SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LASSEN

RULES OF COURT
Effective January 1, 2017

LASSEN SUPERIOR COURT
Hall of Justice
2610 Riverside Drive
Susanville, CA 96130
(530) 251-8205

This is a complete set of rules and supersedes all previous local rules.

Notice: a full set of the local rules may be purchased in the superior court filing office or accessed at www.lassencourt.ca.gov.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LASSEN
*** * ***

LOCAL RULES OF COURT

*** * ***

ADOPTED JANUARY 1, 2017

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Please note that all forms included in the local rules of court are <u>mandatory.</u>

RULE OF COURT
NO. 1

LAW AND MOTION DEPARTMENT RULES

A. DATES FOR LAW AND MOTION HEARINGS.

Annually by October 1, each department of the Superior Court shall publish a schedule for the succeeding year's law and motion hearing dates by posting on the court's website, www.lassencourt.ca.gov. Paper copies are available at the court filing office; standard copy fees apply.

B. DEPARTMENT ASSIGNMENTS

Counsel or a self-represented litigant may select a date for hearing any proposed matter, in compliance with the statutory procedure applicable thereto, and set the matter in the appropriate department of the court as follows:

(1) In Department 1 matters assigned for all purposes to Judge Verderosa beginning January 1, 2017

(a) Criminal Felony matters including Felony Information and any pleadings subsequent to the filing thereof other than those in which arise upon a crime alleged to have been committed by an inmate in the custody of the Department of Corrections.

(b) Petition for Writ of Habeas Corpus.

(c) Petition to Declare a Minor a Ward of the Court.

(d) Petition to Declare a Minor a Dependent of the Court.

(e) All Actions for Domestic Violence Temporary Restraining Orders.

(f) Adoptions.

(g) Civil Harassment Petitions.

(2) In Department 2 matters assigned for all purposes to Judge Mallery.

(a) Misdemeanor Criminal matters.

(b) Actions under the Traffic Code.

(c) Small Claims.

(d) Unlawful Detainer.

(e) Civil Action with a prayer exceeding Twenty-five Thousand Dollars, ($25,000) or otherwise is a case not described in Code of Civil Procedure section 86 as of 1997.

(f) Civil Action with a prayer of Twenty-five Thousand Dollars ($25,000) or less, or otherwise is a case described in Code of Civil Procedure section 86.

(g) Actions under the Probate Code.

(h) Actions under the Family Code.

(i) All *ex parte* applications in any case described in items (a) through (h) above. All *ex parte* applications shall comply with California Rules of Court 3.1200 et. seq and shall include LSC Form 1C, *Declaration Regarding Ex Parte Notice*.

(j) Petition for Writ of Prohibition, or Mandamus.

(3) In Department 3

(a) Any proceeding that has been assigned to a visiting judge for all purposes, as directed by that judge.

(b) Any proceeding that has been assigned to a visiting judge for all purposes due to a disqualification or recusal.

(4) In Department 4

(a) Appeal from a Civil Judgment: (a) wherein the original claim was for Twenty-five Thousand Dollars or less, or otherwise is a case described in Code of Civil Procedure section 86 as of 1997; (b) from Small Claims Court.

(b) Appeal from a Judgment of Conviction for a Misdemeanor or Infraction offense.

(5) In Department 5

(a) Criminal case involving an allegation of a crime committed by an inmate in the custody of the Department of Corrections.

(6) In Department 6

(a) Civil Case Management Conferences and Settlement Conferences.

(7) In Department 7

(a) Actions under the Family Code wherein issues of child or spousal support or health insurance maintenance are brought by the Department of Child Support Services.

C. COURTROOM DECORUM AND ATTIRE.

Counsel and self-represented litigants shall observe customary professional courtesy and decorum in presentations to the bench, including standing when addressing argument to the bench, addressing the judicial officer as "Your Honor" or "Judge", being respectful and courteous to attorneys, court staff, law enforcement officials and litigants.

Court proceedings may include a court reporter. It is imperative that the court record is precise. Unless you are a party to the action and it is your turn to speak, silence is required. Disruptive behavior will not be tolerated. Cell phones must be turned OFF or SILENT.

The following attire and items are considered inappropriate in the courtroom and <u>are not allowed while court is in session.</u> Individuals not adhering to this rule will not be allowed to enter the courtroom.

- **Sunglasses, hats, bandanas or other non-religious head coverings**
- **Ripped, torn, frayed, heavily soiled, see-through/sheer clothing of any kind or clothing revealing midriffs or under clothing, halter tops or spaghetti straps**
- **Shorts, cut-offs, mini-skirts, athletic uniforms, costumes, face-paint**
- **Clothing with emblems or depictions of violence, profanity, drugs, sexual acts or that are disrespectful to the judicial process**
- **Bare feet**
- **Recording devices or electronic equipment of any kind without prior permission from the court**
- **Food, drinks, gum, tobacco**

All counsel shall comply with Business and Professions Code section 6068(b) and with respect thereto follow a dress code at all scheduled appearances as follows:

(1) All counsel shall wear appropriate business attire which may include tie, suit, or sport coat and slacks, and footwear.

D. SHORT AND LONG CAUSE HEARINGS.

Any matter coming on a law and motion calendar that will, in the opinion of either counsel or self-represented litigants, require more than ten minutes to be heard will be heard as a setting for a long-cause hearing. Counsel or self-represented litigants shall notify the court and opposing parties in writing at the time of filing his or her pleadings that the hearing will necessitate more than ten minutes for hearing, and request a long-cause setting. Such matters shall be called on the regular law and motion calendar for the sole purpose of setting at that time a date and time for the long-cause hearing. Upon stipulation of all counsel and self-represented litigants that a long-cause hearing be set, the parties may forego the setting appearance and instead supply the court in writing with available dates for the long-cause hearing.

E. TIME LIMITS ON PRELIMINARY HEARINGS

Any preliminary hearing that will, in the opinion of either counsel or self-represented defendants, require more than 30 minutes to be heard will be heard as a setting for a long-cause hearing. Counsel or self-represented defendants shall notify the court and opposing parties in writing at least five (5) days prior to the hearing that the preliminary hearing will necessitate more than 30 minutes for hearing and request a long-cause setting.

F. FILING OF NOTICES OF UNAVAILABILITY

The court may accept for filing a "Notice of Unavailability of Counsel"; however, such notice is not binding on the court and shall have no effect as it relates to the court's calendar. If the court does accept the "Notice of Unavailability of Counsel", such notice must be filed in each case by court case number in which case the notice is expected to apply.

G. CIVIL MOTION PROCEDURE.

The California Rules of Court and provisions of the Code of Civil Procedure relating to law and motion matters will strictly be observed. Evidence at a law and motion hearing shall be by affidavit or declaration under penalty of perjury (Rule 3.1306.) The time for filing a motion, response, and reply will be observed (CCP §1005(b): 16 court days; 9 court days; and 5 court days), and the clerk shall mark any late-filed document with an appropriate stamp so indicating. The court will consider on a case specific basis whether to refuse to consider a late-filed paper, and imposition of sanctions for any party disobeying this requirement without good cause.

H. EXHIBITS AS ATTACHMENTS TO DOCUMENTS

Exhibits presented to the court as attachments to documents require an exhibit divider with a cover sheet behind the divider stating the exhibit number and the title of the document the exhibit is attached to. All exhibits submitted to the court by parties must reflect the correct designation of parties such as Plaintiff/Petitioner/People exhibits are numbered designations, Defendant/Respondent/Cross Defendant exhibits are alphabetical designations.

I. CIVIL REPORTING.

The services of an official court reporter is normally available in the Felony and Juvenile departments only. An official court reporter is not normally available in the Civil (including Family Law, Probate, Small Claims) or Traffic departments. Any litigant who wishes to obtain a record of a hearing in the Civil or Traffic departments must arrange for the presence of a court reporter at his or her expense. The official reporter may be available by calling 530-251-8205 ext. 125 at least two (2) court days prior to the date of the hearing. (CRC 2.956, CRC 3.1310)

J. FAMILY LAW SUPPORT CALCULATIONS.

All parties shall submit with any motion, response, or reply pertaining to support issues, a support calculation prepared on software approved by Judicial Council.

K.. FAMILY LAW ORDERS TO SHOW CAUSE RE CONTEMPT

In family law cases in which there is filed an Order to Show Cause re Contempt on child support issues and both parties are unrepresented by counsel the court will not appoint counsel to represent the party charged with contempt. Further, the parties are hereby advised that in all such proceedings the parties will be given a fair opportunity to present and dispute relevant information and that inability to pay support is a defense to the contempt charge.

L. FAMILY-CENTERED CASE RESOLUTION PROCESS

(1) AUTHORITY. This rule is intended to implement a family-centered case resolution process in conformance with Family Code sections 2450, 2451 and California Rules of Court, rule 5.83.

(2) APPLICABILITY. This rule applies to all dissolution, legal separation, nullity, parentage, child custody and support, and grandparent cases filed after January 1, 2013.

(3) STATUS CONFERENCE .

(a) The court will issue a Notice of Status Conference and calendar the conference within 180 days after the filing of the petition.

(b) The purpose of the status conference is to assess the case early and assist the litigants with creating a case management plan for resolution of all of the issues presented in their cases. The design of the case management plan will depend on the complexity of the case.

(c) On request of either party or on the court's own motion, the court may set any matter for a status conference.

(4) ATTENDANCE AT STATUS CONFERENCE

(a) All parties must attend the initial status conference. If the Department of Child Support Services is a party to the case, their appearance is not required.

(b) Attorneys and self-represented parties shall attend each subsequent status conference unless excused in advance by the court, the case has been dismissed or a judgment resolving all issues has been entered.

(5) RECONCILIATION. Parties who file a stipulation prior to the status conference indicating they are attempting reconciliation will be exempt from the settlement conference for six (6) months. If a judgment or dismissal is not filed within six (6) months of filing of the petition, the court will proceed with a status conference upon notice to the parties.

(6) PRE-STATUS CONFERENCE REQUIREMENTS

(a) In dissolution and legal separation cases each party shall serve the other with a Preliminary Declaration of Disclosure no later than ninety (90) days following the service of the Petition for Dissolution or Legal Separation. The Preliminary Declaration of Disclosure shall include a completed Income and Expense Declaration, a completed Schedule of Assets and Debts, and any other information that is required pursuant to Family Code section 2104. This does not apply to summary dissolution matters as outlined in Family Code section 2400.

(b) A *Family Law Case Management: Status Conference Statement* (LSC Form 1A) shall be filed and served on all other parties at least five (5) calendar days before each case status conference.

(7) STATUS CONFERENCE AND COURT'S ROLE

(a) At the status conference, the judicial officer will review the case to determine whether it is progressing towards disposition in a timely and effective manner in accordance with the milestones, disposition standards, and additional factors set forth in California Rules of Court, rule 5.83. The judicial officer may take action authorized by rule 5.83, including but not limited to setting additional status conferences, setting a family-centered case resolution conference, or scheduling the case for further review without appearances by the parties.

(b) Counsel must inform the court of the following matters:

(i) The attendance of both parties at Family Court Services mediation;

(ii) The service by both parties of a complete Preliminary Declaration of Disclosure;

(iii) The filing with the court of a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration;

(iv) The readiness of the parties to participate in mediation;

(v) The appropriateness of referral to arbitration;

(vi) The willingness of the parties to limit, schedule, or expedite discovery, including the willingness to provide the opposing party, without a discovery request: (a) the name, address, and telephone number of each individual likely to have desirable information that supports the party's disclosures, and (b) a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the party and that supports the party's disclosures;

(vii) The appropriateness of implementation of a family-centered case resolution plan pursuant to Family Code section 2451; and

(viii) The willingness of the parties to stipulate to the appointment of court experts, and allocate the expert's expense, or to schedule a hearing for the appointment and expense allocation of court experts.

(c) At any status conference the court may:

(i) Schedule disclosure of expert witnesses, by stipulation;

(ii) Inquire whether issues can be narrowed by stipulation and set dates for the filing of stipulations;

(iii) Set dates for further status conferences, as needed, and no less often than every six months;

(iv) Set dates for other events that must take place before the next status conference;

(v) Set the date for trial and/or settlement conferences; and

(vi) Take such other action, as permitted by law, which could promote the just and efficient disposition of the case.

M. FAMILY LAW TRIAL SETTINGS

(1) The party who has filed the At-Issue Memorandum shall serve and file at least thirty (30) days prior to the first trial setting conference all of the following:

A completed Income and Expense Declaration, a current Property Declaration, one for community property and one for separate property, if any, and a completed *Family Law Case Management: Settlement Conference Statement,* LSC Form 1B.

(2) If paragraph (1) is not fully complied with, the court will not set a date for trial at the trial setting conference.

(3) The party not filing the At-Issue Memorandum shall serve and file at least fifteen (15) days prior the first trial setting conference all of the following:

A completed Income and Expense Declaration, a current Property Declaration, one for community property and one for separate property, if any, and a completed *Family Law Case Management: Status Conference Statement,* LSC Form 1A, or *Family Law Case Management: Settlement Conference Statement,* LSC Form 1B.

(4) If the party not filing the At-Issue Memorandum fails to serve and file the documents as required in paragraph (3), that party shall have been deemed to have admitted all the relevant facts as set forth in the party filing the At-Issue Memorandum documents as required in paragraph (1).

