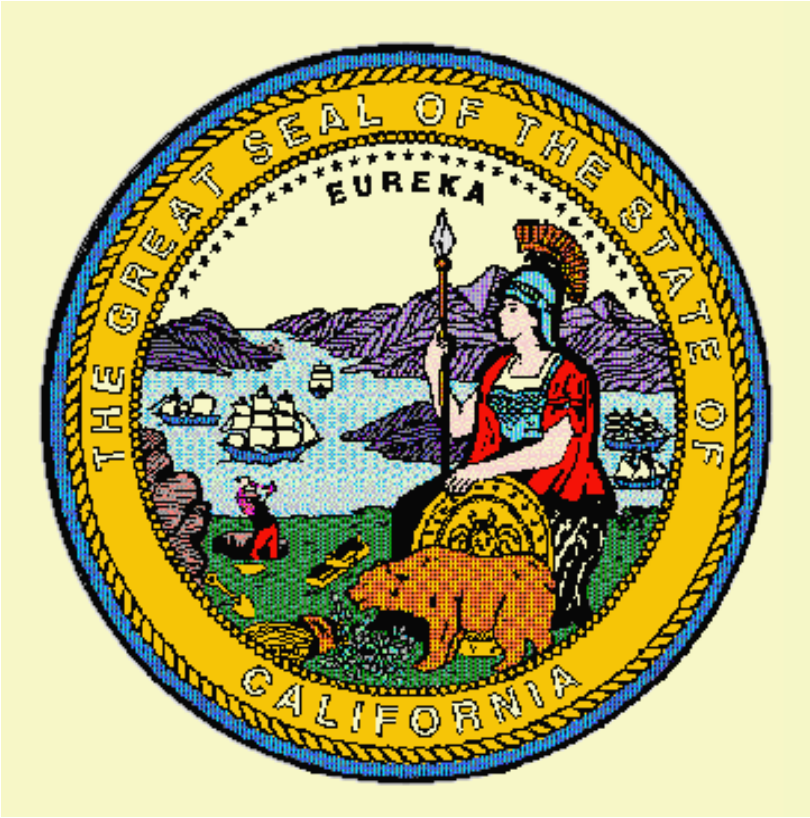
SUPERIOR COURT OF CALIFORNIA
COUNTY OF MADERA

LOCAL RULES OF COURT
ADOPTED AND EFFECTIVE
July 1, 2021



JUDGES OF THE COURT

HON., ERNEST J. LICALSI PRESIDING JUDGE,

HON. DALE J. BLEA, ASSISTANT PRESIDING JUDGE,

HON. THOMAS L. BENDER, JUVENILE DIVISION PRESIDING JUDGE

HON. JAMES E. OAKLEY, APPELLATE DIVISION PRESIDING JUDGE

HON. MICHAEL JURKOVICH **HON. D. LYNN COLLET**

HON. MITCHELL C. RIGBY **HON. BRIAN AUSTIN**

MADERA COUNTY SUPERIOR COURT

2021 LOCAL RULES
INSTRUCTIONS FOR FILING

The July 2021 Rules Pamphlet contains all the Local Rules effective July 1, 2021. Please discard all previous pamphlets.

A full set of the Local Rules may be obtained from the Madera County Superior Court website at http://madera.courts.ca.gov/MaderaLocalRules.htm.

MADERA COUNTY SUPERIOR COURT

TABLE OF CONTENTS

DIVISION 1	**COURT ORGANIZATION AND GENERAL PROVISIONS**	16
Chapter 1	Court Calendars.	16
Chapter 2	Definitions and Preliminary Provisions.	16
Chapter 3	The Presiding Judge, Departments and Divisions of the Court.	18
Chapter 4	Court Reporter, Interpreter and Translator.	20
Chapter 5	Transfer of Administrative Procedures.	22
Chapter 6	Attorney, Investigator and Expert Fees.	22
Chapter 7	Jury Venue	26
Chapter 8	Fees for Court Services	27
Chapter 9	Fees for Preparation of Appellate Record	28
Chapter 10	Law Enforcement Use of Body-Worn Cameras	28
DIVISION 2	**TRIAL COURT RULES**	29
Chapter 1	General Filing Requirements.	29
Chapter 2	Designation of Record on Appeal.	29
Chapter 3	Jury Instructions.	30
Chapter 4	Application for Ex Parte Orders.	30
Chapter 5	Unlawful Detainer	34
Chapter 6	Small Claims Appeals.	35
Chapter 7	Telephone Hearings in Selected Departments Using CourtCall System……..	35
Chapter 8	Settlement Conferences.	38
Chapter 9	Settlement Conference Setting.	41
Chapter 10	Continuance Policy.	42
Chapter 11	Fax Filing.	45
Chapter 12	Civil Active List and Conference Setting in Departments 37, 40, 44, 45.	46
DIVISION 3	**CIVIL RULES**	46
Chapter 1	General Provisions.	46
Chapter 2	Calendaring Matters.	48
Chapter 3	Miscellaneous Law and Motion Department Matters.	48
Chapter 4	Case Management - Scope, Purpose and Authority.	50
Chapter 5	Case Management Conferences in Superior Court.	52
Chapter 6	Case Management Conference Orders.	54
Chapter 7	Case Management - Dismissal Calendar.	54
Chapter 8	Miscellaneous Provisions	55
DIVISION 4	**CRIMINAL LAW MATTERS**	55
Chapter 1	General Matters.	55
Chapter 2	Traffic Matters	61
DIVISION 5	**DOMESTIC RELATIONS AND JUVENILE MATTERS**	64
Chapter 1	General	64
Chapter 2	Juvenile Dependency Cases -Appointment of Counsel	76
Chapter 3	Court Appointed Special Advocates (CASA).	81

DIVISION 6 **[Reserved]** 84
DIVISION 7 **PROBATE, ADOPTION AND RELATED MATTERS** 84
Chapter 1 Probate Filings and Orders. 84
Chapter 2 Fees and Commissions. 86
Chapter 3 Claims and Sales. 88
Chapter 4 Accounts and Distribution. 89
Chapter 5 Disposition Without Administration. 91
Chapter 6 Adoptions 93
Chapter 7 Orders for Withdrawal of Funds. 94
Chapter 8 Guardianship & Conservatorship Investigations. 94
DIVISION 8 **APPELLATE DEPARTMENT** 96
DIVISION 9 **COURT PERSONNEL** 97
Chapter 1 General Provisions. 97
Chapter 2 Court Executive Officer. 97
Chapter 3 Chief Probation Officer. 98
Chapter 4 Director of Family Court Services and Facilitator 100
Index 102
List of Local Forms by Form Name 105
List of Local Forms by Form Number 111

List of Effective Rules

Division 1 COURT ORGANIZATION AND GENERAL PROVISIONS

Chapter 1 Court Calendars

1.1.1 General Calendar (Effective 7/1/08)
1.1.2 Daily Calendar (Effective 7/1/08)
1.1.3 [Deleted 7/1/13]
1.1.4 Title of Court (Effective 7/1/08)

Chapter 2 Definitions and Preliminary Provisions

1.2.1 Authority for Adoption (Effective 7/1/08)
1.2.2 Effective Date of Rules (Effective 7/1/08, amended 1/1/13, 1/1/15, 7/1/20, 7/1/21)
1.2.3 Construction and Effect of Local Rules (Effective 7/1/08, 7/1/21)
1.2.4 Definitions (Effective 7/1/08, amended 7/1/10, 1/1/13, 7/1/20)
1.2.5 Severability of Rules (Effective 7/1/08)

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

1.3.1 Duties of Presiding Judge (Effective 7/1/08)
1.3.2 Departments of the Superior Court (Effective 7/1/08, Amended 7/1/19, 7/1/20)
1.3.3 Criminal Division (Effective 7/1/08)
1.3.4 Trial Confirmations in Criminal Cases (Effective 7/1/08)
1.3.5 The Juvenile Division (Effective 7/1/08)
1.3.6 The Probate-Civil Division (Effective 7/1/08)
1.3.7 Districts of Superior Court (Effective 7/1/08)
1.3.8 [Deleted 7/1/19]
1.3.9 [Deleted 7/1/19]
1.3.10 [Deleted 7/1/19]
1.3.11 [Deleted 7/1/19]
1.3.12 Location of Main Courthouse (Effective 7/1/08, amended 1,1,16, 7/1/19)
1.3.13 [Deleted 7/1/19]
1.3.14 [Deleted 1/1/13]

Chapter 4 Court Reporter, Interpreter and Translator

1.4.1 Court Reporters (Effective 7/1/08)
1.4.2 Fee of Court Reporter in Civil Proceedings (Effective 7/1/08, amended 1/1/13, 7/1/13, 7/1/14)
1.4.3 Originals of Transcripts of Proceedings (Effective 1/1/13)
1.4.4 Interpreters and Translators (Effective 7/1/08, renumbered 1/1/13, amended 1/1/15, 7/1/18, 7/1/20, 1/1/21)

Chapter 5 Transfer of Administrative Procedures
1.5.1 Designation of Clerk (Effective 7/1/08)

Chapter 6 Attorney, Investigator and Expert Fees
1.6.1 Attorney Fees in Cases Involving Minors or Incompetent Persons (Effective 7/1/08, amended 1/1/13)
1.6.2 Computation of Fees (Effective 7/1/08)
1.6.3 Court Approval of Employment Contract (Effective 7/1/08)
1.6.4 Attorney Fees Upon Entry of Default in Actions on Promissory Notes, Contracts Providing for Payment of Attorney Fees, Actions on Book Accounts and Foreclosures (Effective 7/1/08, amended 1/1/13, 1/1/15, 7/1/17)
1.6.5 Fees for Court-Appointed Attorneys (Effective 7/1/08)
1.6.6 Motions for Investigators (Effective 7/1/08)
1.6.7 Investigators and Experts-Fee Schedule (Effective 7/1/08, amended 1/1/10, 1/1/15)
1.6.8 Claim Forms (Effective 7/1/08)
1.6.9 Appointed Counsel (Effective 7/1/08)
1.6.10 Reimbursement Order (Effective 7/1/08)
1.6.11 Collection (Effective 7/1/08)

Chapter 7 Jury Venue
1.7.1 Jury in County Seat (Effective 7/1/08, amended 1/1/15)
1.7.2 Jury Other Than County Seat (Effective 7/1/08)
1.7.3 County Wide Venue (Effective 7/1/08)

