



SUPERIOR COURT

COUNTY OF MADERA
STATE OF CALIFORNIA

DALE J. BLEA
PRESIDING JUDGE

SOSI C. VOGT
ASSISTANT PRESIDING JUDGE

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Summary of Proposed Amendments to Local Rules

SUMMARY:

The proposed amendments to the Court's Local Rules ("Rules"), are part of the Court's continuing effort to review, correct, and update its Rules as needed.

Below is the full text of proposed local rules with deletions noted in ~~striketrough~~ and additions noted in underline.

Division 1 COURT ORGANIZATION AND GENERAL PROVISIONS Chapter 2 Definitions and Preliminary Provisions

1.2.2 Effective Date of Rules. These rules are effective ~~January 1, 2025~~ July 1, 2025 and on the effective date shall supersede any previous local rules of the Madera County Superior Court and Madera County Municipal Court. Effective 7/1/08, amended 1/1/13, 1/1/15, 1/1/17, 7/1/20, 7/1/21, 1/1/22, 1/1/23, 7/1/23, 1/1/25, 7/1/25).

Chapter 3 The Presiding Judge, Departments and Divisions of the Court

1.3.2 Departments of the Superior Court. There shall be ~~ten~~ eleven departments of the Superior Court, designated as Departments 17, 21, 22, 23, 29, 36, 37, 40, 44, ~~and 45~~, and a Temporary Remote Department. There shall be three divisions of the Superior Court, called the Juvenile Division, the Criminal Division, and the Probate/Civil Division. (Effective 7/1/08, amended 7/1/19, 7/1/20, 7/1/25)

Division 2 TRIAL COURT RULES
Chapter 5 Unlawful Detainer

2.5.1 Unlawful Detainer Proceedings. The following policy shall apply to all unlawful detainer proceedings.

[(a)-(d)]

(e) Where plaintiff seeks to set a case for trial, the clerk is authorized to reject filings that do not comply with Section 1 on Judicial Council Form UD-150, as indicated.

(Effective 7/1/08, amended 1/1/10, 1/1/25, 7/1/25)

Chapter 6 Attorney, Investigator and Expert Fees

1.6.8 Applications/Claims for Fees & Motions for Fees. Counsel shall submit a statement for services rendered in each appointed criminal or juvenile case on the application form provided by the Court within ten days after the case has been completed. The application form shall be submitted to the Finance Division of the Superior Court for review . The Finance Division of the Superior Court shall submit the application form to the trial judge with a recommendation for payment. The trial judge shall endorse the fees and costs approved upon the application form and return it to the Finance Division of the Superior Court for processing. After approval, the application form, along with a claim form, shall be transmitted to the County Auditor ~~and the form shall be placed in the case file or notated in the electronic case file~~. Any inquiries regarding payment status shall be directed to Madera County at 559-675-7703.

All motions for attorney, investigator, and/or expert witness fees referenced in this Chapter shall be submitted to either the Criminal or Civil Divisions (depending on the case type) and the Division(s) will forward to the Finance Division of the Superior Court for processing. If the motion is approved, the Finance Division of the Superior Court shall generally process as noted in the paragraph above. Special processing procedures will take place for capital cases referenced in Section 1.6.6. Attorneys appointed in special circumstances cases shall direct all fee and billing inquiries to Fitzgerald, Alvarez & Ciummo, or the current contract holder for indigent defense.

(Effective 7/1/08, amended 7/1/23, 7/1/25)

Division 4 CRIMINAL LAW MATTERS
Chapter 2 Traffic Matters

4.2.1 Extension for Pay or Appear Date. A party may request from the clerk of the court, one extension not to exceed 30 days from the pay or appear date listed on the citation or mandatory

reminder notice. The extension will be granted only if the request is made on or before the original pay or appear date. (Effective 1/1/25, [amended 7/1/25](#))

4.2.2 Dismissal of Correctable Traffic Offenses. With respect to violations specified in Vehicle Code § 40303.5, the ~~C~~clerk of the court shall enter an order of dismissal pursuant to Vehicle Code § 40522 on timely presentation of proof of correction and payment of the required fee. (Effective 7/1/08, amended 1/1/15, [7/1/25](#))

4.2.3 Insurance Vehicle Code § 16028 Fine Reduced by Clerk. A defendant may submit to the ~~Court~~ clerk of the court proof of insurance to have the fine reduced. If the insurance was valid at the time the citation was issued, a proof of correction fee equal to \$25.00 will be collected and the citation dismissed as proof of correction. If valid insurance was obtained after the citation was issued, the base fine will be reduced to the minimum base fine specified in Vehicle Code § 16029. (Effective 1/1/25, [amended 7/1/25](#))

4.2.4 Policies for Attendance at Traffic Violator School.

(a) The following shall apply to all applications for Traffic Violator School:

(1) Fine and fee is payable at the Superior Court in the county of violation according to that court's policy;

(2) Any speed violation must be less than 26 miles per hour over the applicable limit;

(3) The alleged violator shall have no prior traffic school in [the](#) last 18 months (from violation date to violation date);

(4) The time to complete school [and submit a certificate of completion to the clerk of the court](#) is 90 days from receipt of payment. [If a payment plan is granted pursuant to VC § 42007\(a\)\(2\), the time to complete school and submit a certificate of completion to the clerk is 90 days from receipt of the initial payment.](#) If more time is needed, the defendant may submit a request to the division which granted the traffic school;

(5) Defendant must request traffic school on or before the due date on the citation, mandatory reminder notice, or any court-granted extension to the due date;

(6) Defendants must contact the Traffic Division if they wish to request traffic school after the due date on the citation, mandatory reminder notice, or any court-granted extension to the due date. Granting traffic school after the due date will be

at the discretion of the Court.