(5) The parties shall comply with Family Code section 2105 pertaining to final declarations of disclosure or mutual waiver as stated therein. The parties shall be prepared at the first trial setting conference to state whether final declaration of disclosure will be mutually waived.

(6) The court may order the parties to update all or some of the documents listed in paragraph (1) and/or paragraph (3) where substantial time has elapsed between the filing of the documents and the trial date.

(7) Following the trial and the court's decision on outstanding issues, the court will designate one of the parties to prepare the final judgment within ten (10) days of the decision of the court and submit the same for filing.

N. A Final Judgment and a Notice of Entry of Judgment shall be submitted with all Marital Settlement Agreements, all Marital Termination Agreements and all requests for

default judgments. If a Final judgment and a Notice of Entry of Judgment is not submitted with the documents listed above, those documents will not be accepted by the court.

O. TIME FOR FILING MOTIONS (CRIMINAL).

Except for motions to be heard at a felony preliminary examination, and unless otherwise ordered or specifically provided by law, all moving papers in criminal cases shall include a Memorandum of Points and Authorities and shall be served and filed at least ten (10) court days before the time appointed for hearing. All papers opposing the motion shall be filed and served at least five (5) court days before the time appointed for hearing, and all reply papers shall be filed and served at least two (2) court days before the time appointed for hearing. Proof of Service of the moving papers shall be filed no later than five (5) court days before the time appointed for hearing. An original and one copy of all papers are to be filed with the court.

Except on motions brought pursuant to the provisions of Penal Code section 1538.5 and set for hearing at a felony preliminary examination, a party who has not timely served and filed written opposition to a motion will not be permitted oral argument, absent a court order.

Section Q of this rule provides the filing time requirements for motions brought at the preliminary examination pursuant to Penal Code section 1538.5.

P. MEMORANDUM OF POINTS AND AUTHORITIES (CRIMINAL).

A Memorandum of Points and Authorities must include a statement of the case and/or a statement of facts setting forth any procedural or factual matters relevant to the issues presented with page reference to any transcript, declaration, or other document to be relied upon at the hearing. The memorandum must clearly specify the precise factual and legal issues raised in the motion and the specific legal authority relied upon for the motion. Absence of a Memorandum of Points and Authorities shall be deemed by the court as an abandonment of the motion. No issues, factual or legal, other than those set forth in the Memorandum of Points and Authorities will be considered in ruling on the motion unless it is established the new issues were not reasonably discoverable before the motion was filed.

In addition to the above requirements, Defendants shall attach a copy of the current Complaint, Information, or Indictment to the Memorandum of Points and Authorities supporting any Demurrer, Motion to Dismiss, or Motion to Strike. In addition, Demurrers and Motions to Strike shall specify in the notice whether the Defendant seeks to dismiss or strike the entire Complaint, Information, or Indictment. If Defendant does not seek to dismiss or strike the entire Complaint, Information, or Indictment, Defendant shall set forth in the Notice of Motion the counts, enhancements, allegations, special circumstances

or other aspects of the Complaint, Information, or Indictment Defendant seeks to dismiss or strike.

Q. MOTIONS UNDER SECTION 1538.5 OF THE PENAL CODE.

(1) Time for filing. A motion brought pursuant to section 1538.5 of the Penal Code may be made at the preliminary examination only if at least five (5) court days before the date set for the preliminary examination, the defendant has filed and personally served on the people a written motion accompanied by a Memorandum of Points and Authorities as required by paragraph (2) of subdivision (a) of Penal Code section 1538.5. At the preliminary examination, the magistrate may grant the Defendant a continuance for the purpose of filing the motion and serving the motion upon the People, at least five (5) court days before resumption of the examination, upon a showing that the Defendant or his or her attorney of record was not aware of the evidence or was not aware of the grounds for suppression before the preliminary examination. Any written response by the People to the motion shall be filed with the court and personally served on the Defendant or his or her attorney of record at least two (2) court days prior to the hearing at which the motion is to be made. Proofs of Service must be filed by the date of the preliminary examination. Motions not filed for consideration at a preliminary hearing must comply with section O of this rule.

(2) List of items to be suppressed or returned. The moving party shall include a complete itemized list of the specific items of property or other matters sought to be suppressed or returned. A general request to suppress or return "all evidence seized," without greater specificity, is not sufficient and shall be deemed an abandonment of the motion. Only the items listed in the motion will be considered by the court for suppression or return unless it is established the newly identified item could not reasonably be identified before the motion was filed.

(3) Specification of factual and legal basis for motion. The moving party's Memorandum of Points and Authorities shall comply with the first paragraph of section P of this rule and shall identify the specific legal and factual basis for claiming the search or seizure to be defective. An allegation that the search or seizure was "without a warrant" or "without probable cause" without more is not sufficient. Failure to identify the specific legal and factual basis for the claim will be deemed a concession the search and/or seizure was lawful and will result in a summary denial of the motion.

(4) Specification of intended witnesses. Moving and responding parties shall specify on the first page of the Notice of Motion or Response, the number of witnesses, if any, they intend to call at the hearing.

(5) Copy of Search Warrant, Affidavit, and Inventory. If relevant to the motion, legible copies of the Search Warrant, Affidavit in support of the warrant, and Return and Inventory shall be appended to the moving papers.

(6) Failure to comply with the provisions of Penal Code section 1538.5(a)(2), or any portion of this rule may constitute cause for denial of the motion.

When any party is unwilling to stipulate to the transcript of the preliminary examination or grand jury hearing being received into evidence (supplemented by other testimony and argument of counsel, as needed), that fact shall be stated on the first page of the Notice of Motion or Response. Failure to so indicate shall be deemed a stipulation to the admission of the transcript into evidence.

If the motion is based wholly or in part on the preliminary hearing, the moving party's Memorandum of Points and Authorities shall specify what factual findings and legal conclusions were made by the magistrate.

R. DISCOVERY MOTIONS (CRIMINAL).

Upon a showing that the moving party has complied with the informal discovery procedure under section 1054 et. seq. of the Penal Code, the court may make any order necessary to enforce the provisions outlined in section 1054 et. seq. of the Penal Code. No motion will be accepted for filing or set for hearing unless there is attached to the moving papers a declaration by counsel, under penalty of perjury, setting forth the previous oral and written efforts to obtain the discovery by cooperative and informal means, and showing how the opposing party has not complied with section 1054.1 or 1054.3 of the Penal Code. A discovery motion shall be limited to the actual disputed items or class of items listed in the declaration.

S. TIME REQUIREMENTS FOR COUNSEL TO MEET WITH DEPARTMENT 5 (PRISON) DEFENDANTS.

In order to ensure effective assistance of counsel, the court directs all attorneys who are appointed in Department 5 (Prison) cases to meet with their clients no less than two (2) days prior to any hearing subsequent to the initial arraignment hearing. Any request for exception to this rule shall be made to the judge scheduled to preside at the hearing.

T. MISCELLANEOUS MOTIONS.

(1) All ex parte applications shall comply with California Rules of Court 3.1200 et. seq and shall include LSC Form 1C*, Declaration Regarding Ex Parte Notice*.

(2) Any party intending to abandon a motion already filed shall immediately notify the court and opposing counsel.

(*Effective 7/1/1999, as amended 1/1/2013*)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN **Hall of Justice** **2610 Riverside Drive** **Susanville, CA 96130** **(530) 251-8205**	
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT(S):	
FAMILY LAW CASE MANAGEMENT: STATUS CONFERENCE STATEMENT	CASE NUMBER:

STATUS CONFERENCE **DATE:** _____ **TIME:** _____ **DEPT:** _____

NOTICE: You must file this document at least five (5) calendar days before the hearing date listed above.

1. I am: (a) [ ] attorney for [ ] petitioner or [ ] respondent

(b) [ ] self-represented petitioner or [ ] self-represented respondent

(c) [ ] other (explain): _____

The other party [ ] is [ ] is not represented by an attorney.

Opposing attorney or self-represented party's name, address, and telephone number is:

Name: _____ Representative: _____

Address: _____

Phone: _____

[ ] Additional parties and representative information attached.

2. NATURE OF CASE

a. Have the parties reconciled . . . . . [ ] Yes [ ] No

b. Has the Respondent been served with the Summons and Petition . . . .[ ] Yes [ ] No

c. Do the parties expect to make an agreement . . . . . [ ] Yes [ ] No

d. Has this case settled . . . . . [ ] Yes [ ] No Judgment will be filed on/before: _____

e. Parties working on an agreement and request the CMC be continued . . . . . [ ] Yes [ ] No

f. Has the Petitioner served Respondent with Disclosure Documents . . . . . [ ] Yes [ ] No

g. Has the Respondent served Petitioner with Disclosure Documents . . . . . .[ ] Yes [ ] No

h. Have the parties had a meeting to try and settle all issues . . . . . .[ ] Yes [ ] No

i. Are the parties involved in any private mediation . . . . . [ ] Yes [ ] No

3. ISSUES. This case involves the following issues (*check all that apply*):

a. CHILD CUSTODY/VISITATION has been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

b. CHILD SUPPORT has been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

c. SPOUSAL SUPPORT has been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

d. DIVISION OF ASSETS has been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

e. DIVISION OF DEBTS has been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

f. ATTORNEY'S FEES & COSTS have been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

4. TRIAL READINESS. I [ ] am [ ] am not ready for trial.

a. If not ready for trial, when will you be ready (*date*): _____

b. If ready for trial, this case will take _____ [ ] days [ ] hours to complete.

c. If ready for trial, what dates are you <u>unavailable</u> for trial: _____

_____

_____

_____

5. ADDITIONAL INFORMATION:_____

_____

_____

_____

NOTICE: You must file this document at least five (5) calendar days before the hearing date listed on the first page.

I declare under penalty of perjury under the Laws of the State of California that the foregoing is true and correct.

_____
DATE

_____
SIGNATURE OF PARTY OR PARTY'S ATTORNEY

_____
TYPE OR PRINT NAME

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN **Hall of Justice** **2610 Riverside Drive** **Susanville, CA 96130** **(530) 251-8205**	
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT(S):	
FAMILY LAW CASE MANAGEMENT: **SETTLEMENT CONFERENCE STATEMENT**	CASE NUMBER:

SETTLEMENT CONFERENCE **DATE:** _____ **TIME:** _____ **DEPT:** _____

NOTICE: You must file this document at least five (5) calendar days before the hearing date listed above.

1. I am: (a) [ ] attorney for [ ] petitioner or [ ] respondent

   (b) [ ] self-represented petitioner or [ ] self-represented respondent

   (c) [ ] other (explain): _____

   The other party [ ] is [ ] is not represented by an attorney.

   Opposing attorney or self-represented party's name, address, and telephone number is:

   Name: _____ Representative: _____

   Address: _____

   Phone: _____

   [ ] Additional parties and representative information attached.

2. NATURE OF CASE

   a. Have the parties reconciled . . . . . [ ] Yes [ ] No

   b. Has the Respondent been served with the Summons and Petition . . . . . [ ] Yes [ ] No

   c. Do the parties expect to make an agreement . . . . . [ ] Yes [ ] No

   d. Has this case settled . . . . . [ ] Yes [ ] No Judgment will be filed on/before: _____

   e. Parties working on an agreement and request the CMC be continued . . . . . [ ] Yes [ ] No

f. Has the Petitioner served Respondent with Disclosure Documents . . . . . [ ] Yes [ ] No

g. Has the Respondent served Petitioner with Disclosure Documents . . . . . [ ] Yes [ ] No

h. Have the parties had a meeting to try and settle all issues . . . . . [ ] Yes [ ] No

i. Are the parties involved in any private mediation . . . . . [ ] Yes [ ] No

3. ISSUES. This case involves the following issues (*check all that apply*):

a. CHILD CUSTODY/VISITATION has been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

1. Party's proposed disposition for Child Custody/Visitation (Form FL-341) is attached.

b. CHILD SUPPORT has been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

1. Is Department of Child Support Services a party to this action? [ ] Yes [ ] No

2. If yes, has Department of Child Support Services been notified? [ ] Yes [ ] No

3. Attach a completed Income and Expense Declaration (Form FL-150) with the requisite pay stubs attached and/or the immediate prior two years state and federal income tax returns.

4. Attach a completed Dissomaster Calculation.

c. SPOUSAL SUPPORT has been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

Attach on a separate sheet of paper the following:

1. Party's proposed disposition for spousal support including an analysis pursuant to Family Law Code section 4320.

d. DIVISION OF ASSETS has been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

Attach on a separate sheet of paper the following:

1. Party's claims for separate property and facts in support of said claims.

2. Tracing – if it is contended a single asset is part community and part separate in nature, then describe the asset, the date of acquisition, its value, the dates and amounts of payments upon its purchase or the transaction which resulted in its acquisition and a statement regarding the total value of the asset as to its community and separate property values.