Chapter 8 Fees for Court Services
1.8.1 Responsibility for Fees (Effective 7/1/10)
1.8.2 Withholding of Judgment for Non-Payment of Fees (Effective 7/1/11)
1.8.3 Fees for Printing of Forms/Packets (Effective 7/1/18)

Chapter 9 Fees for Preparation of Appellate Record
1.9.1 Copying Fees (Effective 7/1/11)

Chapter 10 Law Enforcement Use of Body-Worn Cameras
1.10.1 Law Enforcement Use of Body-Worn Cameras (Effective 1/1/21)

Division 2 TRIAL COURT RULES
Chapter 1 General Filing Requirements
2.1.1 Notice of Deposition (Effective 7/1/08)

Chapter 2 Designation of Record on Appeal

2.2.1 Reporter's Transcript (Effective 7/1/08)
2.2.2 Clerk's Transcript (Effective 7/1/08)

Chapter 3 Jury Instructions
2.3.1 Types Used (Effective 7/1/08, amended 1/1/15)
2.3.2 When Submitted (Effective 7/1/08, amended 1/1/13)
Chapter 4 Application for Ex Parte Orders
2.4.0 General (Effective 7/1/08, amended 1/1/13)
2.4.1 Fee (Effective 7/1/08)
2.4.2 Form (Effective 7/1/08)
2.4.3 Limitations on Granting (Effective 7/1/08)
2.4.4 To Whom Presented in Particular (Effective 7/1/08, amended 1/1/13, 1/1/15, 1/1/21)
2.4.5 How Presented (Effective 7/1/08)
2.4.6 Notice to Opposition (Effective 7/1/08; amended 1/1/10, 1/1/13, 1/1/21)
2.4.7 Time for Application (Effective 7/1/08, amended 1/1/18, 1/1/21)
2.4.8 [Deleted 7/1/19]
2.4.9 Ex Parte Application for Temporary
Chapter 5 Unlawful Detainer
2.5.1 Unlawful Detainer Proceedings (Effective 7/1/08; amended 1/1/10)

Chapter 6 Small Claims Appeals
2.6.1 Hearing Dates for Small Claims Appeals (Effective 7/1/08)

Chapter 7 Telephone Hearings in Selected Departments Using CourtCall System
2.7.1 Establishment of CourtCall System (Effective 7/1/08, amended 7/1/19)
2.7.2 Definitions (Effective 7/1/08, amended 1/1/13, 7/1/19, 7/1/20)
2.7.3 Telephone Hearing Calendars (Effective 7/1/08, amended 1/1/13)
2.7.4 Telephonic Appearance and Service of Form (Effective 7/1/08)
2.7.5 Notice by Fax to Program Administrator (Effective 7/1/08)
2.7.6 Payment of Fee to Program Administrator (Effective 7/1/08, amended 1/1/20)
2.7.7 Method of Payment and Confirmation (Effective 7/1/08)
2.7.8 Conducting the Telephonic Hearing (Effective 7/1/08, amended 1/1/13)

Chapter 8 Settlement Conferences
2.8.1 Settlement Conference (Effective 7/1/08)
2.8.2 Types of Settlement Conferences (Effective 7/1/08)
2.8.3 Persons Whose Presence is Required (Effective 7/1/08)
2.8.4 Settlement Conference Statement (Effective 7/1/08, amended 1/1/13)
2.8.5 Discovery (Effective 7/1/08, amended 1/1/13, 7/1/20)
2.8.6 Demands and Offers (Effective 7/1/08)

2.8.7 Failure to Attend or be Prepared (Effective 7/1/08)
2.8.8 Continuances (Effective 7/1/08)
2.8.9 Notice of Settlement (Effective 7/1/08)
2.8.10 Arbitration (Effective 7/1/08)
2.8.11 Arbitration Administrator (Effective 7/1/08)
2.8.12 Arbitration Panel (Effective 7/1/08)
2.8.13 Arbitration Fees (Effective 7/1/08)

Chapter 9 Settlement Conference Setting
2.9.1 Pretrial Matters (Effective 7/1/08)
2.9.2 Setting Procedure (Effective 7/1/08, amended 1/1/13)
2.9.3 Duty of Counsel as to Trial Date Assigned (Effective 7/1/08, amended 1/1/13)
2.9.4 Uncontested Calendars (Effective 7/1/08)

Chapter 10 Continuance Policy
2.10.1 Statement of Policy re Continuances (Effective 7/1/08, amended 1/1/15)
2.10.2 Civil Cases-Further Statement of Policy (Effective 7/1/08)
2.10.3 Civil Cases, Law and Motion and Voluntary Settlement Conference Policy (Effective 7/1/08)
2.10.4 Law and Motion and Voluntary Settlement Conference Continuances (Effective 7/1/08)
2.10.5 Family Law Defaults, Orders to Show Cause, Change of Names and Adoption Continuances (Effective 7/1/08)

Chapter 11 Fax Filing
2.11 Payment of Fees (Effective 7/1/08, renumbered 1/1/10, amended 1/1/11)

Chapter 12 Civil Active List and Conference Setting in Departments 37, 40, 44, 45
2.12.1 Setting Procedures (Effective 7/1/08, amended 1/1/13)
2.12.2 Short Cause (Effective 7/1/08)

Division 3 CIVIL RULES
Chapter 1 General Provisions
3.1.1 Initial Filing (Effective 7/1/08)
3.1.2 Papers Filed at or Near Deadline (Effective 7/1/08)
3.1.3 Notice (Effective 7/1/08)
3.1.4 Accompanying Memoranda (Effective 7/1/08)
3.1.5 Filings in Unlimited Civil Cases (Effective 1/1/10, amended 1/1/13)
3.1.6 Filing form for Motions (Effective 7/1/08; renumbered 1/1/10, amended

1/1/13)
3.1.7 Temporary Orders (Effective 7/1/08; renumbered 1/1/10)

Chapter 2 Calendaring Matters
3.2.1 Motion Date (Effective 7/1/08)
3.2.2 Improper Calendaring (Effective 7/1/08)
3.2.3 Time (Effective 7/1/08)
3.2.4 Continuances (Effective 7/1/08, amended 1/1/13)
3.2.5 Motion Removed from Calendar (Effective 7/1/08)
3.2.6 Motions in Limine (Effective 7/1/12)

Chapter 3 Miscellaneous Law and Motion Department Matters
3.3.1 Objections to Discovery (Effective 7/1/08)
3.3.2 Orders and Judgments (Effective 7/1/08, amended 1/1/10,1/1/13)
3.3.3 Real Property Judgments (Effective 7/1/08)
3.3.4 Judicial Notice (Effective 7/1/08)
3.3.5 Class Actions (Effective 7/1/08, renumbered 7/1/11)
3.3.6 Tentative Rulings (Effective 1/1/16)

Chapter 4 Case Management- Scope, Purpose and Authority
3.4.1 Scope (Effective 7/1/08)
3.4.2 Definitions (Effective 7/1/08)
3.4.3 Purpose (Effective 7/1/08)
3.4.4 Authority (Effective 7/1/08)
3.4.5 Case Disposition Standards (Effective 7/1/08, amended 1/1/17)
3.4.6 Exemption for Complex Cases (Effective 7/1/08, amended 1/1/10, 7/1/13)

Chapter 5 Case Management Conferences in Superior Court
3.5.1 Calendaring the Case Management Conference (Effective 7/1/08)
3.5.2 Preparation for Case Management Conference (Effective 7/1/08)
3.5.3 Continuances of Case Management Conference (Effective 7/1/08, amended 1/1/10)
3.5.4 Time and Department for Case Management Conferences (Effective 7/1/08, amended 1/1/13)
3.5.5 [Deleted 1/1/15]
3.5.6 Service of Parties (Effective 7/1/08)
3.5.7 [Deleted 1/1/10]
3.5.8 [Deleted 1/1/10]
3.5.9 Uninsured Motorist Cases (Effective 7/1/08)
3.5.10 Reporting of Case Management Conference (Effective 7/1/08, amended 1/1/10)
3.5.11 Referral to Arbitration (Effective 7/1/08, amended 1/1/10)

Chapter 6 Case Management Conference Orders
3.6.1 Type of Order Judge May Enter (Effective 7/1/08)
3.6.2 Order Governs Further Proceedings (Effective 7/1/08)
3.6.3 Failure to Comply May Result in OSC re: Sanctions (Effective 7/1/08, amended 1/1/10)

Chapter 7 Case Management—Dismissal Calendar
3.7.1 Definition (Effective 7/1/08)
3.7.2 Setting (Effective 7/1/08)
3.7.3 Opposition (Effective 7/1/08)
3.7.4 Dismissal (Effective 7/1/08)

Chapter 8 Miscellaneous Provisions
3.8.1 Delegation (Effective 7/1/08)

Division 4 CRIMINAL LAW MATTERS
Chapter 1 General Matters
4.1.1 Continuances in Criminal Cases (Effective 7/1/08)
4.1.2 Criminal Discovery Motions (Effective 7/1/08)
4.1.3 Moving Parties for Motions under Penal Code § 995 (Effective 7/1/08, amended 1/1/10)
4.1.4 Motion under Penal Code § 1538.5 to Suppress Evidence (Effective 7/1/08)
4.1.5 Forfeiture and Reinstatement of Bail; Resumption of Liability on Bail Bonds (Effective 7/1/08, amended 7/1/11)
4.1.6 Preliminary Criminal Matters (Effective 7/1/08)
4.1.7 Mental Capacity Issues and Pleas (Effective 7/1/08)
4.1.8 Evidentiary Hearings (Effective 7/1/08)
4.1.9 Disposition of Exhibits (Effective 7/1/08, 7/1/11)
4.1.10 Reporter's Notes of Capital Cases (Effective 7/1/08, amended 1/1/13)
4.1.11 Sound Recordings Offered at Trial (Effective 7/1/08, amended 1/1/13, 1/1/15)
4.1.12 [Deleted 1/1/13]
4.1.13 [Deleted 1/1/15]
4.1.14 Petition Pursuant to Penal Code, § 1203.4 (Effective 7/1/19)
4.1.15 Filings in Criminal Cases (Effective 1/1/20)

Chapter 2 Traffic Matters
4.2.1 Trial by Written Declaration (Effective 7/1/08, amended 7/1/10)
4.2.2 Dismissal of Correctable Traffic Offenses (Effective 7/1/08, 1/1/15)
4.2.3 Policies for Attendance at Traffic Violator School (Effective 7/1/08; amended 1/1/10, 7/1/10)

