-FL003	FL	Form Deleted	
PL-FL004	FL	Declaration: Notice to Opp. Party – ERH or OST	Mandatory
PL-FL005	FL	Continue, Drop, Reserve Form	Optional
PL-FL006	FL	At Issue Memorandum	**Mandatory**
PL-FL007	FL	Statement of Issues and Contentions	Optional
PL-FL008	FL	Statement of Issues and Contentions, Child Support and Visitation	Optional
PL-FL009	FL	FLStip. & Order Setting Trial Dates	Mandatory
PL-FL011	FL	Meet and Confer Orders	Mandatory
PL-FL012	FL	Family Law Minute Stip & Order	Optional
PL-FL013	FL	Ex Parte Notice	Mandatory
PL-FL014	FL	OST Notice	Mandatory
PL-FL015	FL	Written Stipulation and Agreement	Optional
PL-FL016	FL	Request for Telephonic Appearance – Family Law	Mandatory
PL-FL017	FL	Child Custody Agreement and Court Order	Optional
PL-JV001	JUV	Complaint Form	Mandatory
PL-JV002	JUV	Certificate of Competency – Juvenile Dependency Court	Mandatory
PL-PR001	Probate	Court Investigator Information Sheet	Optional

[Effective date 1/1/16]

APPENDIX B
JUVENILE STANDING ORDERS (RULE 50.2)

Effective Date	Subject of Order
03/06/14	Travel to the State of Nevada (W&IC§362(a).)
02/05/14	Timelines for the Filing of CASA Reports (W&IC§§100 et seq., 356.5; CRC Rule 5.655.)
02/05/14	Reciprocal Discovery in Juvenile Delinquency Proceedings
03/14/13	Disclosure of Juvenile Court Case Files (W&IC§827; CRC Rule 5.552.)
08/05/02	Children being held in temporary facilities, prior to detention hearings, may undergo a health evaluation and related services at the first possible treatment opportunity.

Copies of Standing Orders are attached.

[Effective date 7/1/14]

FILED
Superior Court of California
County of Placer
Court Executive Office
MAR 06 2014
Jake Chatters
Executive Officer & Clerk
By: _____, Deputy

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER
SITTING AS THE JUVENILE COURT

	No. 14-006
STANDING ORDER OF THE JUVENILE COURT	TRAVEL TO THE STATE OF NEVADA (W&IC§362(a).)

Pursuant to court's authority under Welfare and Institutions Code section 362(a), and as otherwise authorized by law, a minor's care provider may authorize travel by the minor to the State of Nevada for a period of less than fourteen (14) consecutive days. The minor's care provider shall consult with the Department of Health and Human Services prior to any travel to the State of Nevada. The Department shall file a "Notice of Travel" in compliance with Placer Court Local Rule 50.18 for any travel to the State of Nevada. Any travel to the State of Nevada for a period of less than 18 hours without an overnight stay is exempted from Local Rule 50.18 and does not need prior approval from the Department of Health and Human Services.

DATE: 3-6-14

PRESIDING JUDGE OF THE JUVENILE COURT
COLLEEN M. NICHOLS

FILED
Superior Court of California
County of Placer
Court Executive Office
FEB 05 2014
Jake Chatters
Executive Officer & Clerk
By: _____, Deputy

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER
SITTING AS THE JUVENILE COURT

	No. 14-004
STANDING ORDER OF THE JUVENILE COURT	TIMELINES FOR THE FILING OF CASA REPORTS (W&IC§§100 et seq., 356.5; CRC Rule 5.655.)

Pursuant to Welfare and Institutions Code sections 100 et seq., 356.5, California Rules of Court, Rule 5.655, and as otherwise authorized by law, all CASA reports shall be filed with the court at least three (3) court days prior to the next court hearing date. The CASA program supervisors shall be responsible for copying and serving the CASA reports. The CASA report shall also be served to the following parties at least two (2) court days prior to the next court hearing date: (1) Placer County Counsel's Office; (2) the social worker assigned to the juvenile dependency case; (3) any court liaison officer of the Department of Health and Human Services; (4) the child's counsel; (5) counsel for each parent and/or guardian; and (6) counsel for any tribe involved in the proceeding.

DATE: 2-5-14

PRESIDING JUDGE OF THE JUVENILE COURT
COLLEEN M. NICHOLS

FILED
Superior Court of California
County of Placer
Court Executive Office
FEB 05 2014
Jake Chatters
Executive Officer & Clerk
By: _____, Deputy

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER
SITTING AS THE JUVENILE COURT

No. 14-003

STANDING ORDER OF THE JUVENILE COURT

RECIPROCAL DISCOVERY IN JUVENILE DELINQUENCY PROCEEDINGS

Pursuant to the court's inherent discretionary authority as recognized in *Robert S. v. Superior Court* (1992) 9 Cal.App.4th 1417, and as otherwise authorized by law, all parties in juvenile delinquency cases pending before the Juvenile Court shall comply with the reciprocal discovery provisions pursuant to Penal Code section 1054 et seq.

DATE: 2-5-14

PRESIDING JUDGE OF THE JUVENILE COURT
COLLEEN M. NICHOLS

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

FILED
Superior Court of California
County of Placer
MAR 14 2013
Jake Chatters
Executive Officer & Clerk
By: S. Rogers, Deputy

STANDING ORDER OF THE JUVENILE COURT	NO. 02-006 DISCLOSURE OF JUVENILE COURT CASE FILES (W&IC§827; CRC Rule 5.552.)

Juvenile court case files are confidential and may not be accessed, obtained, or inspected by a civil or criminal subpoena. Access to such records is governed primarily by Welfare & Institutions Code section 827 and California Rules of Court, Rule 5.552. This standing order addresses only documents in the possession of the juvenile division of the Placer County Superior Court. This standing order does not address documents sought that are in the possession of any governmental agency.

The persons identified in Welfare & Institutions Code section 827(a)(1)(A) through (O) are authorized to inspect the juvenile court case files without having to file a *Request for Disclosure of Juvenile Case File* (JV-570). All persons authorized under subsections (a)(1)(A) through (O) must file a *Declaration for Access to Juvenile Court Case File* (Local Form) with the juvenile court. The original declaration may be submitted to the Juvenile Division located at 11270 B Avenue, Auburn, California 95603. Proper identification must be provided prior to giving access to any person wishing to inspect and/or receive copies of juvenile court records.

The persons authorized under subsections (a)(1)(A) through (F), (H), and (I) are allowed to both inspect and receive copies of the juvenile court case file without further order of the court. Any such person seeking copies of the case file must first provide adequate identification and pay the costs for any copies.

The persons authorized under subsections (a)(1)(G), and (J) through (O) are only allowed to inspect juvenile court case files. These persons must appear in person with adequate

identification and a properly executed declaration. Any such person seeking copies of the case file must petition the court by filing a *Request for Disclosure of Juvenile Case File* (JV-570).

DATE:

Colleen Nichols
PRESIDING JUDGE OF THE JUVENILE COURT

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

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG - 5 2002

JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF PLACER

No. 02-003
STANDING COURT ORDER

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

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

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

DATED: AUG - 5 2002

Judge of the Superior Court

FRANCES KEARNEY