3. Dates of acquisition of the assets.

4. Describe the encumbrances on each asset including the nature and extent of the terms of payments.

5. Describe the manner in which title is currently vested in the asset and the record of the title data.

6. Attach any appraisals for any assets.

7. Describe any funds held by others whether the fund is community or separate property such as insurance policies, pensions, profit sharing or other trust of retirement funds and list any loans that exist as against any of said funds.

e. DIVISION OF DEBTS has been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

Attach on a separate sheet of paper the following:

1. Party's claims for separate property and facts in support of said claims.
2. Dates debt was incurred.
3. Describe the terms and payments of the debts and any security held by a creditor.
4. Describe the manner in which title is currently vested in the debt.

f. CREDITS

Attach on a separate sheet of paper the following:

1. Describe in detail any credits and/or reimbursement due from the other party.

g. ATTORNEY'S FEES & COSTS have been [ ] resolved by agreement [ ] resolved by Court Order

[ ] still pending and the next hearing date is _____ [ ] still pending and there is no hearing date set.

1. My position on attorney's fees is as follows: _____

_____

_____

_____

4. TRIAL READINESS. I [ ] am [ ] am not ready for trial.

a. If not ready for trial, when will you be ready (*date*): _____

b. If ready for trial, this case will take _____ [ ] days [ ] hours to complete.

c. If ready for trial, what dates are you <u>unavailable</u> for trial: _____

_____

_____

_____

5. ADDITIONAL INFORMATION: _____

_____

_____

_____

_____

_____

_____

NOTICE: You must file this document at least five (5) calendar days before the hearing date listed on the first page.

I declare under penalty of perjury under the Laws of the State of California that the foregoing is true and correct.

_____ DATE

_____ SIGNATURE OF PARTY OR PARTY'S ATTORNEY

_____ TYPE OR PRINT NAME

ATTORNEY OR PARTY WITHOUT ATTORNEY Name: Address: Phone Number: Bar Number: Attorney For:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN	
PLAINTIFF: DEFENDANT:	
DECLARATION REGARDING EX PARTE NOTICE	CASE NUMBER:

- BLACK INK ONLY –

You are required to give notice by 10:00 a.m. the court day preceding the hearing.
____ I could not comply with above notice because: (state exceptional circumstances): _____
_____
_____
Name of Party Notified: _____
Attorney for Party: _____
Date of Notification: _____ Time: _____AM _____ PM _____
Form of Notification: _____
Information Given: That at (Time) _____ AM _____ PM _____ on (Date)_____,
The moving party will appear at Lassen Superior Court, 2610 Riverside Drive, Susanville, CA 96130 in Dept. ____
To ask for immediate temporary relief orders regarding: **Family Law** **Civil**

Custody	Temporary Guardianship	Visitation
Restraining	Residence Exclusion	
Property Control	Other:	

I have received the following response to said notice:
_____
_____
_____

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

Date: _____ Signature of Declarant: _____

LSC Form 1C ***Mandatory Form, Effective 01/01/2013***

RULE OF COURT
NO. 2

TRIAL RULES

A. TRIAL READINESS.

(1) Motions *In Limine* should be made, to the extent practicable, on notice and heard on a law and motion calendar prior to the date of trial. Such motions made on the day of trial shall be served and filed prior to trial, be in writing, and have a proposed order in writing.

(2) All exhibits shall be pre-marked by prior arrangement with the trial clerk, and be shown to opposing counsel prior to the opening of trial. Exhibits submitted for pre-marking for trial must comply with the following instructions:

(a) Marking and logging exhibits. Each exhibit must be marked with an exhibit tag or label.

(i) People, Plaintiff & Petitioner exhibits will be assigned numerical designations.
(ii) Defendant & Respondent exhibits will be assigned alphabetical designations.
(iii) If Cross-Plaintiffs or Cross Defendants are involved or the case(s) involve more than one Defendant, the court may direct an identifier be used when a specific exhibit is not intended to apply to all Plaintiffs or Defendants.

(3) Counsel and self-represented litigants shall provide a written witness list to the court prior to the opening of trial.

(4) In a civil case each counsel and self-represented litigant shall provide a brief written statement of the nature of the case to the court prior to the opening of trial.

(5) Prior to the case being called for trial, counsel and self-represented litigants shall meet and confer upon their respective exhibits and identify those to which no objection will be made, those to which foundational objections are reserved, and those to which objection is made. Counsel and self-represented litigants shall jointly inform the court of the parties' positions on such proposed exhibits.

(6) Counsel and self-represented litigants shall meet and confer upon any matters which either thinks is likely to be stipulated or uncontroverted, and reduce any agreements thereon to writing in a form that can be read into the record if the matter is reported, or if not reported, in a form adequate for filing.

(7) No less than five (5) days prior to the date of commencement of trial, counsel and self-represented litigants shall submit to the court proposed jury instructions in completed written form. All proposed jury instructions must be submitted to the court in the form and format prescribed by California Rule of Court 2.1055.

B. Counsel and self-represented litigants shall admonish clients and those witnesses under their control to (1) refrain from any contact with any juror or prospective juror, and (2) refrain from making gestures, grimaces, sighs, or exclamations during any in-court proceeding.

C. Counsel and self-represented litigants shall question jurors and witnesses from the lectern or counsel table and shall ask the court's permission to approach a witness.

D. Counsel and self-represented litigants shall address all persons, other than child witnesses, by surnames.

E. Objections, statements and arguments (other than jury argument) are to be addressed to the bench, not opposing counsel or self-represented litigants, and parties should stand when addressing statements or argument to the bench.

F. Witnesses are ordered excluded from the courtroom, absent a stipulation of parties to the contrary, and counsel and self-represented litigants shall monitor compliance with this order throughout the trial. Designation of an investigating officer in a criminal case shall be made on the record. Counsel and self-represented litigants who called the witness shall admonish the witness following his or her testimony to not discuss his or her testimony with any other witness during the trial.

G. After a ruling by the court upon any objection, motion or summary request, counsel and self-represented litigants are to make no further argument on the matter. The remedy for an incorrect ruling is appeal, not oratory. It is disruptive to the orderly conduct of a trial to continue arguing after a ruling is made.

H. Counsel and self-represented litigants shall not engage in "speaking objections" unless the same are specifically invited by the court. In jury trials all such arguments shall be made either at side bar or in chambers. Counsel and self-represented litigants shall inform the court at each side bar or chambers conference if they wish the conference reported, otherwise the reporter will not report the conference.

I. Should counsel or self-represented litigants discuss a case with a juror who is willing to do so after conclusion of the trial, the parties shall keep in mind the duty to not disclose to the juror evidence which was not admitted in the in-court proceedings. Counsel and self-represented litigants shall be cautious to obtain the juror's consent to talk about the case prior to asking any questions and shall respect and maintain the confidentiality of juror information.

J. Any firearm exhibit immediately on being brought to court shall be placed in the possession of the court's bailiff for safety inspection and secure holding prior to court convening. Any proposed firearm exhibit shall have affixed thereto a trigger-locking device sufficient to disable the weapon from firing. Firearms shall be viewed with the courtroom evidence display equipment.

K. All controlled substances brought for exhibit purposes shall be enclosed in a sealed, clear plastic of a minimum thickness of four mils. Any syringe shall have fitted to it a safety device enclosing the needle thereof, and then be enclosed in sealed plastic as described above. Any blood evidence shall be enclosed in an unbreakable clear container, which shall itself be enclosed in sealed plastic as described above.

L. The courtrooms in the Lassen Superior Court Hall of Justice are equipped with evidence display systems. The equipment is available for counsel and self represented litigants use at trial and consists of a document/object camera, DVD, VCR, CD and cassette player. Touchscreen monitors are installed at the counsel presentation lectern and witness stand. Counsel and self-represented litigants are to make arrangements with court staff for use of the equipment at least five (5) court days prior to trial.

M. SPECIAL RULE ON TRAFFIC (VEHICLE CODE) TRIALS.

Trial by Declaration. A Defendant may elect to have a trial by written declaration on an alleged infraction not involving an accident pursuant to section 40902 of the Vehicle Code.

N. COURT RECORDS MANAGEMENT AND ACCESS.

(1) Original court case records and exhibits. Only judicial officers and authorized court personnel shall file, process, remove, replace, edit, mark, copy or destroy original, official, court case records and exhibits. All public and other access to such original records shall be permitted only under direct supervision of such authorized court personnel; and only in accordance with California statutes, the California Rules of Court, and Rules of this Court.

(2) Copying and reproducing official court records. Only judicial officers and authorized court personnel may photocopy or otherwise reproduce original, official, court case records of exhibits. Any such copying or reproduction for public distribution shall be done only by or under the direct supervision of such authorized personnel, subject to any established court charge for these services. Personal photographing or other reproduction of original court records by the public is not permitted. This rule does not apply to the printing or reproduction of documents that may be posted or otherwise made available in electronic form on the court's website.

(Effective 7/1/1999, as amended 1/1/2013)

RULE OF COURT
NO. 3

JUVENILE DEPENDENCY

A. TIME-LINES AND PROCEDURES GOVERNING SETTLEMENTS, MEDIATION, AND DISCOVERY PROTOCOL FOR CONTESTED MATTERS.

(1) Settlements. Upon the calendaring of a contested hearing, the court may set each long-cause matter for a readiness conference as near the trial date as will most efficiently utilize the resources of the court. In addition, if it is the opinion of the court that a resolution is possible, the court shall also set the matter for a pre-trial conference. The parties shall inform the court if they believe a disposition conference would be productive.

(2) Mediation. At any time prior to dismissal if there are issues of custody and/or visitation and there is no issue of risk of harm to the minor(s), the court may require the parties to schedule and participate in mediation. Minor(s) six (6) years or older must attend the mediation on direction of the mediator.

(3) Discovery Protocol. See California Rules of Court , rule 5.546.

B. GENERAL COMPETENCY REQUIREMENT OF COUNSEL WHO APPEAR IN JUVENILE DEPENDENCY PROCEEDINGS.

All attorneys who appear in juvenile dependency proceedings must meet the minimum standards of competence set forth in this rule of court. These rules apply to attorneys who represent public agencies, attorneys employed by public agencies, and attorneys appointed by the court to represent any party in a juvenile dependency proceeding.

C. PROCEDURES TO SCREEN, TRAIN, AND APPOINT ATTORNEYS REPRESENTING PARTIES.

(1) Each attorney who represents parties in juvenile dependency proceedings shall meet the minimum standards of training and/or experience set forth in these rules. An attorney who appears in a dependency matter for the first time shall complete and submit LSC Form 3A, *Certificate of Competency to Practice in Juvenile Dependency Court,* to the court within ten (10) days of his or her first appearance in a dependency matter.

(2) Attorneys who meet the minimum standards of training and/or experience as set forth in these rules, as demonstrated by the information contained in the Certificate of Competency submitted to the court, shall be deemed competent to

practice before the juvenile court in dependency cases except as provided in section C of this rule.

(3) Upon submission of a Certificate of Competency, which demonstrates the attorney has met the minimum standards for training and/or experience, the court may determine, based on conduct or performance of counsel before the court in a dependency case, that a particular attorney does not meet minimum competency standards. In such cases, the court shall proceed as set forth in section D(4) wherein an attorney fails to comply.

(4) Any attorney who appears before the court in a dependency case who does not meet the minimum standards of training or experience shall notify the court to that effect. In such case the court shall order, except in cases where a party is represented by retained counsel, that certified counsel be substituted for the attorney who does not possess the required training. In the case of retained counsel, the court shall notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute private counsel shall be solely within the discretion of the party so notified.

(5) In the case of an attorney who maintains his or her principal office outside of this county, proof of certification by the juvenile court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile proceeding in this county.

(6) If the court determines it to be in the best interest of the minor, the court reserves the right to allow an attorney to continue to represent parties in a juvenile dependency proceeding if said attorney's certificate of competency expires while the appointment is active.

D. MINIMUM STANDARD OF EDUCATION AND TRAINING.

(1) Each attorney who appears in a dependency matter before the juvenile court shall not seek certification of competency and shall not be certified by the court as competent until the attorney has completed the following minimum training and educational requirements. Prior to certification, the attorney shall have either:

(a) Participated in at least eight (8) hours of training or education in juvenile dependency law, which training or education shall have included information on the applicable case law and statutes, the rules of court, judicial council forms, motions, trial techniques and skills, writs and appeals, child development, child abuse and neglect, family reunification and preservation; or

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

(2) In order to retain his or her certification to practice before the juvenile court, each attorney who has been previously certified by the court shall submit a new Certificate of Competency to the court on or before February 28 of the third year after the year in which the attorney is first certified and then every third year thereafter. The attorney shall attach to the renewal Certificate of Competency evidence that he or she has completed at least eight (8) hours of continuing training or education directly related to dependency proceedings since the attorney was last certified. Evidence of completion of the required number of hours of training or education may include a copy of a certificate of attendance issued by a California MCLE provider; a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider; a copy of the training or educational program schedule together with evidence of attendance at such program; or such other documentation as may reasonably be considered to demonstrate the attorney's attendance at such program. Attendance at a court sponsored or approved program will also fulfill this requirement.

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

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

(5) The clerk of the court shall maintain a cumulative list of all attorneys who have filed the required certification with the court, and annually shall notify the presiding judge in writing of the attorneys whose three-year certification period will expire in February of the current year.

E. PROCEDURES FOR THE REVIEW AND RESOLUTION OF COMPLAINTS BY PARTIES REGARDING THE PERFORMANCE OF ATTORNEYS.

Complaints or questions by a party regarding representation shall be addressed as follows:

(1) Complaints or questions shall initially be referred to any agency or law firm appointed to represent the client.