4.2.4 Added Fees for Traffic Violator School (Effective 7/1/08, amended 7/1/10, 1/1/16)
4.2.5 Transcripts (Effective 7/1/10, 7/1/20)
4.2.6 Remote Video Proceedings (Effective 7/1/19)

Division 5 DOMESTIC RELATIONS AND JUVENILE MATTERS
Chapter 1 General
5.1.1 Domestic Relations Forms (Effective 7/1/08)
5.1.2 Marvin Cases (Effective 7/1/08, amended 1/1/13, 1/1/15)
5.1.3 [Deleted 1/1/21]
5.1.4 Orders Shortening Time (Effective 7/1/08, amended 1/1/13, 1/1/15)
5.1.5 Requests for Orders, Orders to Show Cause and Notices of Motion Re Support or Fees (Effective 7/1/08, amended 1/1/13)
5.1.6 Moving Papers Accompanied by Blank Forms (Effective 7/1/08, amended 1/1/10 1/1/13)
5.1.7 Responding Party to Complete Forms (Effective 7/1/08, amended 1/1/13)
5.1.8 Fees (Effective 7/1/08)
5.1.9 Setting Requests for Order, Orders to Show Cause, and Notices of Motion in Family Law Matters (Effective 7/1/08, amended 1/1/13)
5.1.10 Assignments for Trial Setting (Effective 7/1/08, amended 1/1/10)
5.1.11 [Deleted 1/1/10]
5.1.12 [Deleted 1/1/10]
5.1.13 Non-Appearance of Counsel or Self-Represented Party (Effective 7/1/08, amended 1/1/13)
5.1.14 Counsel's Duty (Effective 7/1/08)
5.1.15 Restoration to Calendar (Effective 7/1/08)
5.1.16 Restraining and Temporary Orders (Effective 7/1/08)
5.1.17 Hearings for Requests for Orders, Orders to Show Cause, and Notices of Motion (Effective 7/1/08, amended 1/1/13)
5.1.18 Mandatory Settlement Conference (Effective 7/1/08, amended 1/1/13)
5.1.19 Appraisal (Effective 7/1/08, amended 1/1/13)
5.1.20 Default Hearings (Effective 7/1/08, amended 1/1/13, 1/1/15, 7/1/19)
5.1.21 [Deleted 1/1/13]
5.1.22 Family Law and Motion Matters (Effective 7/1/08, amended 1/1/13, 1/1/15)
5.1.23 Child and Spousal Support (Effective 7/1/08)
5.1.24 Computer Printouts as Basis for Support Calculation (Effective 7/1/08, amended 1/1/13)
5.1.25 Charges for Child Custody Evaluation and Investigation (Effective 7/1/08, amended 1/1/13)
5.1.26 Child Custody Evaluation Charge (Effective 7/1/08, amended 1/1/13, 1/1/17, 7/1/18, 1/1/20)

5.1.27 Investigation Charge (Effective 7/1/08, amended 7/1/14, 1/1/17, 7/1/21)
5.1.28 Ability to Pay (Effective 7/1/08, amended 1/1/13)
5.1.29 Waivers of Court Charges and Costs (Effective 7/1/08, amended 1/1/13, 7/1/13, 1/1/17, 7/1/18)
5.1.30 Stipulation for Private Evaluation or Dispute Resolution (Effective 7/1/08, amended 1/1/13)
5.1.31 Disqualification of Child Custody Evaluator or Mental Health Professional (Effective 7/1/08, amended 1/1/13)
5.1.32 Contact Between Court Child Custody Recommending Counselor (CCRC) and Minor Children (Effective 7/1/08, amended 1/1/13, 1/1/17, 7/1/18)
5.1.33 Custody Recommendations by Family Court Services to Court (Effective 7/1/08, amended 1/1/13, 1/1/17)
5.1.34 Examination of the Child Custody Evaluator (Effective 7/1/08, amended 1/1/10, 1/1/13, 1/1/17, 7/1/20)
5.1.35 Documents to be Delivered (Effective 7/1/08)
5.1.36 Confidential Declaration Sheet (Effective 1/1/13)
5.1.37 Family-Centered Case Resolution (Effective 1/1/13, amended 7/1/13)
5.1.38 Mandatory "Notice of Family Law Case Status Conference" Form (Effective 7/1/13)
5.1.39 Sanctions (Effective 1/1/17)
5.1.40 Family Law Criminal Contempt Actions (Effective 7/1/19)
5.1.41. Appointment of Counsel for Children (Minor's Counsel) (Effective 1/1/21)
5.1.42 Complaints Regarding Minor's Counsel (Effective 1/1/21)

Chapter 2 Juvenile Dependency Cases—Appointment of Counsel
5.2.1 Timeliness (Effective 7/1/08, amended 1/1/15)
5.2.2 Experience Training, Education, Standards of Representation (Effective 7/1/08, amended 7/1/13, 1/1/15)
5.2.3 Appointment of Counsel for Parents or Guardians (Effective 7/1/08)
5.2.4 Appointment of Counsel for Children (Effective 7/1/08)
5.2.5 Conflicts (Effective 7/1/08)
5.2.6 Client Complaints (Effective 7/1/08)
5.2.7 Attorney for the Child (Effective 7/1/08)
5.2.8 Information Received by Court Concerning the Child (Effective 7/1/08)

Chapter 3 Court Appointed Special Advocates (CASA)
5.3.1 The Child Advocate Program (Effective 7/1/08)
5.3.2 Child Advocates (Effective 7/1/08)
5.3.3 Release of Information to Advocate (Effective 7/1/08)

5.3.4 Advocate's Right to Timely Notice (Effective 7/1/08)
5.3.5 Calendar Priority for Advocates (Effective 7/1/08)
5.3.6 Advocate's Visitation Through Dependency (Effective 7/1/08)
5.3.7 Family Law Advocacy (Effective 7/1/08)
5.3.8 Advocate's Right to Appear (Effective 7/1/08)
5.3.9 Appearance by Consular Representative (Effective 7/1/08)

DIVISION 6 [Reserved]

DIVISION 7 PROBATE, ADOPTION, AND RELATED MATTERS
Chapter 1 Probate Filings and Orders
7.1.1 Additional Notice Requirements (Effective 7/1/08)
7.1.2 Notice by Clerk (Effective 7/1/08)
7.1.3 Notice Required for Special or Temporary Letters (Effective 7/1/08, amended 1/1/13)
7.1.4 Heirs without Known Address (Effective 7/1/08)
7.1.5 Copies of Handwritten Wills and Codicils; Translation of Foreign Wills (Effective 7/1/08)
7.1.6 Wording of Probate Orders (Effective 7/1/08)
7.1.7 Time for Submitting Papers and Orders (Effective 7/1/08)
7.1.8 Uncontested Matters (Effective 7/1/08, amended 1/1/13)
7.1.9 Orders for Family Allowance (Effective 7/1/08)

Chapter 2 Fees and Commissions
7.2.1 Fees and Commissions in General (Effective 7/1/08)
7.2.2 Fees and Commissions in Advance (Effective 7/1/08)
7.2.3 Fees or Commissions Based on Fluctuating Values (Effective 7/1/08)
7.2.4 Allowance on Account of Fees and Commissions (Effective 7/1/08)
7.2.5 Determination of Statutory Fees and Commissions (Effective 7/1/08)
7.2.6 Determination of Extraordinary Fees and Commissions (Effective 7/1/08)
7.2.7 Probate Code §13650 Proceedings (Effective 7/1/08)

Chapter 3 Claims and Sales
7.3.1 Creditor's Claims by Personal Representative (Effective 7/1/08)
7.3.2 Sale or Encumbrance of Estate Property (Effective 7/1/08)

Chapter 4 Accounts and Distribution
7.4.1 Required Matters in a Petition for Final Distribution. (Effective 7/1/08)
7.4.2 Required Form of Accounts (Effective 7/1/08)
7.4.3 Suggested Form of Summary (Effective 7/1/08)

Chapter 5 Disposition without Administration

7.5.1 Required Allegations in Support of Claimed Property as Community (Effective 7/1/08)
7.5.2 Notice in Proceedings to Set Aside Community Property (Effective 7/1/08)
7.5.3 Petition to Establish Fact of Death (Effective 7/1/08)

Chapter 6 Adoptions
7.6.1 Stepparent Adoption under Family Code §§ 9000, *et seq.* (Effective 7/1/08)
7.6.2 Adoption where Natural Father not Found (Effective 7/1/08)
7.6.3 Military Affidavit (Effective 7/1/08, amended 7/1/13)
7.6.4 Charges for Investigations in Stepparent Adoptions (Effective 7/1/08, amended 1/1/17, 7/1/18, 1/1/20)
7.6.5 Charges for Investigations in Declare Minor Free Petitions (Effective 7/1/18)
7.6.6 Charges for Investigations in Dual Stepparent Adoptions/Declare Minor Free Petitions (Effective 7/1/18)

Chapter 7 Orders for Withdrawal of Funds
7.7.1 Application (Effective 7/1/08)

Chapter 8 Guardianship & Conservatorship Investigations
7.8.1 Investigation of Proposed Guardian (Effective 7/1/08, amended 1/1/17)
7.8.2 Charges for Guardianship Investigations (Effective 7/1/08, amended 7/1/18, 1/1/20)
7.8.3 Preparation and Filing of Order Appointing Guardianship Investigator (Effective 7/1/08, amended 1/1/20)
7.8.4 Charges for Conservatorship Investigation (Effective 7/1/08, amended 1/1/15)
7.8.5 Ability to Pay (Effective 7/1/08, amended 1/1/13, 1/1/15, 7/1/18, 1/1/20)
7.8.6 Required Orientation by Proposed Probate Conservatorship (Effective 7/1/08, amended 7/1/13, 1/1/15, 1/1/17)
7.8.7 Background Check/Electronic Fingerprint Scan (Effective 1/1/17)
7.8.8 Guardianship Filings Based Upon Parentage (Effective 1/1/20)

Division 8 APPELLATE DEPARTMENT
8.1.1 Briefs (Effective 7/1/08, amended 7/1/13, 1/1/17, 7/1/20)
8.1.2 Calendaring (Effective 7/1/08)
8.1.3 Oral Argument (Effective 7/1/08)
8.1.4 Motions (Effective 7/1/08, amended 1/1/10, 1/1/13)

Division 9 COURT PERSONNEL

Chapter 1 **General Provisions**
9.1.1 Definition (Effective 7/1/08)
9.1.2 Judicial Officers (Effective 7/1/08)
9.1.3 Officers (Effective 7/1/08)
9.1.4 Employees (Effective 7/1/08)
9.1.5 Assigned Court Personnel (Effective 7/1/08)

Chapter 2 **Court Executive Officer**
9.2.1 Appointments (Effective 7/1/08)
9.2.2 Functions (Effective 7/1/08, amended 1/1/15)

Chapter 3 **Chief Probation Officer**
9.3.1 Selection (Effective 7/1/08)
9.3.2 Functions (Effective 7/1/08)

Chapter 4 **Director of Family Court Services and Facilitator**
9.4.1 Appointment (Effective 7/1/08)
9.4.2 Functions-Family Court Services (Effective 7/1/08, amended 1/1/13)
9.4.3 [Deleted 1/1/13]
9.4.4 Simultaneous Release of Reports (Effective 7/1/08, amended 1/1/13)
9.4.5 Functions-Facilitator (Effective 7/1/08)
9.4.6 Grievance Procedure Relating to Family Court Services, Child Custody Recommending Counseling and/or Facilitator (Effective 7/1/08, amended 1/1/13)
9.4.7 Confidentiality of Communications and Reports (Effective 7/1/08)

DIVISION 1 COURT ORGANIZATION AND GENERAL PROVISIONS

Chapter 1 Court Calendars.