(Effective 7/1/08, amended 1/1/10, 7/1/10, 1/1/25, [7/1/25](#)).

4.2.7 Trial in Absentia. Pursuant to Vehicle Code § 40903, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to this code.

- (b) When a defendant does not respond to the mandatory reminder notice by the Pay or Appear date, the [clerk of the](#) court shall initiate the trial by written declaration process (in absentia). The ~~Court~~ [clerk](#) shall send the defendant a *Notice of Trial by Written Declaration and Request* (form TR-205). The notices, forms, due dates, and all other requirements for the trial by written declaration process shall be consistent with Rule 4.210 of the California Rules of Court.
- (c) Should the officer(s) submit their declaration(s) timely, the Court shall hold a trial by declaration and issue a ruling in the matter.
- (d) Should the officer(s) fail to submit their declaration(s) or submit their declaration(s) after the due date, a trial by declaration will not be held. The case will be dismissed for lack of prosecution.
- (e) If there is a guilty finding, the conviction shall be reported to DMV (if the charge is reportable), and a *Notice of Decision* (TR-215) sent to the defendant. The defendant has 20 calendar days from the date of delivery or mailing of the TR-215 to submit a *Request for New Trial (Trial de Novo)* (form TR-220). The defendant will be responsible for paying the ordered fine or timely submitting form TR-220 and posting the bail amount with the [clerk of the](#) court. The case will be referred to collections if the defendant does not respond to the Notice of Decision.

(Effective 1/1/25, [amended 7/1/25](#))

Division 5 DOMESTIC RELATIONS AND JUVENILE MATTERS

Chapter 1 General

5.1.20 Default Hearings. Default hearings shall be set by the Calendar Clerk for 8:30 a.m., Monday through Friday in Department 37, Department 44 [and the Temporary Remote Department](#) ~~Department 45~~, Fridays at 9:30 in Department 40, or other department as the case is assigned. Party/Counsel shall submit with the request for setting a proposed judgment and notice of judgment prepared for signature and filing at the time of the hearing. If a party is receiving public assistance, a waiver of spousal support should not be permitted. Unless special circumstances exist, if the children of the parties are receiving public assistance, child support should be paid through and enforced by the Department of Child Support Services. (Effective

7/1/08, amended 1/1/13, 1/1/15, 7/1/19, [7/1/2025](#))

5.1.23 Child and Spousal Support. The Court complies with Family Code § 4055 in setting child support. The Court uses ~~CFLR-Dissomaster~~ [Xspouse](#) software as a basis for determining temporary spousal support. Each party and/or the party's attorney shall provide to the Court at the time of hearing his or her calculations as to the amount of support to be paid. (Effective 7/1/08, [amended 7/1/25](#))

5.1.24 Computer Printouts as Basis for Support Calculation. Counsel or self-represented party may submit printouts from ~~CFLR-Dissomaster~~ [Xspouse](#) or other computer software which have been approved pursuant to Family Code § 3830 as the basis for their calculation of child or spousal support without submitting expert testimony or evidence as to the accuracy of such a program. (Effective 7/1/08, amended 1/1/13, [7/1/25](#))

DIVISION 6 ELECTRONIC FILING

Chapter 1 Electronic Filings Generally

[6.1.8. Electronically Filed Proposed Orders. In compliance with California Rules of Court rule 3.1312\(c\), if a proposed order is submitted to the court electronically in a case in which the parties are electronically filing documents pursuant to California Rules of Court rule 2.250-2.261, an editable word-processing version of the proposed order must also be sent, by e-mail, to the court at \[Proposed.Orders@madera.courts.ca.gov\]\(mailto:Proposed.Orders@madera.courts.ca.gov\). \(Effective 7/1/25\)](#)

DIVISION 7 PROBATE, ADOPTION, AND RELATED MATTERS

Chapter 1 Probate Filings and Orders

7.1.7 Time for Submitting Papers and Orders. Except for petitions for temporary guardianship orders (as noted in Local Rule ~~3.1.8~~ [7.1.10](#)), all papers relating to a probate hearing, including the proposed order prepared by the moving party, shall be filed or lodged with the Clerk at least four (4) court days before the date of hearing. (Effective 7/1/08, amended 1/1/24, [7/1/25](#))

LIST OF LOCAL FORMS NEW/REVISED FOR 2025

<u>OLD FORM NUMBER</u>	<u>OLD FORM NAME</u>	<u>PREV. REV. DATE</u>	<u>NEW FORM NUMBER</u>	<u>NEW FORM NAME</u>	<u>NEW REV. DATE</u>
MAD-INT-002	Request for Interpreter Services – Spanish				
MAD-INT-001	Request for Interpreter Services – English	4/15/2020		Request for Interpreter Services English- Spanish	3/1/2025
MAD-JUV- 017	Petition to Terminate Sex Offender Registration				
MAD-JUV- 018	Proof of Service-Sex Offender Registration Termination				
MAD-JUV- 019	Response by District Attorney to Petition to Terminate Sex Offender Registration				
MAD-JUV- 020	Order on Petition to Terminate Sex Offender Registration				

Proposed Revisions to Madera County Local Rules
Effective July 1, 2025