(2) If the issue remains unresolved, or if there is no designated agency or law firm, the party may submit the complaint to the court in writing. The court may follow one of the following procedures:

(a) Conduct its own review of the complaint or question and take appropriate action if required, or,

(b) Refer the complaint to the State Bar.

F. PROCEDURES TO INFORM THE COURT OF INTERESTS OF THE DEPENDENT CHILD WHICH REQUIRE FURTHER INVESTIGATION, INTERVENTION, OR LITIGATION.

(1) Judicial Council forms JV-100, *Juvenile Dependency Petition*, or JV-180, *Modification Petition Attachment* shall be utilized to inform the court and request direction from the court.

(2) Upon receipt of the request by counsel for instructions from the court, the court shall do one or all of the following:

(a) Refer the matter to the appropriate agency for further investigation, and require a report to the court and counsel within a reasonable time;

(b) Authorize and direct the child's attorney to initiate and pursue appropriate action;

(c) Appoint a guardian ad litem for the child if one is required to initiate and pursue appropriate action; or

(d) Take any other action to protect the interests and rights of the child.

G. THE CHILD ADVOCATE PROGRAM.

The Superior Court may appoint child advocates to represent the interests of dependent children. In order to qualify for appointment, the child advocate must be trained by and function under the auspices of a Court Appointed Special Advocate Program (CASA), formed and operating under the guidelines set forth in California Rules of Court, rule 5.655 and Welfare & Institutions Code section 356.5.

The CASA program shall report regularly to the presiding judge of the juvenile court with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocates Association and the California State Guidelines for Child Advocates.

(1) Advocates' functions. Advocates serve at the pleasure of the court having jurisdiction over the proceeding in which the advocate has been appointed. In general, an advocate's functions are as follows:

(a) To support the child throughout the court proceedings;

(b) To establish a relationship with the child to better understand his or her particular needs and desires;

(c) To communicate the child's needs and desires to the court in written reports and recommendations;

(d) To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;

(e) To provide continuous attention to the child's situation to ensure that the court's plans for the child are being implemented;

(f) To the fullest extent possible, to communicate and coordinate efforts with the case manager/social worker;

(g) To the fullest extent possible, to communicate and coordinate efforts with the child's attorneys; and

(h) To investigate the interests of the child in other judicial or administrative proceedings outside juvenile court; report to the juvenile court concerning same; and, with the approval of the court, offer his/her services on behalf of the child to such other courts or tribunals.

(2) Sworn officer of the court. An advocate is an officer of the court and is bound by these rules. Each advocate shall be sworn in by a Superior Court judge before beginning his/her duties, and shall subscribe a written oath.

(3) Specific duties. The court shall, in its initial order of appointment, and thereafter in any subsequent order, specifically delineate the advocate's duties in each case, which may include independent investigation of the circumstances of the case, interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, consideration of visitation rights for the child's grandparents and other relatives, and reporting back directly to the court as indicated. If no specific duties are outlined by court order, the advocate shall discharge his/her obligation to the child and the court in accordance with the general duties set forth in this rule.

(4) Release of information to advocate.

(a) Court authorization. To accomplish the appointment of an advocate, the judge making the appointment shall sign an order granting the advocate the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the court.

(b) Access to records. An advocate shall have the same legal right to records relating to the child he/she is appointed to represent as any case manager/social worker with regard to records pertaining to the child held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The advocate shall present his/her identification as a court-appointed advocate to any such record holder in support of his/her request for access to specific records. No consent from the parent or guardian is necessary for the advocate to have access to any records relating to the child.

CASA volunteers are considered court personnel as that term is used in Welfare and Institutions Code section 827. They shall have access to Probation Department and Department of Child Protective Services' (CPS) files and information contained therein needed to carry out their responsibilities as court appointed advocates.

Any release by the Probation Department or CPS pursuant to this rule of information made confidential by Welfare and Institutions Code section 10850 shall be considered a disclosure for purposes directly connected with the administration of public social services as that term is used in Welfare & Institutions Code section 10850. Except as contained in their court report and in their dealing with the parties in the particular case, the

advocates are prohibited from releasing any information they gain from inspection of these files.

(5) Report of child abuse. An advocate is a mandated child abuse reporter with respect to the case to which the advocate is appointed.

(6) Communication with others. There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the advocate, CPS manager, child's attorneys or parents, relatives, foster parents and any therapist for the child.

(7) Right to timely notice. In any motion concerning the child for whom the advocate has been appointed, the moving party shall provide adequate and timely notice to the advocate appointed for the child.

(*Effective 7/1/1999, as amended 7/1/2000*)

CERTIFICATE OF COMPETENCY
TO PRACTICE IN JUVENILE DEPENDENCY COURT

I have completed the following: (check one)

_____8 hours of training or education in juvenile dependency law or related subjects as set out in the Rules of Court.

_____6 months of experience in dependency proceedings.

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this certification is executed at _____[city], California on _____[date].

_____
Signature Line

LSC Form 3A ***Mandatory Form, Effective Date 07/01/1999***

RULE OF COURT
NO. 4

PROCEDURE IN FAMILY LAW CASES INVOLVING SUPPORT ISSUES

A. In any proceeding authorized by the Family Code, a party shall complete and file the mandatory local form LSC Form 4A, "*Family Support Information Form,*" at the time of filing his or her first paper.

B. All motions, orders to show cause, and requests for order which include a prayer for the establishment or modification of child support or family support, and in which the Department of Child Support Services is a party, shall be heard by the Family Court Commissioner. At the time of filing, the clerk accepting the filing shall designate an appropriate hearing date and time in the Family Court Commissioner's department. If the Family Court commissioner is unavailable at the designated date and time, then a Superior Court Judge shall hear the matter.

C. The Family Law Facilitator shall review all requests for support which are set forth in a motion, order to show cause, or request for order, before the court hears the same. The Family Law Facilitator shall provide to the court a brief analysis of the matter and, when possible, a support calculation using a program approved by the Judicial Council to assist the court in determining an appropriate guideline child support amount, prior to any hearing thereon.

D. Pursuant to Family Code sections 10004 and 10005, when deemed appropriate by the court, litigants shall be ordered to the Family Law Facilitator for assistance in understanding their respective rights and obligations regarding support, for preparation of support schedules, and for discussion of issues involving child support, spousal support, and maintenance of health insurance. In the event such discussion does not result in agreement, the Family Law Facilitator shall prepare and submit to the court a written recommendation on the issues presented, with appropriate findings and conclusions thereon.

E. Except where good cause is shown, the court shall order that payments pursuant to a child support or family support order when Department of Child Support Services is a party be made through the Department of Child Support Services' California State Disbursement Unit located at P.O. Box 989067, West Sacramento, California 95798.

(Effective 7/1/1999, as amended 1/1/2013)

ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name, state bar number and address*) **TELEPHONE NUMBER:** **FAX NO:** **ATTORNEY FOR (*Name*):**	***FOR COURT USE ONLY***
LASSEN SUPERIOR COURT **2610 RIVERSIDE DRIVE** **SUSANVILLE, CA 96130**	
PETITIONER/PLAINTIFF: **RESPONDENT/DEFENDANT:**	
FAMILY SUPPORT INFORMATION FORM	**CASE NUMBER:**

ATTENTION

FAMILY SUPPORT INFORMATION MUST BE FILED IN ALL FAMILY LAW CASES.

1. NAME OF FILING PARTY:_____

2. NAME OF FILING PARTY'S ATTORNEY:_____

3. IS THERE A SUPPORT REQUEST (child support or family support) IN YOUR CASE?

YES _____ NO _____

LASSEN SUPERIOR COURT
FAMILY SUPPORT INFORMATION FORM

LSC Form 4A ***Mandatory Form, as amended 1/1/2013***

RULE OF COURT
NO. 5

DUTIES OF THE COURT'S FAMILY LAW FACILITATOR

The Office of the Family Law Facilitator shall perform each of the duties of that office required by Family Code sections 10004 and 10005, at the direction of the court.

A. Provide educational materials to self represented litigants concerning the process of establishing parentage and establishing, modifying and enforcing child support and spousal support, distribute necessary court forms and voluntary declarations of paternity, provide assistance in completing forms, prepare support schedules based on statutory guidelines, and provide referrals to the local child support agency, family court services and other community agencies and resources that provide services for parents and children. The Office of the Family Law Facilitator shall not advocate on behalf of or represent a party in family matters in the court.

B. Upon court order, meet with litigants and mediate issues of child support, spousal support, and maintenance of health insurance, in accordance with Family Code section 10012, and coordinate such services with the court's child custody recommending counseling/mediation services.

C. Upon court order, draft stipulations for parties, including all issues presented and agreed to by the parties.

D. Upon court order, prepare formal orders consistent with the court's announced order in cases where the parties are not represented by counsel.

E. Upon court order, serve as a special master in court proceedings and make findings to the court unless he or she has served as a mediator in that case.

F. Examine and determine the legal and factual sufficiency of papers and documents filed or lodged with the court, and advise the court upon the sufficiency of the matter and whether or not the same is ready to proceed to hearing.

G. Assist the court with research and conduct any other activities which will enable the court to be responsive to the litigants' needs and enable them to have meaningful access to family court.

H. May, as time and funding allows, maintain regular contact with court officials, bar groups, and the community to assess and identify the need for services that will assist the

court in resolving child and spousal support disputes, and work to improve litigants' access to the family court.

(Effective 7/1/1999, as amended 1/1/2013)

RULE OF COURT
NO. 6

TELEPHONIC APPEARANCE RULE

A. PROGRAM OVERVIEW.

(1) The CourtCall Telephonic Appearance Program (CourtCall) organizes a procedure for telephonic appearance by attorneys and self-represented litigants as an alternative to personal appearances in appropriate cases and situations. A CourtCall appearance is fully voluntary and available at a fixed fee or acceptance of a fee waiver for use only in certain civil, unlawful detainer, probate cases, and Title IV-D family support cases.

(2) Hearings are conducted in open court or in private as the court may designate. All attorneys and self-represented litigants making CourtCall appearances call a designated toll free teleconference number five minutes before the calendar is scheduled, to check in with the clerk. Attorneys and self-represented litigants remain on the court's speakerphone-telephone line and hear the same business that those present in the court may be hearing. Attorneys and self-represented litigants not participating telephonically appear in person. The court calls the cases and all the attorneys and self-represented litigants on a case participate in the hearing. All present in the courtroom hear the discourse of those making CourtCall appearances.

(3) CourtCall appearances are scheduled, in writing, in advance, by serving on all parties to the action and delivering (via fax, mail, or personal delivery) to CourtCall, not less than 5 court days prior to the hearing date, LSC Form 6A, *Request for CourtCall Telephonic Appearance* form, and by paying the stated fee or fee waiver for each CourtCall appearance.

(4) If the self-represented litigant has a fee waiver issued by the court, they are required to fax a copy of the fee waiver to CourtCall in lieu of payment. A copy of the valid fee waiver must be provided for each CourtCall appearance.

(5) Participating parties shall expressly understand that there may be waiting periods for the case to be called on the CourtCall system of up to an hour, and election to use this appearance system option includes agreement that the party or counsel will be on the CourtCall from the time of hearing to the time the case is called and heard.

B. PARTICIPATION IN COURTCALL APPEARANCES.

(1) Courts.

(a) In all general civil cases, a party providing notice may appear by telephone at the following conferences, hearings, and proceedings as follows:

(i) Hearings on law and motion matters, except for motions in limine.

(ii) Case management conferences, provided the party has made a good faith effort to meet and confer before the conference as required by law and has timely served and filed a case management statement.

(iv) Trial setting conferences.

(v) Hearings on discovery motions.

(vi) Conferences to review the status of an arbitration or mediation.

(vii) Hearings to review the dismissal of an action.

Title IV-D family support non-evidentiary hearings, conferences, or law and motion matters.

(viii) Any other hearing, conference, or proceeding if the court determines that a telephonic appearance is appropriate.

(b) A court may require a party to appear in person at any hearing, conference, or proceeding listed above in subdivision (a) if the court determines on a hearing by hearing basis that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

(c) The court reserves the authority, at any time, to reject any Request for CourtCall Appearance. When the court rejects a request, it shall order the refund of deposited telephonic appearance fees and notify CourtCall.

(d) The court reserves the authority to halt the telephonic hearing on any matter and order the attorneys and self-represented litigants to personally appear at a later date and time, in which case no refund is permitted.

(e) If a matter is continued prior to the actual hearing date, the prior filing of a Request for CourtCall Appearance form shall remain valid for the continued date of the hearing.

(f) Existing rules and procedures regarding the making of the record by a court reporter or electronic device or obtaining a transcript after the hearing shall apply to hearings at which CourtCall appearances are made.

No recordings may be made of telephonic appearances except in compliance with California Rule of Court 1.150.

(2) Attorneys and Self-Represented Litigants.

(a) Attorneys and self-represented litigants electing to make a CourtCall appearance for eligible hearings and conferences shall serve on all other parties in the case the Request for CourtCall Appearance form, fax a copy of the form to CourtCall, and pay the CourtCall appearance fee in the method prescribed, not less than five (5) court days before the hearing date.