1.1.1 General Calendar. The Superior Court's business is distributed in accordance with its latest "General Calendar," which sets forth the time, place and any special requirements adopted by the Court for hearing the various types of court business. Before applying or noticing any matter for hearing or for trial, the moving party should ascertain the latest calendar requirements from the Calendar Clerk. (Effective 7/1/08)

1.1.2 Daily Calendar. The Clerk, not later than the beginning of each court day, shall post a daily court calendar for public examination. Case assignments shall be made for all purposes pursuant to Rule 3.734 of the California Rules of Court. (Effective 7/1/08, amended 1/1/16)

1.1.3 [Deleted 7/1/13]

1.1.4 Title of Court. The official title of this Court is the "Superior Court of the State of California in and for the County of Madera." Litigants may use as a short title "Madera County Superior Court" in pleadings and in addressing the Court in correspondence. (Effective 7/1/08)

Chapter 2 Definitions and Preliminary Provisions.

1.2.1 Authority for Adoption. These rules are adopted pursuant to the authority granted in Government Code § 68070 and Code of Civil Procedure §§ 128 and 187. (Effective 7/1/08)

1.2.2 Effective Date of Rules. These rules are effective July 1, 2020 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).

1.2.3 Construction and Effect of Local Rules. The local rules shall be construed as follows:

(a) The local rules are supplementary of and subject to the California Rules of Court and the Code of Civil Procedure and shall be construed so that they do not conflict with state rules or statutory or case law.

(b) The local rules have no retroactive effect.

(c) The local rules shall be construed liberally to affect the ends of justice and efficient administration of the Court. Where the strict application of a rule would work an injustice to any party, each Judge of this Court may excuse compliance with such rule, as the ends of justice may require.

(d) Headings, chapter and rule subdivisions do not affect the scope, meaning or intent of these rules.

(e) Unless the context of the rule otherwise requires,

(1) The singular includes the plural and the plural the singular

(2) “May” is permissive, and “shall” is mandatory, and,

(3) The past, present and future each include the other tenses.

(Effective 7/1/08, amended 7/1/21)

1.2.4 Definitions. Definitions contained within the California Rules of Court apply with equal force in these Rules unless the content or subject matter otherwise requires.

(a) “Clerk” means the Clerk of the Court or his or her deputy. When referring to calendaring matters, “Clerk” refers to the Supervising Clerk of that Division.

(b) “County” means the County of Madera.

(c) “Court” means Superior Court of the County of Madera, and includes (1) any Judge who is elected or appointed a member of this Court, (2) while serving in this Court, any Judge, including a retired judge, assigned by the Chairperson of the Judicial Council to serve this Court, (3) any commissioner or referee appointed by the Judges of this Court, (4) while serving this Court, any retired commissioner who is assigned to serve by the Presiding Judge pursuant to Government Code 72190, or any other provision of law, (5) while serving this Court, and any member of the State Bar of California ordered to act as a temporary judge pursuant to Article VI, § 21, of the California Constitution and Rule 2.810 of

the California Rules of Court.

(d) "Division" means the divisions of the Superior Court, as set forth in Local Rule 1.3.2, infra.

(e) "Judicial Officer" includes any judge who is appointed or elected a member of this Court and any commissioner or referee who is appointed by the Judges of this Court.

(f) "Person" includes corporations, associations, public entities and all other entities as well as natural persons.

(g) "Court days" include days the Court is open to the public and court is in session.

(Effective 7/1/08, part (d) amended 7/1/10, 1/1/13, 7/1/20)

1.2.5 Severability of Rules. If any local rule or part of a rule is held to be invalid, all valid portions of that rule which are severable from the invalid portion shall remain valid. If the local rule is held invalid in one or more of its applications, the rule shall remain in effect in all valid applications that are severable from the invalid applications. (Effective 7/1/08)

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

1.3.1 Duties of Presiding Judge. The Presiding Judge shall:

(a) Prepare, with the assistance of appropriate committees of the Court, such local rules as may be required to expedite and facilitate the business of the Court; submit such proposed rules for consideration, and upon approval by a majority of the Judges cause the proposed rules to be published and submitted to the local bar association for consideration and recommendation; upon adoption of the rules by a majority of the Judges, cause compliance with appropriate statutory and California Rules of Court directives and cause publication thereof for general distribution.

(b) Designate a Judge to act as Presiding Judge when the Presiding Judge is absent or unable to act.

(c) Act as a Master Calendar Judge to assign cases for trial purposes.

(d) Apportion the business of the Court among the various departments.

(e) Call such meetings of the Judges as may be needed.

(f) Supervise the administrative business of the Court and have general direction and supervision of the attachés of the Court.

(g) Impanel and have charge of the proceedings of the Grand Jury and act as a liaison between the Court and the Grand Jury.

(h) Exercise such additional duties as may be prescribed by statute or state rule of court for presiding judges under the Government Code and the California Rules of Court.

(i) The Presiding Judge may delegate any of the duties in Rule 1.3.1(a)-(h) to other Judicial Officers of this Court as appropriate.

(Effective 7/1/08)

1.3.2 Departments of the Superior Court. There shall be ten departments of the Superior Court, designated as Departments 17, 21, 22, 23, 29, 36, 37, 40, 44, and 45. 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)

1.3.3 Criminal Division. The Criminal Division shall hear arraignments, status conferences, trial confirmations, pretrial motions, and all writs concerning criminal matters as well as all traffic matters. (Effective 7/1/08)

1.3.4 Trial Confirmations in Criminal Cases. The Trial Confirmation is a hearing to determine whether the case is going to trial or the parties are able to reach a disposition of the case without trial. (Effective 7/1/08)

1.3.5 The Juvenile Division. The Juvenile Division shall hear all law and matters, and trials not otherwise assigned, in all matters in the Juvenile Court not otherwise assigned by the Presiding Judge. (Effective 7/1/08)

1.3.6 The Probate-Civil Division. The Probate-Civil Division shall hear all decedents estates, trust matters, conservatorships, guardianships, compromises of minors claims under Probate Code §§ 3600 *et seq.*, spousal property petitions and miscellaneous actions under the Probate Code, civil law and motion matters, applications for writs, receivers, and the like, and hear all family law matters, unless otherwise assigned by the Presiding Judge. (Effective 7/1/08)

1.3.7 Districts of Superior Court. There is one district of the Superior Court. It is designated as the Madera County Superior Court District. (Effective 7/1/08)

1.3.8 [Deleted 7/1/19]

1.3.9 [Deleted 7/1/19]

1.3.10 [Deleted 7/1/19]

1.3.11 [Deleted 7/1/19]

1.3.12 Location of Main Courthouse. All Departments are located at the Madera County Main Courthouse, 200 South G Street, Madera, California 93637. (Effective 7/1/08, amended 1/1/16, 7/1/19)

1.3.13 [Deleted 7/1/19]

1.3.14 [Deleted 1/1/13]

Chapter 4 Court Reporter, Interpreter and Translator.

1.4.1 Court Reporters. A court reporter is mandatory on all proceedings save and except appeals to the Superior Court, small claims cases, case management conferences, and initial arraignments on criminal complaints. The Court in its discretion can order those proceedings reported. (Effective 7/1/08)

1.4.2 Fee of Court Reporter in Civil Proceedings.

(a) In any civil case in which a trial or hearing is expected to last more than one (1) hour, but not more than four (4) hours, and official reporting services are required, the parties shall deposit with the Civil Division their pro rata shares of the fee for one-half (½) day of official reporting services. In any civil case in which the trial or hearing is expected to last less than one (1) hour, the fee shall be $30.00. If a hearing which was expected to last less than one (1) hour goes

beyond the one (1) hour requiring reporting services, then the difference in the fees must be paid by the end of the day of the hearing.

(b) In any civil case in which a trial or hearing is expected to last more than four (4) hours and official reporting services are required, the parties shall deposit with the Civil Division their pro rata shares of the fee for one (1) full day of official reporting services.

(c) The fee for any trial shall be deposited by the time motions in limine are heard, or trial otherwise commences. The fee for any hearing shall be due at the time the hearing is scheduled. The fee for any subsequent day of the trial or hearing shall be deposited with the Civil Division at the beginning of each subsequent day.

(d) The receipt issued by the Civil Division for payment of the above fees shall be shown to the Judge's Clerk at the beginning of the proceeding, or the trial or hearing will not proceed. Further, where a party or attorney has a record of failing to pay fees under this (or any other) section, the Court, in its discretion, may condition the scheduling of any matter on pre-payment of fees, or the payment of any or all due and owing fees.

(Effective 7/1/08, section (a) amended 1/1/13, sections (a), (c), and (d) amended 7/1/13, section (c) amended 7/1/14)

1.4.3 Originals of Transcripts of Proceedings

Where a transcript of a proceeding has been ordered by a litigant or other interested party, the Court shall retain the original of such transcript for its records, except as otherwise required by law. (Effective 1/1/13)

1.4.4 Interpreters

(a) The Court provides Court Interpreters at no cost to Limited Language court users in all court proceedings, to the extent required by state and federal laws. The Court recognizes the benefit of providing Court Interpreters for all case~~s~~ types including civil, and will make all necessary efforts to provide interpreters in civil cases in accordance with Evidence Code § 756 and with the availability of interpreters.

(b) In order for the Court to identify the need for a spoken-language interpreter in lower priority case types, upon the filing of the case, submit the Court's local MAD-INT-001 form, located on the Court's website, or Judicial Form

INT-300, to the Court's Interpreter Coordinator.

(c) Parties who desire to hire their own interpreter may do so, as long as the private interpreter meets the qualifications set forth in Government Code §68561 and §68566.

(Effective 7/1/08; Renumbered 1/1/13, Amended 1/1/15, 7/1/18, 7/1/20, 1/1/21)

Chapter 5 Transfer of Administrative Procedures.

1.5.1 Designation of Clerk. The Court Executive Officer shall be the Clerk of the Superior Court. (Effective 7/1/08)

Chapter 6 Attorney, Investigator and Expert Fees.

1.6.1 Attorney Fees in Cases Involving Minors or Incompetent Persons. In cases compromised by a guardian ad litem under Code of Civil Procedure § 372 or by Probate Code § 3500; the attorney fees awarded by the Court shall, under normal circumstances, not exceed the following amounts:

(a) Twenty-five percent (25%) of the amount recovered when the case is settled during trial.

(b) Thirty-three and one-third percent (33 1/3%) of the amount recovered when the case is settled during trial after a substantial part of plaintiff's case has been introduced or after judgment.

(c) Not more than the fees prescribed in 1.6.1(b) when the case is settled between the times specified in Rules 1.6.1(a) and 1.6.1(b)

(d) Forty percent (40%) of the amount recovered when the case is settled after the filing of respondent's brief on appeal.

(e) An amount less than 1.6.1(a), which shall reflect actual work done, when the recovery is under an uninsured motorist clause in an insurance policy.

(Effective 7/1/08, Amended 1/1/13)

1.6.2 Computation of Fees. In computing fees, parents claiming reimbursement for expenses shall, except in cases of hardship, pay their proportionate share of the attorney fees. 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. (Effective 7/1/08)

1.6.3 Court Approval of Employment Contract. Except for good cause shown, no contract of employment providing for attorney fees shall be approved by the Court in advance. Under no circumstances shall the contract be considered for approval in advance without the client's appearance on the application for court approval. (Effective 7/1/08)

1.6.4 Attorney Fees Upon Entry of Default Judgment in Actions on Promissory Notes, Contracts Providing for Payment of Attorney Fees, Actions on Book Accounts and Foreclosures. The following attorney fees shall, under normal circumstances, be awarded upon entry of default judgment in actions on promissory notes, contracts providing for the payment of attorney fees, actions on book accounts and foreclosures:

$0.01 to $1,000	15%, with minimum fee of $75
$1000.01 to $10,000	$150 plus 6% excess over $1,000
$10,000.01 to $50,000	$690 plus 3% of excess over $10,000
$50,000.01 to $100,000	$1,890, plus 2% of excess over $50,000
Over $100,000	$2,690 plus 1% of excess over $100,000

When the clerk is authorized by statute to enter judgment that includes attorney fees pursuant to an approved fee schedule, the clerk must use the above-approved fees when determining and entering the clerk's judgment. The amount of attorney fees awarded must not exceed the amount of fees prayed for in the complaint.

Fees for actions on a book account, which are specifically allowed by Civil Code § 1717.5, are subject to the above schedule.

(a) Foreclosure of Mortgage or Trust Deed. Fees for actions on a foreclosure of mortgage or trust deed are subject to the above schedule, then increased by ten percent (10%). (Amended 1/1/15, 7/1/17)

(b) Foreclosure of Assessment or Bond Lien Relating to a Public Improvement. Fees for actions on a foreclosure of assessment or bond lien relating to a public improvement are subject to the above schedule, except that the

minimum fee shall be $75 in an action involving one assessment or bond and an additional $20 for each additional assessment or bond being foreclosed in the same action. (Amended 1/1/13, 1/1/15, 7/1/17)

(c) Additional Fees. An attorney seeking fees in excess of the fees stated above must submit a proposed order and written declaration with an itemized statement of services rendered to substantiate any claim for additional fees. (Amended 7/1/17)

(d) Judicial Discretion. A judge retains complete discretion in awarding attorney fees based on the circumstances of the action, including the experience of counsel, the time expended, the complexity of the issues, the amount in controversy, and the results achieved. A judge may require an attorney to submit a written declaration with an itemized statement of services rendered, and other supporting documentation, to substantiate any claim for attorney fees. (Effective 7/1/17)

(Effective 7/1/08, amended 7/1/17.)

1.6.5 Fees for Court-Appointed Attorneys. The following attorney fees shall, under normal circumstances, be awarded by the Court to court-appointed attorneys if reasonably necessary legal services are tendered in the Superior Court:

(a) Counsel is to be paid at a flat rate of $65 per hour for all court-appointed cases.

(b) In determining fees, the Court shall consider the difficulty of the tasks performed and the reasonable value of time expended.

(c) The Court may, by separate Policy Memorandum, adjust the amount paid to attorneys for court appointed cases, with distinctions for capital and non-capital cases, as well as other distinguishing factors.

(Effective 7/1/08)

1.6.6 Motions for Investigators. Motions for the payment of investigators, experts, or others for the preparation or presentation of the defense in a capital case, pursuant to Penal Code § 987.9, shall be presented to a Judge designated by the Presiding Judge.

Comment: Under Penal Code § 987.9(a), the Judge hearing the motion is disqualified from presiding over the trial of the case.

(Effective 7/1/08)

1.6.7 Investigators and Experts -Fee Schedule. The following schedule will be applied to investigators and forensic experts appointed by the Court:

General Felony	$50.00/hr
Capital/Life Without Parole	$50.00/hr
Mileage	$ 0.55/mile
Per Diem	$50.00/day
Narcotic evaluation and report	$400.00 per exam & report*
Sex offender exam and report	$400.00 per exam & report*
Penal Code § 1368, Competency to Stand Trial	$400.00*
Penal Code § 1026, Sanity at the Time of Crime	$400.00*
Penal Code § 1027, Restoration to Sanity	$400.00*
Evidence Code § 1017,	
Confidential Psychiatric Evaluation for Defense	$400.00*
Evaluation for General Sentencing Guidelines,	
Evidence Code § 460	$400.00*
Court appearances:	
Full day	$600.00
Half day	$350.00

* Evaluations and reports involving travel to and from either the Central California Women's Facility or the Valley State Prison may charge an additional $100 per exam, report or evaluation.

Extremely lengthy cases requiring extensive review of records (greater than 50 pages) or other extremely complex cases may be negotiated on a case by case basis with the Court.

This fee schedule may be adjusted from time to time by Policy Memorandum of the Court. (Effective 7/1/08, amended 1/1/10, 1/1/15)

1.6.8 Claim Forms. Counsel shall submit a statement for services rendered in each appointed criminal or juvenile case on the form provided by the Court, in duplicate, within ten days after the case has been completed. The statements shall be submitted to the Superior Court Executive Office for re-computation. The Superior Court Executive Officer shall submit the statement to the trial judge with a recommendation. The trial judge shall endorse the fees and costs approved upon the form and return it to the Superior Court Executive Office for processing. After approval, one duplicate original shall be transmitted to the County Auditor and the other shall be placed in the case file. (Effective 7/1/08)

1.6.9 Appointed Counsel. In each case in which a person has been furnished services of appointed counsel, upon conclusion of the proceedings, the Court shall make a determination of the actual costs of providing such services. Counsel shall be prepared at that time to submit itemized information as to the time they have devoted to the case. (Effective 7/1/08)

1.6.10 Reimbursement Order. In the event any person may be required by law to reimburse the County for compensation of private counsel or costs of public defender services, the Court, after determining the amount thereof, shall make a determination of the present ability of such person to pay all or a portion of such amounts and shall make such reasonable order for payment as is authorized by law. This determination and the determinations required by Local Rules 1.6.8 and 1.6.9 above shall be made only after the Court has held a hearing. A person required by law to reimburse the County for compensation of private counsel or costs of public defender services shall be entitled to reasonable notice of the hearing, and may appear with counsel, and participate therein, including the presentation of evidence and the cross-examination of witnesses. (Effective 7/1/08)

1.6.11 Collection. The Court, in its discretion, may delegate to the County Auditor the authority to collect such reimbursement and to establish and modify arrangements for installment payments. In addition, to the extent authorized by law, it may delegate to the County Auditor authority to reduce or cancel unpaid repayment obligations upon a finding by that office that the person obligated no longer has the ability to pay the amount ordered. These rules are not intended to apply to procedures under § 1431 of the Probate Code. (Effective 7/1/08)

Chapter 7 Jury Venue

1.7.1 Jury in County Seat. A jury in the County seat will be selected from a cross-section of the entire County. (Effective 7/1/08, amended 1/1/15)

1.7.2 Jury in Other than County Seat. When sessions of the Superior Court are held in a location other than the County seat, the names for master jury lists and qualified jury lists to serve in a session may be selected from the area in which the session is held pursuant to this local rule, provided that each prospective juror shall have the opportunity to elect to serve on a jury with respect to a trial held anywhere in the County. (Effective 7/1/08)

1.7.3 County Wide Venue. The Superior Court, in its discretion, may order countywide venue in the interest of justice. (Effective 7/1/08)

Chapter 8 Fees for Court Services

1.8.1 Responsibility for Fees.

(a) When an attorney orders services on behalf of a client, that attorney shall be responsible for securing payment for those services.

(b) Any attorney requesting services from the Court acknowledges that collection proceedings may proceed against the requesting attorney should the client fail to pay the requisite fees. (Effective 7/1/10)

1.8.2 Withholding of Judgment for Non-Payment of Fees.

Except where the interests of justice would require otherwise, the Court may refuse to enter judgment when any party to the case has failed to pay fees due and owing to the Court. (Effective 7/1/11).