(b) Attorneys and self-represented litigants choosing to make a CourtCall appearance shall place the phrase "CourtCall Telephone Appearance" below the title of the moving or opposing papers.

C. APPEARANCE PROCEDURE.

(1) An attorney or self-represented litigant making a CourtCall appearance shall:

(a) Eliminate to the greatest extent possible all ambient noise from the attorney's or self-represented litigant's location;

(b) Be required, during the attorney's or self-represented litigant's appearance, to speak directly into a telephone handset;

(c) Not call in with cellular or cordless telephone devices or through a personal computer.

(2) An attorney or self-represented litigant making a CourtCall appearance shall call the court's designated toll free teleconference line approximately 15 minutes prior to the scheduled hearing time and check-in with the clerk. An attorney or self-represented litigant calling after the check-in period shall be considered to be late for the hearing and shall be sanctioned in the same manner as if the attorney or self-represented litigant had personally appeared late for the hearing.

(3) An attorney or self-represented litigant appearing telephonically shall state his or her name for the record each time he or she speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. An attorney or self-represented litigant shall not utilize the "hold" button.

(*Effective 07/1/1999, as amended 7/1/2011)*

LSC Form 6A **Page 1 of 2** **Mandatory Form, as amended 1/1/2012**

ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name, state bar number and address*) **TELEPHONE NUMBER:** **FAX NO:** **ATTORNEY FOR (*Name*):**	***FOR COURT USE ONLY***
LASSEN COUNTY SUPERIOR COURT **2610 RIVERSIDE DRIVE, SUSANVILLE, CA 96130**	
PETITIONER/PLAINTIFF: **RESPONDENT/DEFENDANT:**	
REQUEST FOR COURTCALL TELEPHONIC APPEARANCE	**CASE NUMBER:**

DATE:	**TIME:**	**DEPT. :**
JUDGE:	**NATURE OF HEARING:**	

1. _____ (name of specific attorney appearing telephonically) requests a CourtCall telephonic appearance at the above referenced proceeding and agrees to provisions of the Rule/Order/Procedure RE: CourtCall Telephonic Appearances.
2. Not less than five court days prior to hearing, a copy of this document was served on all other parties and faxed to the CourtCall, LLC, Telephonic Appearance Program Administrator.
3. The non-refundable CourtCall Appearance Fee in the sum of $78 (plus additional fee of $30 if late filing is accepted) is paid as follows:
   - □ Check (copy attached) payable to Telephonic Hearing Account and original mailed to CourtCall, LLC at 11268 W. Washington Blvd., Suite 200, Culver City, CA 90230; telephone (310) 572-4670 or (888) 88COURT.
   - □ Charge to CourtCall Debit Account No: _____.
   - □ Charged to VISA, MasterCard or American Express:

TO BE COMPLETED <u>ONLY</u> ON THE COPY SUBMITTED TO CourtCall, LLC:

Credit Card: □ VISA □ MasterCard □ American Express

Credit Card Number _____ Expiration Date: _____

To pay by credit card, the copy of this form submitted to CourtCall, LLC, must be signed by the person whose card is to be charged and must be faxed to CourtCall, LLC, at (310) 572-4679 of (888) 88FAXIN with the above credit card information completed. The signatures below constitutes authorization to charge the above referenced credit card. The

receipt faxed back by CourtCall, LLC, constitutes calendar confirmation.

Date: _____ Name on Card: _____ Signature: _____

TYPE NAME

Dated: _____

_____

Signature

REQUEST FOR COURTCALL TELEPHONIC APPEARANCE

RULE OF COURT
NO. 7

CIVIL LITIGATION DELAY REDUCTION

A. STATEMENT OF POLICY.

These Rules are revised and promulgated pursuant to the Trial Court Delay Reduction Act of 1986, as revised, set forth in Government Code section 68600, et. seq. and California Rules of Court Title 3 Civil Rules et. seq. and apply to all pending and hereafter filed civil actions in this court which are designed for inclusion in the Lassen Superior Court Delay Reduction Program as set forth in these rules.

It is the policy of the Lassen Superior Court to actively manage, supervise and control the litigation of all actions subject to these rules from initiation of an action through disposition, for the purpose of resolving all subject civil cases with economy to the parties in the most efficient manner consistent with the obligation of the court to give full and careful consideration to all issues presented for resolution and provide a forum wherein the parties may adequately prepare and present their cases before the court.

The goal of the Program is to manage civil cases from filing so that:

(1) Of unlimited civil cases, 75% are disposed of within 12 months, 85% are disposed of within 18 months, and 100% are disposed of within 24 months.

(2) Of limited civil cases, 90% are disposed of within 12 months, 98% are disposed of within 18 months, and 100% are disposed of within 24 months.

In managing individual civil cases the court must consider each case on its merits. To enable the fair and efficient resolution of civil cases, each case should be set for trial as soon as appropriate for that individual case consistent with Rule 3.729.

B. CIVIL CASES SUBJECT TO PROGRAM.

All civil cases filed in the court are subject to the Program excepting those in the following categories:

Probate	**Guardianship**	**Conservatorship**
Family Law	**Adoptions**	**Small Claims**
Unlawful Detainer	**Small Claims Appeals**	**Writs**
Civil Petitions	**Sister State Judgments**	**Water Rights**
Juvenile Court Proceedings		

C. LAW AND MOTION MATTERS NOT SUBJECT TO PROGRAM.

Any law and motion matters not specifically related to the processing of the case pursuant to these rules or encompassed in the management of the case pursuant to these rules shall be set and noticed in the appropriate law and motion department of the court.

D. DUTIES OF CLERK AND PARTY/ATTORNEY UPON FILING FIRST PAPER.

At the time of filing of the initial paper instituting a subject case, the clerk shall provide to the party or attorney for the party presenting the document for filing LSC Form 7A, *Delay Reduction Program Notice.* A copy of that document shall be served upon each other party with the Summons or other first document served upon them. Any party filing a Cross-Complaint shall serve a copy of the document with the Summons or other first document served upon any Cross-Defendants who have not previously been served as a party to the action.

E. TIME FOR SERVICE OF COMPLAINT, CROSS-COMPLAINT AND RESPONSE.

(1) Applicability. This rule applies to the service of pleadings in civil cases except for unlawful detainer actions, proceedings under the Family Code, and other proceedings for which different service requirements are prescribed by law.

(2) Service of Complaint. The Complaint must be served on all named Defendants and proofs of service on those Defendants must be filed with the court within 60 days after the filing of the Complaint. When the Complaint is amended to add a Defendant, the added Defendant must be served and proof of service must be filed within 30 days after the filing of the amended complaint.

(3) Service of Cross-Complaint. A Cross-Complaint against a party who has appeared in the action must be accompanied by proof of service of the Cross-Complaint at the time it is filed. If the Cross-Complaint adds new parties, the Cross-Complaint must be served on all parties and proofs of service on the new parties must be filed within 30 days of the filing of the Cross-Complaint.

(4) Timing of Responsive Pleadings. The parties may stipulate without leave of court to one 15-day extension beyond the 30-day time period prescribed for the response after service of the initial Complaint with written notice to the court.

(5) Modification of Timing; application for order extending time. The court, on its own motion or on the application of a party, may extend or otherwise modify the times provided in (2)–(4). An application for a court order extending the time to serve a pleading must be filed before the time for service has elapsed. The

application must be accompanied by a declaration showing why service has not been effected, documenting the efforts that have been made to effect service, and specifying the date by which service is proposed to be effected.

(6) Request for Entry of Default. If a responsive pleading is not served within the time limits specified in this rule and no extension of time has been granted, the Plaintiff within 10 days after the time of service has elapsed must file a Request for Entry of Default.

(7) Default Judgment. When a default is entered, the party to request the entry of default must obtain a Default Judgment against the defaulting party within 45 days after entry of default, unless the court has granted an extension of time.

F. CASE MANAGEMENT CONFERENCE; MEET-AND-CONFER REQUIREMENT; AND CASE MANAGEMENT ORDER.

(1) Initial case management review. In every general civil case except complex cases and cases exempted under California Rules of Court, rules 3.712, 3.714, and 3.735, the court shall review the case no later than 180 days after the filing of the initial complaint.

(2) Case management conference.

(a) Case management conference. In each case, the court will set an initial case management conference to review the case. Notice of the case management conference will be given to all parties no later than 45 days before the conference, unless otherwise ordered by the court. At the conference, counsel for each party and self-represented litigant must appear personally or, if permitted under rule 3.670, by telephone, must be familiar with the case, and must be prepared to discuss and commit to the party's position on the issues listed in (5)-(6) below.

At the initial conference, the court must review the case comprehensively and decide whether to assign the case to an alternative dispute resolution process, whether to set the case for trial, and the other matters stated in this rule. The initial case management conference should generally be the first case management event conducted by court order in each case, except for orders to show cause.

(b) Case management order without appearance. If, based on its review of the written submissions of the parties and such other information as is available, the court determines that appearances at the conference are not necessary, the court may issue a case management order and notify the parties that no appearance is required.

(3) Special order or request for a case management conference. The court on its own motion may order, or a party or parties may request, that a case management conference be held at any time.

(4) Arbitration determination. The court at the case management conference or review will determine if the case is suitable for judicial arbitration pursuant to Code of Civil Procedure section 1141.11(b).

(5) Subjects to be considered at the case management conference. In any case management conference or review under this rule, the parties must address, if applicable, and the court may take appropriate action with respect to, the following:

(a) Whether there are any related cases;

(b) Whether all parties named in the complaint or cross-complaint have been served, have appeared, or have been dismissed;

(c) Whether any additional parties may be added or the pleadings may be amended;

(d) Whether, if the case is a limited civil case, the economic litigation procedures under Code of Civil Procedure section 90 et seq. will apply to it or the party intends to bring a motion to exempt the case from these procedures;

(e) Whether any other matters (e.g. the bankruptcy of a party) may affect the court's jurisdiction or processing of the case;

(f) Whether the parties have stipulated to, or the case should be referred to, judicial arbitration or any other form of Alternative Dispute Resolution (ADR) and, if so, the date by which the ADR must be completed;

(g) Whether an early settlement conference should be scheduled and, if so, on what date;

(h) Whether discovery has been completed and, if not, the date by which it will be completed; disclosing all who have been deposed; all who are to be deposed, when and where they are to be deposed and the reason why each person is being deposed.

(i) What discovery issues are anticipated;

(j) Whether the case should be bifurcated or a hearing should be set for a motion to bifurcate under Code of Civil Procedure, section 598;

(k) Whether there are any Cross-Complaints that are not ready to be set for trial and, if so, whether they should be severed;

(l) Whether the case is entitled to any statutory preference and, if so, the statute granting the preference;

(m) Whether a jury trial is demanded, and, if so, the identity of each party requesting a jury trial;

(n) The date by which the case will be ready for trial;

(o) The estimated length of trial;

(p) The nature of the injuries;

(q) The amount of damages, including any special or punitive damages;

(r) Any additional relief sought;

(s) Whether there are any insurance coverage issues that may affect the resolution of the case; and

(t) Any other matters that should be considered by the court or addressed in its case management order.

(6) Meet-and-confer requirement. Unless the court orders another time period, no later than 30 days before the date set for the case management conference, the parties <u>must</u> meet and confer, in person or by telephone, to consider each of the issues identified in (5) and, in addition, to consider the following:

(a) Resolving any discovery disputes and setting a discovery schedule;

(b) Identifying and, if possible, informally resolving any anticipated motions;

(c) Identifying the facts and issues in the case that are uncontested and may be the subject of stipulation;

(d) Identifying the facts and issues in the case that are in dispute;

(e) Determining whether the issues in the case can be narrowed by eliminating any claims or defenses by means of a motion or otherwise;

(f) Whether there will be an independent medical exam and, if so, the date the parties expect to schedule the same;

(g) The nature of experts who are anticipated to be used at trial.

(7) Case management statement.

(a) Timing of statement. No later than 15 calendar days before the date set for the case management conference or review, each party must file a case management statement and serve it on all other parties in the case.

(b) Contents of statement. Parties must use the mandatory CM-110, *Case Management Statement* form. All applicable items on the form must be completed. In lieu of each party filing a separate case management statement, any two or more parties may file a joint statement under this rule.

(8) Stipulation to Alternative Dispute Resolution (ADR). If all parties agree to use an ADR process, they must jointly complete the ADR stipulation form provided for under California Rule of Court 3.221 and file it with the court.

(9) Case management order. The case management conference must be conducted in the manner provided by local rule. The court will enter a case management order setting a schedule for subsequent proceedings and otherwise providing for the management of the case. The order should include such provisions as may be appropriate, including:

(a) Referral of the case to judicial arbitration or some other form of alternative dispute resolution;

(b) A date for completion of the arbitration process or other form of alternative dispute resolution process if the case has been referred to such a process;

(c) Whether all parties necessary to the disposition of the case have been served or have appeared;

(d) The dismissal or severance of parties not served or not appearing in the action;

(e) The names and addresses of the attorneys who will try the case;

(f) The date, time, and place for a mandatory settlement conference;

(g) The date, time, and place for a final case management conference before trial if such a conference is required by the court or the judge assigned to the case;

(h) The date, time, and place of any further case management conferences or review; and

(i) Any additional orders that may be appropriate, including orders on matters listed in (5) and (6).