1.8.3 Fees for Printing of Forms/Packets

Per Government Code § 70631 and California Rules of Court, rule 10.815, in order to cover the labor and material costs involved, the Clerk of the Court shall charge fifty cents ($.50) per page for preparing copies of any record, proceeding, or paper on file in the Clerk's Office. The Clerk of the Court shall also charge the following fees for the preparing of copies of Forms/Packets, which are provided on the Court's website for free, and include self-help instructions compiled by the Court Paralegal:

Madera Superior Court Forms and Form Packets

Number of Pages:	Fee:
1-25	$0.50 Per Page*
26-40	$16.00 Flat Rate*
41+	$20.00 Flat Rate*

* The following Forms/Packets are provided at NO CHARGE: (1) Fee Waiver Packet; (2) Small Claims Packets; (3) Civil Harassment Packet; and (4) Domestic Violence Packet. (Effective 7/1/18)

Chapter 9 Fees for Preparation of Appellate Record

1.9.1 Copying Fees When the parties stipulate that the Court file shall be the record in the case, the Court shall charge a fee of $1.00 per page to cover the cost of paper and labor, for copies of the record for transmission to the Court of Appeal or the Appellate Division of the Superior Court, for copies of the record for the Superior Court's own files, and for copies of the record for each of the parties. This fee shall be shared by the Appellant and Respondent. An Appellant or Respondent may apply to the appropriate court for relief from such fees. (Effective 7/1/11)

Chapter 10 Law Enforcement Use of Body-Worn Cameras

1.10.1 Law Enforcement Use of Body-Worn Cameras

(a) Definitions. For purposes of this rule:

(1) "Body-worn camera" means an electronic device used to photograph or record the performance of a peace officer in the course of his or her official duties.

(2) "Courthouse" means any building in which court proceedings

occur, and all portions of such building, including clerk's offices, lobby areas, hallways, stairs, and elevators.

(3) "Peace officer" has the meaning specified in Penal Code section 830.

(b) Permitted Use. A peace officer may use a body-worn camera in the courthouse to create a recording if the peace officer (i) is conducting an arrest, (ii) is assisting in an arrest, (iii) is interacting with an individual who is not complying with a command from the peace officer, (iv) is responding to an emergency situation, or (v) has received prior authorization from the Presiding Judge.

(c) Limitations on activation of body-worn cameras:

(1) If law enforcement personnel are present in a courthouse where juvenile matters are heard, they must comply with Welfare and Institutions Code section 827 and California Rules of Court, rule 5.552.

(2) Except as allowed in subsection (b), a peace officer may not use a body-worn camera in the courthouse to create a recording.

(Effective 1/1/21)

DIVISION 2 TRIAL COURT RULES

Chapter 1 General Filing Requirements.

2.1.1 Notice of Deposition. Notices of deposition will not be accepted for filing as part of the case file except by court order. Any motions filed in connection with a deposition must contain a copy of the notice of deposition. (Effective 7/1/08)

Chapter 2 Designation of Record on Appeal.

2.2.1 Reporter's Transcript. All Designations of Record for matters on appeal shall specifically set forth the date of any and all hearings for which a reporter's transcript is requested. (Effective 7/1/08)

2.2.2 Clerk's Transcript. All Designations of Record for matters on appeal shall specifically include the date each designated paper was filed with the Superior Court and the nature of the paper. (Effective 7/1/08)

Chapter 3 Jury Instructions.

2.3.1 Types Used. In all jury trials it is the policy of the Court to use the instructions contained in BAJI, CACI, CALJIC and/or CALCRIM, as appropriate. All instructions are to be provided by counsel or self-represented party. All other instructions offered shall conform as nearly as possible to the form instructions contained in BAJI, CACI, CALJIC and/or CALCRIM, as appropriate. Instructions shall not indicate which party submitted the instructions except in a code (prescribed by the Court) which does not readily disclose the identity of the submitting party. Any statement of the party offering an instruction, and citations of authority offered shall be on a separate sheet. An index or fact sheet setting forth the topic of each instruction or BAJI, CACI, CALJIC and/or CALCRIM number shall be attached to each set of proposed instructions. (Effective 7/1/08, amended 1/1/15)

2.3.2 When Submitted. Each party shall submit proposed jury instructions to the Court at the commencement of the trial unless otherwise authorized by the Judge. (Effective 7/1/08, amended 1/1/13)

Chapter 4 Application for Ex Parte Orders.

2.4.0 General. All parties and their counsel are required to review the following provisions for ex parte applications. Any failure to follow the rules may be grounds for summary denial of the application. (Effective 7/1/08, amended 1/1/13)

2.4.1 Fee. No application for an ex parte order, except for the appointment of a guardian ad litem or the approval of an undertaking or an attachment, shall be made until any required filing or other fee, if any, has been paid. (Effective 7/1/08)

2.4.2 Form. Every application for an ex parte order shall be accompanied by the original file of the action. (Effective 7/1/08)

2.4.3 Limitations on Granting. Except upon a stipulation, leave shall not be granted ex parte to stay execution after judgment, file a cross-complaint, amend or supplement a pleading, other than to strike out the name or substitute the true name of a fictitiously-named party. (Effective 7/1/08)

2.4.4 To Whom Presented in Particular. Except as otherwise specifically provided by these rules, an application for an ex parte order shall be presented as follows:

(a) Civil, Ex Parte and Writs. An application involving mandamus, review, prohibition, certiorari, receivers, and/or habeas corpus in a civil matter shall be presented to the civil law and motion judge to whom the case has been assigned.

(b) Criminal Ex Parte and Writs. An application involving a criminal matter shall be presented to the Judge to whom the case has been assigned. An application involving mandamus, review, prohibition, certiorari, habeas corpus, and/or coram nobis in a criminal matter shall be presented to the Writ Judge handling criminal writs.

(c) Juvenile. An application involving a juvenile court matter shall be presented to the Presiding Judge of the juvenile court in cases in which that Judge is authorized to act. In all other cases it will be presented to the Presiding Judge.

(d) Family Law. Application involving an order to show cause (OSC) or request for orders (RFO) in a domestic relations matter shall be presented to the Judge to whom the case has been assigned.

(e) Probate. An application involving a probate matter shall be presented to the Judge to whom the case has been assigned.

(f) Mental Health. An application involving a mental health matter shall be presented to the Supervising Judge of the Probate-Civil Division.

(Effective 7/1/08, section (f) amended 1/1/13, 1/1/15, amended 1/1/21)

2.4.5 How Presented.

(a) Guardian Ad Litem. Every application for the appointment of a guardian ad litem shall be captioned as the proposed or pending action and be accompanied by the written consent of the person nominated and, if the ward is over fourteen years of age, of the one for whom the guardian is sought. If the latter is a defendant, the application shall state the date on which said defendant was served. No application shall be presented for the nomination of any person who has any interest adverse or which might be prejudicial to the ward or who is not able or disposed to counsel with the ward or to actively and competently prosecute or defend the interest of the ward in the action or proceeding.

(b) Application for Reduction of Undertaking. An application for a reduction in the amount stated by statute for an undertaking on an attachment shall: be verified; fully set forth facts in the personal knowledge of the affiant or the

sources of information of facts averred on information and belief which tend to show that a reduction would not prejudice the rights of the defendant; set forth the facts purporting to justify the attachment; set forth the amount of the demand; set forth whether said property is in use and the nature thereof; state if the property is a going business, the effect, if any, of the attachment thereof and if the attachment is to be on a sum of money; and, set forth the date and result of all previous attachments, if any.

(c) Shortening or Extending Time. An application for an order shortening or extending time for the service of a notice shall state any previous extension, any expiration date, and the facts showing good cause for granting the application.

(d) Appointment of Counsel for Military Personnel. An application for the appointment of an attorney for a defendant in military service shall state the branch of such service, his or her service mailing address, when the time to answer or demur expired, whether any pleading has been filed on his or his behalf, and any other pertinent facts.

(e) Substitute Service -- Domestic. An application for an order authorizing service pursuant to Corporations Code § 1702(a) shall be by affidavit or declaration averring that no designation of an agent for service of process is on file with the Secretary of State (or facts showing the failure to locate a designated agent) corroborated by letter from the Secretary of State and facts showing that service cannot be made upon any person authorized to receive service.

(f) Substitute Service -- Foreign. An application for an order authorizing service pursuant to Corporations Code § 2111 (a) shall be by affidavit or declaration averring facts showing the doing of business by the corporation in California, the search made to find a person in the state authorized to receive service, no designation of an agent is on file with the Secretary of State (or the designated agent is no longer authorized to receive service) corroborated by a letter from the Secretary of State.

(g) Application for Money Deposited. An application for an order for the payment of money which has been deposited with the Clerk of the Court pursuant to California Code of Civil Procedure § 708.770 shall be verified by the applicant, state the amount of money and date it was deposited with the Clerk, any amount previously received by the applicant and whether any claim of exemption or motion to vacate the judgment has been filed. The amount of money on deposit shall be endorsed on the application by the Clerk of the Court.

(h) Property Otherwise Deposited. An application to receive personal, property or money, other than that deposited under California Code of Civil

Procedure § 708.770, shall be verified by the claimant and shall state when, why and by whom it was deposited; any term or condition of the deposit; the name and addresses of every person claiming any interest therein; and the reason the claimant is entitled to receive it. The amount of money or description of the property on deposit shall be endorsed on the application by the Clerk. The Court may require the applicant to proceed by motion on the notice to all interested persons.

(i) Execution on Installment Order of Judgment. An application for the issuance of a writ of execution as to an order or judgment for the payment of money installments shall be verified by the judgment creditor, and shall set out the pertinent provisions of the order of judgment, the total amount which has been paid, the amount of principal due, and the particulars as to any interest claimed. The application shall set forth also the assignment and the date service or notice thereof to the judgment debtor.

(Effective 7/1/08)

2.4.6 Notice to Opposition. Ex parte applications and orders ordinarily will not be granted unless the applicant submits with the application a declaration regarding notice in compliance with rules 3.1203 and 3.1204 of the California Rules of Court.

(Effective 7/1/08, amended 1/1/10, section (a) amended 1/1/13, amended 1/1/21)

2.4.7 Time for Application. Except as provided in rule 2.4.9, ex parte applications for orders are heard Monday through Friday, beginning at 8:15 a.m. in the designated department. The judicial officer hearing the application may hear the matter at that time or defer the matter until the completion of the law and motion calendar or otherwise as the Court's calendar may allow.

(Effective 7/1/08, amended 1/1/18, 1/1/21)

2.4.8 [Deleted 7/1/19]

2.4.9 Ex Parte Application for Temporary Restraining Order (TRO) Procedure When No Notice is Given. (Domestic Violence, Civil Harassment, Elder or Dependent Adult Abuse, Workplace Violence, and Gun Violence). When an application for an ex parte temporary restraining order (TRO) is submitted to the court, without notice to the opposing party, for Domestic Violence Prevention, Civil Harassment Prevention, Elder or Dependent Adult Abuse Prevention, Workplace Violence Prevention, or Gun Violence Prevention, a judicial officer will review the application on the same day the application is submitted, or on the next judicial day

if sufficient time for judicial review was not provided, and a judicial assistant will notify the applicant regarding whether or not the temporary restraining orders were issued or denied. Whether or not temporary restraining orders are issued, the hearing on the application will be calendared within the time required by law. If the applicant provided notice of the ex parte application to the opposing party, the matter shall remain on the ex parte calendar for the Court to consider issuing amended orders.

(Effective 1/1/21)

Chapter 5 Unlawful Detainer

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

(a) Where plaintiff seeks eviction, for failure to pay rent, a three-day notice to quit or pay rent clearly showing the amount presently owed must be served on the defendant at least three (3) days prior to the filing of the case. In the case of a 30-day notice of termination of tenancy, the notice must be served on the defendant at least thirty (30) days prior to the filing of the case.

(b) The original or a copy of the three-day notice to quit or 30 day notice of termination of tenancy must be served and filed in accordance with California Code of Civil Procedure § 1166.

(c) Service of the three-day notice or 30 day notice can be made by the plaintiff or by a person other than the plaintiff or by a person 18 years of age or older acting as plaintiff's agent.

(d) Service by the sheriff can be made under the provisions of Code of Civil Procedure § 1162(a)(3), which provides for posting on the property and mailing of a copy to the defendant when defendant cannot be served personally. Plaintiff (or plaintiff's agent) must file a declaration which shows what efforts have been made to serve the defendant at his residence or place of business, or by substituted service, that the efforts were not successful, and why the defendant cannot be served at any other location or other means likely to give defendant actual notice.

(e) Setting Case for Trial. Upon the filing of defendant's Answer, the Division Clerk shall set the matter for trial pursuant to Rule 3.714, California Rules of Court, within the time period prescribed by Code of Civil Procedure § 1170.5. Where a counter at-issue memorandum is filed, the provisions of § 1013 of the

Code of Civil Procedure shall be applied so as to deem the date of demand for trial five days after the date of mailing of the demand for trial for purposes of compliance with Code of Civil Procedure § 1170.5.

(Effective 7/1/08, part (b) amended 1/1/10)

Chapter 6 Small Claims Appeals.

2.6.1 Hearing Dates for Small Claims Appeals. Small claims appeals under Code of Civil Procedure § 116.770 shall be treated as short cause trials. (Effective 7/1/08)

Chapter 7 Telephone Hearings in Selected Departments Using CourtCall System.

2.7.1 Establishment of CourtCall System. Departments 17, 37, 40, 44, and 45 of the Superior Court are equipped with speaker phones for telephonic hearings of law and motion matters. Counsel should confer with the clerks of other Departments to determine if CourtCall is available. (Effective 7/1/08, amended 1/1/16, 7/1/19)

2.7.2 Definitions. For the purposes of this chapter,

(a) "Law and Motion matters" shall be defined as those hearings on the civil or probate law and motion or case management calendar in which:

(1) The length of the hearing will not exceed 15 minutes; and

(2) No oral testimony will be introduced; and

(3) The Court has not ordered the party or counsel to be present; and

(4) No party will be requesting a transcript of the hearing in any circumstances.

The term "Law and motion matters" shall not mean any hearing on a criminal proceeding, any civil proceeding under Penal Code §§ 1368 or 1026, any hearing under Welfare and Institutions Code §§ 3051, *et seq*. or § 6600, *et seq.*, any adoption proceeding, any habeas corpus proceeding, or any proceeding under the Juvenile Court Law.

(b) "Participating department" shall include Department 17, 37, 40, 44, and 45 of the Superior Court, or a special department utilizing the facilities of a courtroom of Superior Court Departments 17, 37, 40, 44, and 45 under authorization of the Presiding Judge or the Court Executive Officer.

(c) "Program Administrator" means CourtCall™ LLC. All questions concerning participating courtrooms, toll free and access numbers, obtaining forms or general information shall be directed to CourtCall at 888-88COURT (888-882-6878).

(d) "Litigants" means all counsel or litigants representing themselves in a case.

(e) "Toll Free Number" means such toll-free telephone number assigned by the Program Administrator to the specific department for the purpose of calling in on case conference calls.

(f) "Toll Free Fax Number" means 888-88FAXIN (888-883-2946) or such other or additional number assigned by the Program Administrator and/or such additional or other number assigned by the Program Administrator. This number shall be provided to all litigants.

(g) "Court Day" means a day the Court is open to the public and court is in session.

(h) "Form" means a form entitled "Request for CourtCall Telephonic Appearance" which on its face shall contain the caption of the case, the date, time, department and type of hearing, motion or other matter which is to be heard, and the words COURTCALL TELEPHONIC APPEARANCE in upper case bold print. This form will be provided by the Program Administrator on request of a litigant.

(i) Calling Procedures. Each participating department shall have a speaker phone which will use the toll-free telephone number described above and an identification number, which shall be used solely for the purpose of conducting hearings by conference call through the Program Administrator.

(Effective 7/1/08, amended 1/1/13, 7/1/19, part (g) amended 7/1/2020)

2.7.3 Telephone Hearing Calendars. The Calendar Clerk shall prepare a separate telephonic appearance calendar for each matter in which a telephonic appearance will be made. Telephonic hearings will be held during the law and motion calendar for each department. The Calendar Clerk shall segregate or distinctively identify

each case which will be heard by telephonic hearing. (Effective 7/1/08, amended 1/1/13)

2.7.4 Telephonic Appearance and Service of Form. Not less than five (5) court days before the hearing, a litigant desiring to appear by telephone shall complete the Form and serve copies on all other litigants. The original shall not be filed with the Court. Additionally, when the request is made at the same time as the filing of a motion or response with the Court, the words "COURTCALL™ TELEPHONE APPEARANCE. REQUESTED" should be printed below the date, department and time of the hearing on the first page of the papers which are filed with the Court. RETAIN THE ORIGINAL FORM IN YOUR FILE. DO NOT FILE IT WITH THE COURT. (Effective 7/1/08)

2.7.5 Notice by Fax to Program Administrator. Any litigant seeking a telephonic appearance must fax a copy of the first page of the Form to the Program Administrator not less than, five (5) court days prior to the hearing. Failure to advise the Program Administrator will result in the telephone appearance being dropped from the Telephone Appearance Calendar. (Effective 7/1/08)

2.7.6 Payment of Fee to Program Administrator. The litigant must accompany the Form with payment of a non-refundable, non-waivable telephone appearance fee, consistent with the fee schedule listed in California Rules of Court, rule 3.670, subdivision (k). This fee is paid to the Program Administrator and not to the Court. This fee covers all of the costs of litigant's participation in the telephonic hearing and no other telephone or separate teleconference charge shall be assessed against the litigant. This payment is separate from, and in addition to, any filing fees which may be required to be paid to the Clerk of the Court in connection with the subject hearing or proceeding. (Effective 7/1/08, amended 1/1/20)

2.7.7 Method of Payment and Confirmation. Payment to the Program Administrator may be made by credit card or check.

(a) Credit Card Payment. Litigants using credit card payments shall complete the credit card information on the copy of the Form which is faxed to the Program Administrator (and not on the copies faxed to other litigants). This information must include the signature of the person whose name is on the credit card.

(b) Payment by Check. Checks must be received by the Program Administrator not less than five (5) court days prior to the hearing. Late payments will be rejected by the Program Administrator and the request for telephonic hearing will be deemed denied.

(c) Proof of Payment/Calendar Confirmation. Upon receipt of payment a copy of the Form which has been stamped "Calendar Status Confirmed" will be faxed to the litigant not less than three (3) court days prior to the hearing. If the litigant does not receive a faxed calendar confirmation, it is the litigant's responsibility to call the Program Administrator immediately to obtain such confirmation.

(Effective 7/1/08)

2.7.8 Conducting the Telephonic Hearing. For the five (5) minute period prior to the scheduled telephonic hearing, all litigants who have received a confirmation from the Program Administrator shall call the dedicated toll free number assigned to the particular court by the Program Administrator. The Court Clerk for the department shall join the conference call, and each of the litigants shall, in an orderly fashion, check in with the Clerk by responding when the Clerk calls the name of his or her case, spelling his or her name, the name of the law firm he or she represents and the name of the party or parties he or she is representing. A litigant calling in after check-in period has begun who does not hear his or her case shall wait until the check in calendar has been called, and shall then announce to the Clerk his or her appearance. Anyone failing to have called in during the five (5) minute check-in period shall be deemed to have failed to appear timely and that failure may be treated by the Court in the same manner as if that party had failed to make a timely personal appearance. Except as ordered by the Court, there shall be no "second call" in the administration of telephonic hearings. In the instance of a litigant who calls in "late" and interrupts a telephonic hearing in progress, the Court may issue such sanctions under Code of Civil Procedure § 177.5 as the Court may deem appropriate. The Court expects that each litigant should have easy access to a phone in a timely manner. (Effective 7/1/08, amended 1/1/13)

Chapter 8 Settlement Conferences.

2.8.1 Settlement Conference. The settlement conference calendar is designed to facilitate the settlement of cases, particularly personal injury cases, before trial. Therefore, all parties and attorneys participating therein will be expected to comply fully with the provisions of this Division. (Effective 7/1/08)

2.8.2 Types of Settlement Conferences.

(a) Voluntary Settlement Calendar. The Calendar Clerk shall set any long cause case on a Voluntary Settlement Calendar (Panel or Judge) at the request of any party or the Court's own motion. If any party objects to such setting, the objecting party shall file an objection to same within five (5) days of notice of same. Said objection will then be set for hearing before the civil law and motion judge on a date selected by the Clerk of the Court.

(b) Mandatory Settlement Calendar. The Calendar Clerk shall set a Mandatory Settlement Conference within the time frame of California Rule of Court 3.1380.