(10) Case management order controls. The order issued after the case management conference or review controls the subsequent course of the action or proceeding unless it is modified by a subsequent order.

G. FURTHER CASE MANAGEMENT CONFERENCE.

After the first case management conference the court will normally set one or a series of further case management conferences, for each of which the parties have the same duties as with the first (service and filing of a case management statement and appearance of the party or trial counsel). The parties will be expected to have completed the discovery identified in the order from the first case management conference within the time limits set for the same in the order.

H. AT-ISSUE MEMORANDUM ABOLISHED.

No At-Issue Memorandum shall be filed by the clerk of the court in any case subject to this rule. Requests for trial shall be made on the case management statement together with request for court reporter services.

I. RESPONSIBILITY OF CASE MANAGEMENT JUDGE.

The responsibility of the case management judge is to achieve a just and effective processing of each subject case through active management and supervision of the pace of litigation from the date of filing to disposition.

J. STIPULATIONS FOR RELIEF FROM RULES PROHIBITED.

The parties to an action subject to these rules shall not enter a stipulation that purports to relieve any or all parties from the operation of these rules. Any request for relief from any part of these rules shall be on noticed motion to the appropriate law and motion calendar judge (not to the case management judge.)

K. Plaintiff/Cross-Complainant must file a dismissal within 45 days of settlement of the Complaint/Cross-Complaint. If the Plaintiff/Cross-Complainant fails to do so the court will dismiss the case unless good cause is shown why the case should not be dismissed (Rule of Court 3.1385(b)).

L. Failure to follow any of the foregoing Delay Reduction Program/Case Management Program Rules may result in an order to show cause why sanctions should not be imposed pursuant to Rule of Court 2.30. Similarly, failure to follow any aspect of a case management order, including but not limited to discovery schedules, may result in an order to show cause why sanctions should not be imposed pursuant to Code of Civil Procedure section 177.5 and/or California Rule of Court 2.30.

M. SANCTIONS FOR DELAY IN PROSECUTING AN ACTION

The court may on its own motion or on a motion for defendant issue sanctions of dismissal under California Rule of Court 3.1340 or impose other less severe sanctions as otherwise provided by law that the court deems appropriate for a delay in prosecution, if the action has not been brought to trial or conditional settlement within two years after the action was commenced against Defendant.

(Effective 7/1/1999, as amended 1/1/2013)

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

_____	**CASE NO.:**
_____	
_____	**DELAY REDUCTION PROGRAM NOTICE**
Plaintiff(s).	
	All Parties and Counsel are Required to Apprise Themselves of the Local Delay Reduction Program Rules
_____	
_____	
_____	
Defendant(s).	

This case is subject to the Delay Reduction Program set forth in detail in the Local Rules of the Lassen County Superior Court. It is the duty and obligation of each party and attorney to be familiar and comply with these Local Rules in addition to applicable statutes and the Rules of the Court as the same relate to Delay Reduction Programs.

Important aspects of the Local Rules include the requirement for preparation, service and filing of a Case Management Statement by each party **no later than 15 calendar days before the date set for the Case Management Conference**. The parties will be notified by the clerk of the court when the Case Management judge orders a First Case Management Conference, and are required to have trial counsel present at the conference ; **no special appearances by non-record counsel will be accepted as compliance with this rule.**

The court will expect and require meaningful participation in the program and reasonable expediency in the prosecution and defense of an action will reduce the need for conferences and save the parties expense in court appearances. Conversely, ineffective compliance will result in closer management by the court and more frequent appearances for Management Conferences.

This action is assigned to one judge for all Case Management Program purposes, and he or she shall preside over all Program Conferences. Any motions or requests concerning Case Management matters should be directed to that judge. Motions not concerning Delay Reduction matters **are not** a part of the program, and should be noticed and calendared on the appropriate Law and Motion Calendar.

Sanctions for non-compliance with the Local Rules and Program Orders can be expected in the absence of good cause for the same.

Copies of the Local Rules for the Delay Reduction Program of the Lassen County Superior Court are available from the Superior Court Filing Office and on the court's website at www.lassencourt.ca.gov.

LSC Form 7A **Mandatory Form, as amended 7/1/2011**

RULE OF COURT
NO. 8

JURY SERVICE AND DEFERMENT

A. DUTY OF CITIZENS.

Jury service, unless excused by law, is a responsibility of citizenship. The court and its staff should employ all necessary and appropriate means to assure that citizens fulfill this important civic responsibility.

B. WRITTEN COURT POLICY.

Pursuant to Division 1, Section 4.5 of the Standards of Judicial Administration of the California Rules of Court, the court hereby adopts criteria governing the granting of excuses from jury service on grounds of undue hardship based on Code of Civil Procedure section 204. The policy incorporates the following principles:

(1) No class or category or persons will be automatically excluded from jury service except as provided by law.

(2) A statutory exemption from jury duty service will be granted only when the eligible person claims it.

(3) Deferring jury service shall be preferred to excusing a prospective juror for a temporary or marginal hardship for a period not to exceed 90 days.

(4) Inconvenience to a prospective juror or an employer is not an adequate reason to be excused from jury service, although it may be considered a ground for deferral.

C. REQUEST TO BE EXCUSED.

All requests to be excused from jury service that are granted for undue hardship shall be in writing from the prospective juror, or placed on the court's record. The prospective juror shall support the request with facts specifying the hardship in a statement why the circumstances constituting the undue hardship cannot be avoided by deferring the prospective juror's service.

D. GROUNDS CONSTITUTING UNDUE HARDSHIP.

An excuse on the grounds of undue hardship may be granted for any of the following reasons:

(1) The prospective juror has no reasonably available means of public or private transportation.

(2) The prospective juror must travel a distance exceeding 1 and ½ hours from the prospective juror's home.

(3) The prospective juror will bear an extreme financial burden. In determining whether to excuse the prospective juror, consideration shall be given to:

(a) The source of the prospective juror's household income;

(b) The availability and extent of income reimbursement;

(c) The expected length of service; and

(d) Whether service can reasonably be expected to compromise that person's ability to support himself or herself or his or her dependents or so disrupt the economic stability of any individual as to be against the interest of justice.

(4) The prospective juror will bear an undue risk of material injury to or destruction of property of the prospective juror, where it is not feasible to make alternative arrangements to alleviate the risk. In determining whether to excuse the prospective juror, consideration shall be given to;

(a) The nature of the property;

(b) The source and duration of the risk;

(c) The probability that the risk will be realized;

(d) The reason why alternative arrangements to protect the property cannot be made; and,

(e) Whether material injury to or destruction of the property will so disrupt the economic stability of any individual as to be against the interest of justice.

(5) The prospective juror has a physical or mental disability or impairment, not affecting that person's competence to act as a juror that would expose the potential juror to undue risk of mental or physical harm. In an individual case, except where

the person is aged 70 years or older, the prospective juror shall be required to furnish verification or a method of verification of the disability or impairment, its probable duration, and the particular reasons for the person's inability to serve as a juror.

(6) The prospective juror's services are immediately needed for the protection of the public health and safety, and it is feasible to make alternative arrangements to relieve the person of these responsibilities during the period of service as a juror without substantially reducing essential public services.

(7) The prospective juror has a personal obligation to provide actual and necessary care to another, including sick, aged, or infirm dependents, or a child who requires the prospective juror's personal care and attention, and no comparable substitute care is either available or practical without imposing an undue economic hardship on the prospective juror or person cared for. Whether a request to be excused is based on care provided to a sick, disabled or infirm person, the prospective juror may be required to furnish verification or a method of verification that the person being cared for is in need of regular and personal care.

E. PRIOR JURY SERVICE.

A prospective juror, who served on a grand or trial jury during the immediately preceding 12 months, shall be excused from jury service on a request for a period of one (1) year from the date of such service.

F. VALID REASONS FOR A PROSPECTIVE JUROR TO BE EXCUSED.

Upon request, the jury commissioner of the Lassen Superior Court is empowered to excuse from jury service persons for whom jury service would entail an undue hardship as herein above defined.

G. EXAMPLES OF VALID REASONS FOR A PROSPECTIVE JUROR TO BE DEFERRED.

Upon request, the jury commissioner of the Lassen Superior Court is empowered to postpone the jury service of a person for a period not to exceed 180 days for the following reasons:

(1) A temporary illness;

(2) A scheduled vacation that involves prepaid commitments, or cannot be otherwise conveniently rescheduled;

(3) An important business demand of a nonrecurring nature which cannot be conveniently rescheduled;

(4) A work hardship, i.e., there is no one available to take the place of that particular employee at the present time and, as a result, the business would suffer severe financial or business hardship;

(5) Child care responsibilities;

(6) A full time student when jury service would jeopardize his/her academic program;

(7) Any other legitimate temporary hardship not expressly defined that in the opinion of the jury commissioner of the Lassen Superior Court would justify temporary deferment of jury service.

All other persons whose jury service has been postponed shall be called to jury service when the reasons for the postponement no longer exist.

***(Effective 7/1/2000, as amended 7/1/2005*)**

RULE OF COURT
NO. 9

MINORS AND INCOMPETENTS COMPROMISE

A. A petition for court approval of a compromise or covenant not to sue pursuant to Probate Code section 2504 or 3500 shall be verified by the petitioner and must comply with California Rules of Court, Rule 3.1384 and Rules 7.950 – 7.954.

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

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

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

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

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

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

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

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

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

(10) Petition for withdrawal of funds. A petition for withdrawal of money deposited in a bank, trust company, or savings and loan association on behalf of a minor or incompetent person shall be verified by the guardian, conservator, or trustee and, in the case of a competent minor, by such minor if the minor is at least

12 years of age. The petition for withdrawal shall contain the current age of the minor, the current amount on deposit, the amount and purpose of the present withdrawal.

(Effective 7/1/2000, as amended 7/1/2006)

RULE OF COURT
NO. 10

APPELLATE DIVISION

A. SESSIONS.

The Appellate Division will convene at times and places designated by the Presiding Judge of the Appellate Division.

B. JUDGE.

The Presiding Judge of each court or his/her designee shall act as the Appellate Division Presiding Judge rotating every two years in the following order by court: Modoc, Sierra, Lassen and Plumas. Said rotation shall commence January 1, 2015 with Sierra County presiding over the Appellate Division. The Presiding Judge of the Appellate Division shall oversee the processing of appeals; appoint three judges to hear each case, and designate one of them to preside over that panel, who shall be designated as the presiding judge of the panel; and act upon routine matters, applications, and motions before the court.

C. BRIEFS.

All briefs filed with the Appellate Division must be bound on the top, with covers in colors as designated by California Rules of Court 8.40(c). Copies are not required to be submitted because briefs are submitted to the appellate panel judges electronically, eliminating the need for additional copies.

Briefs that are filed by fax filing under Section I or electronically filed under Section J are not required to be bound or to have covers in the colors designated by California Rules of Court 8.40(c).

D. MOTIONS.

All motions, including Ex Parte Applications for Orders in a case where there has not been an appointment of a hearing panel and presiding judge thereof, shall be presented to the Presiding Judge of the Appellate Division. In cases where a panel designation has been made, they shall be presented to the presiding judge of the panel. Any such presiding judge may act on routine matters, or may schedule a motion for hearing before the panel at his or her discretion.

E. MOTIONS FOR AUGMENTATION AND CORRECTION OF THE RECORD; MOTIONS FOR ADDITIONS TO THE RECORD.

(1) All motions for augmentation and correction of the record pursuant to Rule 8.841, California Rules of Court, and motions for the addition of omitted portions of the record pursuant to Rule 8.841, California Rules of Court, shall set forth the facts showing: 1) good cause why the materials have not been included in the record on appeal; and 2) any previous motions for augmentation or additions to the record granted or denied to any party after filing of the notice of appeal.

(2) All such motions shall specifically identify each paper, record, or exhibit that is being requested and/or specifically identify, by subject, date, and department what portion of the proceedings before the trial court is being requested to be transcribed.

F. COURT REPORTER.

The sessions of the Appellate Division shall not be reported by a court reporter unless a party so requests at least one week prior to the date set for the hearing.

G. WAIVER OF FEES AND COSTS.

Applications for a waiver of fees and costs shall be made pursuant to California Rules of Court 8.818.

H. APPOINTED COUNSEL IN MISDEMEANOR APPEALS.

(1) Right to counsel. A Defendant appealing a misdemeanor conviction, who had appointed counsel at trial or who has otherwise met the standards for appointed counsel, is entitled to appointed counsel on appeal.

(2) Applications for appointed counsel.

(a) A party, meeting the standards, may apply for appointment of counsel either in the trial court or in the Appellate Division pursuant to California Rules of Court 8.851.

(b) Applications filed in the Appellate Division are decided, without hearing, by the presiding judge.

(3) List of attorneys. Appointments are made by the Appellate Division from the list of attorneys maintained by the Appellate Division.

I. FAX FILINGS.

Fax filings will be accepted during normal business hours.

A party may file by fax directly to the Appellate Division. Each document transmitted for fax filing shall contain the phrase *"By Fax"* immediately below the title of the document.

A party who files a signed document by fax represents that the original signed document is in his or her possession or control.

At any time after filing a signed facsimile document, any other party may serve a demand for production of the original physically signed document. The demand shall be served on all other parties but not be filed with the court.

If a demand for production of the original signed document is made, the parties shall arrange a meeting at which the original signed document can be examined.

Notwithstanding any provision of law to the contrary, a signature produced by facsimile transmission is an original.

Filings by fax shall be sent to the following telephone number: 530-257-9061

Filings by fax shall be accompanied by a cover sheet with the following information:

TO: Appellate Division of the Superior Court
2610 Riverside Drive
Susanville, CA 96130
Telephone Number: 530-251-8205
Fax Telephone Number: 530-257-9061

NAME, ADDRESS & TELEPHONE NUMBER OF PARTY MAKING FILING
DATE SUBMITTED
DOCUMENT SUBMITTED
TOTAL NUMBER OF PAGES

If the facsimile filing is not filed by the court because of (1) an error in the transmission of the document to the court which was unknown to the sending party or (2) a failure to process the facsimile filing when received by the court, the sending party may move the court for an order filing the document nunc pro tunc. The motion shall be accompanied by the transmission record and a proof of transmission in the following form:

"**At the time of transmission I was at least 18 years of age and not a party to this legal proceeding. On (date) _____ and (time) _____, I transmitted to the Appellate Division of the Superior Court the following documents (name) _____ by facsimile machine, pursuant to local rule. The court's fax telephone number that I used as (fax telephone number) _____. The facsimile machine I used complied with rule 2003 and no error was reported by the machine. I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.**

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

J. ELECTRONIC FILINGS.

Electronic filings will be accepted during normal business hours.

A party may submit documents for filing electronically to the Appellate Division. Each document transmitted electronically for filing shall contain the phrase *"Electronically Submitted"* immediately below the title of the document.

A party who files a signed document electronically represents that the original signed document is in his or her possession or control.

At anytime after filing a signed electronically filed document, any other party may serve a demand for production for the original physically signed document. The demand shall be served on all other parties but not be filed with the court.

If a demand for production of the original signed document is made, the parties shall arrange a meeting at which the original signed document can be examined.

Notwithstanding any provision of law to the contrary, a signature produced by electronic transmission is an original.

Electronic filings shall be sent to the following email address:

appellatedivision@lassencourt.ca.gov

Electronic filings shall be accompanied by a cover sheet with the following information:

TO: Appellate Division of the Superior Court
2610 Riverside Drive
Susanville, CA 96130
Telephone Number: 530-251-8205

Email Address: **appellatedivision@lassencourt.ca.gov**

NAME, ADDRESS, TELEPHONE NUMBER & EMAIL ADDRESS OF PARTY MAKING FILING

DATE SUBMITTED
DOCUMENT SUBMITTED
TOTAL NUMBER OF PAGES

Electronically submitted documents will be printed and the filed documents will be placed in the case file.

If a technical problem with respect to a court's electronic filing system precludes the court from accepting an electronic filing during its regular filing hours on a particular court day, and the electronic filer demonstrates that he or she attempted to file on that day, the court must deem the filing received on that day.

K. ORAL ARGUMENT APPEARANCES BY VIDEOCONFERENCE.

Whenever hearings for oral argument on appeal have been set, upon request by any party, or on his or her own motion, the presiding judge of the panel may permit appearances of any of the parties and any or all of the judges assigned to the panel to appear by videoconference, provided all of the following conditions are met:

(1)) Notice of the time and place of the oral argument will be given to all parties;

(2) The parties will present oral argument in the venue where the underlying case being appealed was heard;

(3) Videoconference and telephonic equipment shall be provided, at no cost to the parties, which will allow each party to see and hear each other and each judicial panel member during the oral argument hearing;

(4) Each of the judges assigned to the panel shall participate in person or by videoconference during the entire oral argument hearing;

(5) The oral argument hearings shall be open to the public in the venue where the place of the oral argument is being heard and in each other venue where one of the judges assigned to the panel is participating by videoconference equipment;

(6) Notice shall be given to all parties of the location where each participating panel judge will be sitting while participating in the oral argument hearing.

L. OTHER RULES OF APPEAL.

Except as modified by this section, the California Rules of Court on Appeals to the Superior Court (commencing with Rule 8.800) apply to the Appellate Division. Any applications involving matters pending before the Appellate Division shall be presented to the designated presiding judge of the assigned panel for the case involved, or, in the absence of such designation, the Presiding Judge of the Appellate Division.

(*Effective 7/1/2004, as amended 7/01/2014)*

RULE OF COURT
NO. 11

CRIMINAL PROTECTIVE ORDERS AND CHILD CUSTODY AND VISITATION ORDERS

Judicial Council Form CR-160, Protective Order in Criminal Proceeding (CLETS) under Penal Code §136.2 and 1203.097(a)(2) and Family Code §6380, shall be utilized to protect victims of violent crime from all contact by the defendant, or contact, with the intent to annoy, harass, threaten, or commit acts of violence by the defendant.

A. The District Attorney's Office shall prepare the CR-160, *Criminal Protective Order* and submit the form to the court for issuance of the order. Law enforcement shall enter the criminal protective order and proof of service into CLETS within one (1) business day from the time of service or receipt from the court.

B. The court shall submit proof of service of the Criminal Protective Order to law enforcement within one (1) business day of receipt.

C. The court shall make reasonable efforts to determine whether there exists a Criminal Protective Order that involves any party when issuing any orders involving child custody or visitation.

D. The court shall make reasonable efforts to determine whether any child custody or visitation orders exist when issuing criminal protective orders and may modify the criminal protective order to allow or restrict contact between the person restrained by the order and his or her children.

E. Firearm restrictions and enforcement of the Criminal Protective Order under Penal Code section 136.2 shall apply.

(*Effective 7/1/2006, as amended 7/1/2011*)

RULE OF COURT
NO. 12

CHILD CUSTODY RECOMMENDING COUNSELING (CCRC)/MEDIATION/ CHILD CUSTODY EVALUATIONS

A. CHILD CUSTODY RECOMMENDING COUNSELING (CCRC)/ MEDIATION/CHILD CUSTODY EVALUATIONS – GENERAL PROVISIONS.

For purposes of these rules, "Child Custody Recommending Counseling" (CCRC) and "Voluntary Mediation" shall be conducted in accordance with Family Code section 3160 et seq. CCRC shall be conducted when there is a pending family law action before the court and may result in a recommendation to the court. Voluntary Child Custody Mediation may be conducted when there is not a pending family law action before the court and will not result in a recommendation to the court. Child custody evaluation shall be defined by California Rules of Court, rule 5.220(c)(3) and Family Code section 3110 et seq., and shall be conducted according to the procedures set forth in California Rules of Court, Rule 5.220.

B. MEDIATION WITHOUT PENDING PROCEEDING.

Parties who do not have a pending family law action before the court may request Voluntary Mediation by completing intake packets with Family Court Services. This service is offered to the public when (1) sufficient time is available on the mediator's calendar, (2) when Family Court Services has received a completed intake packet from all parties in the case and (3) when both parties have completed orientation. Voluntary mediation sessions will not result in a recommendation to the court.

C. REFERRAL TO CHILD CUSTODY RECOMMENDING COUNSELING (CCRC)/ RECOMMENDATIONS – CHILD CUSTODY AND VISITATION.

All contested custody and visitation matters shall be referred to CCRC prior to or at a court hearing in order to assist the parties in developing a parenting plan that protects the health, safety, welfare and best interest of the child. In pending actions before the court, if the parties are unable to reach an agreement during the CCRC session(s), the child custody recommending counselor shall make recommendations to the court on the disputed issues. The recommendation will be marked confidential and will be reviewed and considered by the judge when making an order. The child custody recommending counselor may also make an interim recommendation for a temporary parenting plan pending completion of the custody recommendation.

D. SUPERVISED VISITATION

(1) Definition: Supervised visitation is defined as any individual or supervised visitation center that monitors visitation. Supervised visitation is contact between a non-custodial party and one or more children in the presence of a neutral third person.

(2) Purpose: A supervised visitation monitor may be ordered in child custody cases to protect the health, safety and welfare of the child(ren) while allowing the non-custodial party access to their child(ren) in a secure environment.

(3) Requirements: Providers of supervised visitation must comply with California Rules of Court, Standards of Judicial Administration, section 5.20.

(4) Professional Providers: A "professional provider" is any person paid for providing supervised visitation services, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency.

(5) Non-Professional Providers: A "non-professional provider" is a person who is not paid for providing supervised visitation services. Prior to supervising a visit, the non-professional provider must first complete the *Non- Professional Visitation Monitor Declaration of Qualifications*, LSC Form 12A, and file it with the Court. This form shall be available to the public at Lassen Superior Court, Family Court Services.

E. REFERRAL TO FAMILY COURT SERVICES – DOMESTIC VIOLENCE RESTRAINING ORDERS.

Temporary domestic violence restraining orders with child custody and visitation issues orders may be referred to Family Court Services.

F. PARTICIPATION OF CHILDREN IN CHILD CUSTODY RECOMMENDING COUNSELING (CCRC).

The child custody recommending counselor shall have the discretion to interview any child involved in a child custody proceeding pending before the court.

G. SUPPORT PERSONS.

Pursuant to Family Code section 6303, in cases where a person alleges that they are a victim of violence, he or she shall be advised of and provided the opportunity to have a support person attend CCVC/Voluntary Mediation services with them. The support person must be 18 years of age or older, shall not be the child of either parent, shall not be

the attorney for either party and shall not be a service provider excepting for a mental health service provider or domestic violence advocate. The support person shall not be present as a legal adviser and shall not give legal advice. The support person is present to provide emotional support to the victim. A child custody recommending counselor/mediator may exclude a support person pursuant to Family Code section 6303(c), if the support person participates or acts as an advocate or is disruptive or disrupts the process of CCRC/Voluntary Mediation. The support person is required to sign a Family Court Services' Statement of Understanding agreeing to keep the CCRC/Voluntary Mediation confidential.

H. INTERPRETERS IN CHILD CUSTODY RECOMMENDING COUNSELING (CCRC).

If an interpreter is needed for CCRC/Voluntary Mediation, a neutral person who is fluent in both English and the non-English speaking party's native language must accompany them to CCRC/Voluntary Mediation. An adult family member may only act as an interpreter when appropriate interpreters are not available. In no case may a child of the parties serve as an interpreter.

I. CHILD CUSTODY EVALUATIONS.

Any case in which custody or visitation remains in dispute after completion of CCRC, the court may appoint a child custody evaluator to conduct a child custody evaluation in cases where the court determines it is in the best interests of the child(ren). The evaluation shall be referred to a Court-Connected Child Custody Evaluator who meets the requirements of Family Code section 3110.5. The court may order a full or partial evaluation as defined in California Rules of Court, rules 5.220(c)(4) and (5). The parties may be charged a fee for the evaluation through Lassen Superior Court. The Court-Connected Child Custody Evaluator shall file with the court a written confidential report pursuant to Family Code section 3111, Family Code section 3118, Evidence Code section 730 and/or Chapter 15, Code of Civil Procedure section 2032.010 et. seq.

(1) Pursuant to California Rules of Court 5.230(f), the Court-Connected Child Custody Evaluator shall provide a declaration of completion of 12 hours of advanced domestic violence training and four (4) hour update training in domestic violence by attachment to the FL-325, *Declaration of Court-connected Child Custody Evaluator Regarding Qualification*, filed annually with the court.

J. WITHDRAWAL FROM A CASE.

A Court -Connected Child Custody Evaluator may, upon a showing of good cause before the court, withdraw from a case.

K. EX PARTE COMMUNICATION.

Pursuant to California Rules of Court, rule 5.235(b)(2), ex parte communication is defined as a direct or indirect communication on the substance of a pending case without the knowledge, presence or consent of all parties involved in the matter. Ex parte communication is prohibited between the court-connected or court appointed child custody recommending counselors /evaluators/mediator and any party, the attorney for any party, a court-appointed counsel for a child, or the court, unless:

(a) authorized by the court;

(b) to schedule appointments;

(c) address a case involving allegations of domestic violence including informing the court of the necessity of a restraining order to prevent an imminent risk to the safety of the child or party;

(d) carry out the responsibilities child custody recommending counselors/evaluators/mediators may have as mandated reporters or to warn;

(e) to provide an interview to a court-appointed counsel for a child;

(f) to allow child custody recommending counselors/ evaluators/mediators to investigate or disclose an actual or potential conflict of interest or dual relationship; and/or

(g) to address complaints.

Nothing in this rule shall prohibit the child custody evaluator from contacting either party during the course of a child custody evaluation to fulfill the requirements of California Rule of Court 5.220.

Any documents/information provided by one party and/or that party's attorney to the child custody recommending counselor/evaluator/mediator must also be provided to the other party and/or their attorney(s). A proof of service form stating that the other party was provided with copies of any information must be submitted to Family Court Services with all documents served on the other party before review by the child custody recommending counselor/evaluator/mediator.

L. CONFIDENTIALITY OF FAMILY COURT SERVICES PROCEEDINGS.

(1) In any family law proceeding involving the custody or visitation of minor children, any written report or recommendation from the child custody

recommending counselor or child custody evaluator shall be confidential and unavailable to any person except the court, the parties, their attorneys, expert witnesses and any person to whom the court expressly grants access.

(a) Pursuant to Family Code section 3111(d), if the court determines that an unwarranted disclosure of a written confidential report has been made, the court may impose a monetary sanction against the disclosing party.

(b) Pursuant to Family Code section 3177, Family Court CRC/Voluntary Mediation shall be held in private and shall be confidential. All communications, verbal or written, from the parties to the Child Custody Recommending Counselor/Mediator made in the proceedings are official information within the meaning of Evidence Code section 1040. The CCRC/Voluntary Mediation file is confidential.

(c) If the case is referred for an evaluation/investigation by the court, the court-connected child custody evaluator and/or court investigator shall have access to the CCRC/Voluntary Mediation file.

(4) Exceptions to confidentiality:

(a) Nothing in this section shall prevent Family Court Services staff from disclosing the existence of another court case involving the children at issue or their parents, stepparents, or legal guardians for purposes of coordinating court hearings and delivery of services.

(b) Nothing in this section shall restrict Family Court Services staff from complying with any law requiring reporting of child abuse and the fact that a report was made or exists shall not be deemed confidential.

(c) The fact that CCRC/Voluntary Mediation took place, the time and place of that session, and the identities of participants shall not be deemed confidential in a joint CCRC/Voluntary Mediation session. If a separate CCRC/Voluntary Mediation session has occurred due to a history of violence between the parties, the date and time of that session shall be deemed confidential and parties are cautioned not to inform the other party of the date and time set.

(d) The fact that an agreement was or was not reached and the contents of any signed, endorsed-filed agreement and/or order resulting from a CCRC/Voluntary Mediation session shall not be deemed confidential.

M. COMPLAINT PROCEDURE.

All complaints raised in connection with Family Court Services shall be submitted in writing to the Court Executive Officer for review and investigation if appropriate. All complaints will receive a response in writing. The complaint forms shall be available to the public at the court's filing office.

(Effective 1/1/2008, as amended 1/1/2013, amended 1/1/2015)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and Address) TELEPHONE NUMBER: FAX NUMBER (Optional): EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN 2610 Riverside Drive Susanville, CA 96130	
PETITIONER:	
RESPONDENT:	
NON-PROFESSIONAL VISITATION MONITOR DECLARATION OF QUALIFICATIONS	CASE NUMBER:

I have been assigned as the non-professional visitation monitor in this case. In accordance with section 5.20 (c), (g) and (l)(2) of the California Standards of Judicial Administration, I acknowledge, declare and agree as follows:

1. I am 21 years of age or older.
2. I have no convictions for driving under the influence (DUI) within the last five years.
3. I have not been on probation or parole for the last 10 years.
4. I have no record of conviction for child molestation, child abuse or other crimes against a person.
5. I have proof of automobile insurance if transporting the child(ren).
6. I have no civil, criminal or juvenile restraining orders issued within the last 10 years.
7. I have no current or past court order in which I am the person being supervised.
8. I am not financially dependent on the person being supervised.
9. I am not an employee of the person being supervised.
10. I am not an employee of or affiliated with the Lassen Superior Court, unless my employment contract specifically permits me to be a non-professional monitor.
11. I am not in an intimate relationship with the person being supervised.
12. I agree to adhere to and enforce the court order regarding supervised visitation.

13. I agree to report suspected child abuse to the appropriate agency designated to receive child abuse reports.

14. I have read and agree to abide by the guidelines as set forth in the Guide for the Non-Professional Provider of Supervised Visitation.

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

Date: _____

_____ _____

Type or Print Name Signature

RULE OF COURT
NO. 13

STANDARDS FOR COURT APPOINTED COUNSEL FOR MINOR CHILDREN IN FAMILY LAW PROCEEDINGS

A. PURPOSE OF APPOINTMENT AS COUNSEL FOR A CHILD IN FAMILY LAW PROCEEDINGS.

Pursuant to Family Code section 3150(a), if the court determines that it would be in the best interest of the minor child, the court may appoint private counsel to represent the interests of the child in a custody or visitation proceeding.

B. BASIC ELIGIBILITY REQUIREMENTS FOR APPOINTMENT.

To be eligible for appointment as counsel for a child, counsel must:

(1) Be an active member in good standing of the State Bar of California;

(2) Have professional liability insurance or demonstrate to the court that he or she is adequately self-insured; and

(3) Meet the education, experience and continuing education requirements of this rule.

C. EDUCATION, EXPERIENCE AND CONTINUING EDUCATION REQUIREMENTS.

(1) Education. Prior to appointment as counsel for a child in a family law proceeding, counsel must have completed within one (1) year prior to submitting a statement of compliance at least 12 hours of applicable education and training which must include all of the following subjects:

(a) Statutes, rules of court and case law relating to child custody and visitation litigation;

(b) Representation of a child in custody and visitation proceedings; and

(c) Stages of child development; communicating with children at various stages of development; recognizing and understanding the effects of child

abuse, neglect, and family violence on children; and how to work effectively with multidisciplinary experts.

No more than six (6) hours of the initial training may be self-verified self-study education. The attorney's own record of self-study must include, as appropriate, the titles and providers of material used, the amount of hours claimed for the education activities, and the dates on which the attorney engaged in the activities.

(2) Experience. Court appointed counsel for minor children under this rule must have represented a party or a child in at least six (6) proceedings involving child custody within the preceding five (5) years as follows:

(a) At least two (2) of the six (6) proceedings must have involved contested child custody and visitation issues in family law; and

(b) No more than three (3) of the six (6) proceedings can involve child custody proceedings in dependency or guardianship cases.

(3) Continuing education. Court appointed counsel for minor children under this rule must complete during each calendar year a minimum of eight (8) hours of applicable education and training of the subjects listed in California Rules of Court, rule 5.242(c).

(4) Compliance with appointment requirements.

(a) Prior to becoming eligible for appointment as counsel for minor children, attorneys satisfying the preliminary educational and experience requirements must submit to the court a statement of compliance in the form of a declaration indicating compliance with the requirements of this rule. Counsel must use form FL-322, *Declaration of Counsel for a Child Regarding Qualifications* for this purpose.

(b) On or before February 28 on the third year after the year in which the attorney is first certified and then every third year thereafter, attorneys eligible for family law appointment must submit a new statement of compliance. The new statement of compliance must include a statement that the attorney has completed an annual minimum of eight (8) hours per year of applicable education and training. Form FL-322, *Declaration of Counsel for a Child Regarding Qualifications*, must be used for the purpose of submitting a new statement of compliance. As evidence of completing the minimum of eight (8) hours per year of continuing education required by this rule, the attorney shall attach certificates of completion to the new statement of compliance. Certificates of completion must include the name of the courses, course descriptions, where courses were offered, number of hours of

training attended, dates of the training, and the names of the training providers.

(c) The court will maintain and make available to the public a list of those attorneys who have submitted a statement of compliance from which counsel will be appointed, and shall appoint counsel from said list. The list must contain the name, address, telephone number of the attorney, and the date of receipt of the attorney's statement of compliance. Attorneys failing to timely submit a statement of compliance with continuing education requirements by February 28th of the year in which it is due will be notified by the court that he or she will be decertified. The attorney shall be permitted to have 20 days from the day of mailing of the notice to submit evidence of his or her completion of the required training or education. If the attorney fails to submit the required evidence, the attorney will be removed from the eligibility list maintained by the court.

D. RIGHTS AND RESPONSIBILITIES OF COUNSEL FOR A CHILD.

(1) Rights. Counsel representing a child has rights relating to the representation of a child's best interest under Family Code sections 3111, 3151, 3151.5, 3153, and Welfare and Institutions Code section 827.

(2) Responsibilities of counsel for a child. Counsel representing a child is charged with representing the best interest of the child. The role of the child's counsel is to gather evidence that bear on the best interest of the child and to present that admissible evidence, in addition to the child's wishes if the child so desires, to the court in any manner deemed appropriate by the child's counsel. Counsel's duties include those under Family Code section 3151(a)-(b) and California Rules of Court, rule 5.242:

(a) Interviewing the child;

(b) Reviewing the court files and all accessible relevant records available to both parties;

(c) Making any further investigations that counsel considers necessary to ascertain the evidence relevant to the custody or visitation hearings;

(d) Participating in the proceeding to the degree necessary to adequately represent the child; and

(e) If the child is called to testify in the proceeding:

(i) Allowing the child to state a preference regarding custody or visitation, informing the parties about the child's desire to provide

input, and establishing procedures in furtherance of the child's participation;
(ii) Appropriately advising the child about the court process, including confidentiality limitations and the possibility of a court record of the testimony which may be provided to other parties.

(Effective 1/1/2009, as amended 1/1/2013)

RULE OF COURT
NO. 14

QUALIFICATIONS AND CONTINUING EDUCATION REQUIRED OF COUNSEL APPOINTED BY THE COURT IN GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS

A. BASIC ELIGIBILITY REQUIREMENTS.

Each counsel in private practice appointed by the court to represent a minor in a guardianship proceeding and each counsel in private practice appointed by the court to represent ~~or~~ a conservatee or proposed conservatee in a conservatorship proceeding must be an active member of the State Bar of California for at least three (3) years immediately preceding the date of appointment. Counsel must have no disciplinary proceedings pending, and no discipline imposed, within the twelve (12) months immediately preceding the date of the first availability for appointment.

Private counsel must be covered by professional liability insurance satisfactory to the court in the amount of at least $100,000 per claim and $300,000 per year.

B. QUALIFICATIONS FOR APPOINTMENT.

(1) Appointments to represent minors in a guardianship proceeding. Counsel may qualify to represent minors in a probate guardianship proceeding if the following requirements are met:

(a) Within the five (5) years immediately preceding the date of first availability for appointment, counsel has represented at least: three (3) wards or proposed wards in probate guardianships, three (3) children in juvenile court dependency or delinquency proceedings, or three (3) children in custody proceedings under the Family Code.

OR

(b) Qualifying for appointments to represent minor children in juvenile dependency proceedings under this court's Local Rule 3 or qualifying for appointments to represent children in custody proceedings under California Rules of Court, Rule 5.242 and this court's Local Rule 13.

Except as provided in section B(3) of this rule, counsel qualifying for appointment in probate guardianship proceedings under section B(1)(b) of this rule must satisfy the continuing education requirements under this rule as well as the continuing education rules for representing children in juvenile dependency

proceedings or for representing children in family law proceedings under Local Rule 13.

(2) Appointments to represent conservatees or proposed conservatees in a conservatorship proceeding. Counsel in private practice may qualify to represent conservatees or proposed conservatees in conservatorship proceedings if, within five (5) years immediately preceding the date of first availability for appointment, if the following requirements are met:

(a) Counsel has represented at least three (3) conservatees or proposed conservatees in either probate or Lanterman-Petris-Short (LPS) conservatorships.

OR

(b) Completed any three (3) of the following five (5) tasks:

(i) Represented petitioners for the appointment of a conservator in at least three (3) probate conservatorship proceedings, with representation commencing upon initial contact with the petitioner through the hearing and issuance of letters of conservatorship;

(ii) Represented a petitioner, a conservatee or a proposed conservatee, or an interested third party in at least two (2) contested probate or LPS conservatorship matters. A contested matter that qualifies under this item and also qualifies under (i) may be applied toward satisfaction of both items;

(iii) Represented a party for whom the court could appoint legal counsel in at least three (3) matters described in Probate Code sections 1470, 1471, 1954, 2356.5, 2357, 2620.2, 3140, or 3205;

(iv) Represented fiduciaries in the settlement of a court-filed account and report in at least three (3) separate cases involving any combination of probate conservatorships or guardianships, decedent's estates, or trust proceedings under division 9 of the Probate Code, and in which said representation continued through filing, hearing, and settlement of the case; or

(v) Prepared at least five (5) wills or trusts, five (5) durable powers of attorney for health care, and five (5) durable powers of attorney for asset management.

(3) Optional waiver of qualifications under this section. This court, as a court with fewer than four (4) authorized judges, reserves the right to waive the

qualification requirements in A and B of this section in accordance with California Rules of Court, rule 7.1101(e)(1).

C. CONTINUING EDUCATION.

(a) Except as provided in section B(1) of this rule, counsel appointed by the court must complete three (3) hours of education each calendar year which qualify for mandatory continuing legal education credit required by the State Bar for attorneys certified as specialists in estate planning, trust, and probate law.

(b) Counsel who are qualified to represent minors in probate guardianship proceedings under section B(1)(b) of this rule, and who are appointed to represent minors in guardianships of the person only, may satisfy the continuing education requirements of this rule by satisfying the continuing education requirements for representing children in juvenile dependency proceedings under this court's Local Rule 3 or by satisfying the continuing education requirements for representing children in custody proceedings under this court's Local Rule 13.

D. CERTIFICATION OF QUALIFICATIONS AND CONTINUING EDUCATION

Each counsel must certify to the court that he or she is qualified for appointment prior to establishing eligibility for appointment under this rule. Each appointed counsel must certify to the court before March 31st of each year that he or she has completed the required continuing education for the preceding calendar year. Certifications required under this subdivision must be submitted to the court, but will not be filed or lodged in a case file. Judicial Council Form GC-010, *Certification of Attorney Concerning Qualifications for Court Appointment in Conservatorships/Guardianships*, must be used for satisfying the requirement of this rule.

(*Effective 7/1/2009, as amended 1/1/2013)*

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