(Effective 7/1/08)

2.8.3 Persons Whose Presence is Required. Plaintiffs, trial counsel, insurance company representatives, and defendants in cases other than personal injury cases where there is insurance coverage, must be present. In medical malpractice cases where doctor or hospital consent to settlement is required, those parties must also be present or have given their open consent to the insurance company for settlement. (Effective 7/1/08)

2.8.4 Settlement Conference Statement. No less than five (5) court days before the settlement conference, each party shall have delivered to the Calendar Clerk a settlement statement. The statements will be deemed confidential unless service on the other parties appears on the brief. The statements shall contain the information required by California Rule of Court 3.1380. The statements will be maintained in a confidential file for 180 days after the conference and will thereafter be destroyed without further notice unless counsel or a self-represented litigant (1) stipulates in open court to the return of the statement in court, or (2) requests the return of his or her statement and supporting documents and provides an envelope or container with prepaid postage for this purpose. (Effective 7/1/08, amended 1/1/13)

2.8.5 Discovery. Discovery should be completed by the time of the Settlement Conference. The Court recognizes that many times counsel or self-represented litigant will have reserved some discovery pending the outcome of the settlement conference. However, if the Court determines that discovery is not substantially completed, and this will have a significant influence on the settlement, the Settlement Calendar Judge may either take the case off calendar and strike the At Issue Memorandum, or refer the matter to the Presiding Judge for such action as he or she deems appropriate. (Effective 7/1/08, amended 1/1/13, 7/1/20)

2.8.6 Demands and Offers. Counsel and the interested parties shall be prepared to state their best demand and offer at the settlement conference. If the Court later determines that a significantly different demand or offer is made in the case that results in later settlement, the Court may assess sanctions against the offending party and/or counsel. (Effective 7/1/08)

2.8.7 Failure to Attend or be Prepared. Unexcused absence from the conference may result in sanctions and/or removal of the case from the active list and/or striking of pleadings, and/or default proceedings and/or dismissal of the case. Failure to be prepared may result in sanctions and/or removal of the case from the active list. (Effective 7/1/08)

2.8.8 Continuances. Continuances or further conference on a continued date may be granted or denied within the discretion of the particular Settlement Conference Judge. (Effective 7/1/08)

2.8.9 Notice of Settlement. As required by California Rule of Court 3.1385, plaintiff's counsel or plaintiff appearing in propria persona must immediately file a written notice of the settlement or other disposition with the Court and otherwise comply with provisions of Rule 3.1385. The plaintiff must file a request for dismissal within 45 days after the date of settlement. If the plaintiff does not file the request for dismissal, the Court must dismiss the case 45 days after it receives notice of settlement unless good cause is shown why the case should not be dismissed. (Effective 7/1/08)

2.8.10 Arbitration. The Court encourages arbitration. The Court provides such arbitration proceedings in accordance with the California Rules of Court. The Court can also arrange private arbitration or case determination through retired judges. (Effective 7/1/08)

2.8.11 Arbitration Administrator. The Presiding Judge shall appoint an Arbitration Administrator (presently the Judicial Secretary). The Arbitration Administrator's duties shall be to administer the arbitration procedure, select the arbitrators for the cases on the arbitration hearing list, and generally be responsible for operating the program including calendaring and establishing a filing system for all papers and records filed in arbitration matters. (Effective 7/1/08)

2.8.12 Arbitration Panel. The Arbitration Administrator shall maintain a panel of arbitrators which shall be composed of members of the State Bar of California and retired judges of courts of record. When a case is referred for arbitration, the Arbitration Administrator shall select from the panel not less than three (3) names

and serve a copy of this list on each party or counsel appearing. Each party shall have the right to disqualify one (1) arbitrator peremptorily. Any such disqualification shall be exercised not later than ten (10) days from the date the list was mailed to the parties or their counsel. Said disqualifications shall be filed with the Arbitration Administrator. Failure to exercise a disqualification within the time limit provided shall cause the right to disqualify to lapse. Additionally, an arbitrator may be disqualified for any reason for which a judge could be disqualified under Code of Civil Procedure § 170.1. If any member of the arbitrator's law firm would be disqualified under Code of Civil Procedure § 170.1(a)(2), the arbitrator shall be disqualified. (Effective 7/1/08)

2.8.13 Arbitration Fees. The parties shall equally share the cost of arbitration and submit their share of the cost at the conclusion of arbitration. (Effective 7/1/08)

Chapter 9 Settlement Conference Setting.

2.9.1 Pretrial Matters. All pretrial matters shall be set in the appropriate department by the Calendar Clerk at such time as may be directed by the Presiding Judge. (Effective 7/1/08)

2.9.2 Setting Procedure

(a) Short Cause. The Court may order, upon the stipulation of all parties or the Court's own motion, that a case is a short cause case exempted from the requirements of case management review and set the case for trial, in accordance with and subject to the provisions of Rule 3.735 of the California Rules of Court. A counsel or self-represented litigant who did not participate in the selection of a short cause trial date shall be entitled to one continuance of right, by stipulation or motion.

(b) Settlement Conference. The Court shall maintain a settlement conference calendar pursuant to Rule 3.1380 of the California Rules of Court. The Calendar Clerk shall send all parties to the case a notice to attend a settlement conference with the notice of trial.

(c) Setting Civil Matters for Trial. The Court shall maintain a case management conference calendar pursuant to Rule 3.722 of the California Rules of Court. Dates for trials shall be set forth in the Case Management Conference Order issued by the Court as set forth in Rule 3.728.

(Effective 7/1/08, sections (a) and (c) amended 1/1/13)

2.9.3 Duty of Counsel as to Trial Date Assigned. After a trial date has been assigned, it shall be the duty of counsel or party (if self-represented) to inform the Presiding Judge and all opposing counsel or party (if self-represented) of any fact tending to indicate that the case may not proceed to trial on the date to which it has been assigned. In the event of settlement, counsel, or parties appearing in person, shall immediately notify the Court thereof. Failure to do so may be cause for imposition of sanctions. (Effective 7/1/08, amended 1/1/13)

2.9.4 Uncontested Calendars. All uncontested matters such as adoptions, minor's compromise, dissolutions, nullities, and legal separations, etc., will be set by request made to the Clerk. (Effective 7/1/08)

Chapter 10 Continuance Policy.

2.10.1 Statement of Policy re Continuances. This Court practices a firm continuance policy. Counsel or party (if self-represented) should be aware that the dates assigned for settlement conferences and trials are definite appointments with the Court. All continuances, contested or not, are to be applied for by noticed motion with supporting declarations. Continuances applied for in any other manner will be denied, except in emergencies. Motions for the continuance of the settlement conference and trial shall be made to the Department to which the case has been assigned for all purposes, or, if the case has not been assigned to a Department for all purposes, then to the Supervising Judge of the Probate - Civil Division. Motions for the continuance of the mandatory settlement conference shall be made to the Judge to whom the mandatory settlement conference has been assigned and shall be granted only if the continuance would not delay the trial of the action nor disrupt the calendar of the Judge to whom the settlement conference has been assigned. The Court will grant continuances only upon an affirmative showing of good cause. Grounds which the Court will recognize as good cause for continuance will be:

(a) Death

(1) The death of the trial attorney or an essential witness where, because of the proximity of such death to the date of trial, it is not feasible to substitute another attorney or witness.

(2) The death of an expert witness where, because of the proximity of the death to the date of trial, there has been no reasonable opportunity for a substitute expert witness to become qualified to testify in the case.

(3) The death of any other witness only where it is not possible to obtain another witness to testify to the same facts or where, because of the proximity of the death to the date of trial, there has been no reasonable opportunity to obtain such a substitute witness.

(b) Illness. An illness (supported by an appropriate declaration of a medical doctor, stating the nature of the illness and the anticipated period of any incapacity).

(1) The illness of a party or essential witness, except that, when it is anticipated the incapacity of such party or witness will continue for an extended period, the continuance will be granted on condition of taking the deposition of the party or witness in order that the trial may proceed on the next date set.

(2) The illness of the trial attorney or of an expert witness, except that the substitution of another attorney or witness will be considered in lieu of a continuance depending on the proximity of the illness to the date of trial, the anticipated duration of the incapacity, the complexity of the case, and the availability of a substitute attorney or expert witness.

(3) The illness of any other witness only where it is not possible to obtain another witness to testify to the same facts or where, because of the proximity of the illness to trial, there has been no reasonable opportunity to obtain such a substitute witness.

(c) Unavailability of trial attorney or witness.

(1) The unavailability of the trial attorney when he or she is engaged in the trial of another case if: (a) at the time such attorney accepted the trial date in this case the attorney could not have reasonably anticipated the conflict in trial date; and (b) the Court was informed and made a finding on motion made at least thirty (30) days before the date set for trial that the case was assigned for trial to this attorney within a particular law firm and that no other attorney in that firm was capable and available to try the case and was or could be prepared to do so.

(2) The unavailability of a witness is only where the witness has been subpoenaed, or is beyond the reach of subpoena and has agreed to be present, and his or her absence is due to an unavoidable emergency about which counsel did not know, and could not reasonably have known, at the time of the conference.

(d) Substitution of Trial Attorney. The substitution of the trial attorney only where there is an affirmative showing that the substitution is required in the interest of justice.

(e) Change in Status. A significant change in the status of the case where, because of a change in the parties or pleadings ordered by the Court, the case is not ready for trial.

(f) Continuation Fee. The Court, at its discretion, may impose a $20 continuance fee for the continuance of any matter on the Court's calendar. The fee shall be payable to the Court by the party upon whose behalf a continuance of the hearing date was requested. The fee shall be paid prior to the entry of judgment or dismissal of the matter.

(Effective 7/1/08, amended 1/1/15)

2.10.2 Civil Cases-Further Statement of Policy. In order to effect and preserve the maximum efficiency of the Court in reducing congestion and delay in the trial of cases, the Court will enforce a strict policy of requiring mandatory settlement conferences, trial assignments, and trials to proceed as calendared in the absence of good cause shown for a continuance thereof. Any request for a continuance of settlement conference, trial assignment or trial date shall be made in the form of a noticed hearing before the Presiding Judge or such other Judge as he or she may designate. No stipulation for a continuance of such dates shall be accepted without the express consent of the Presiding Judge or such other Judge as the Presiding Judge may from time to time designate. Any request for a continuance of a mandatory settlement conference shall be made to the Judge to whom the settlement conference has been assigned, and it shall be granted only if (a) the continuance would not delay the trial of the action, and (b) the continuance would not disrupt the calendar of the Judge to whom the settlement conference has been assigned. (Effective 7/1/08)

2.10.3 Civil Cases, Law and Motion and Voluntary Settlement Conference Policy. It is the policy of the Court to cooperate with Counsel or self-represented party regarding continuances of law and motion matters and settlement conferences to the extent possible. This policy is necessarily limited by certain obvious practical considerations. For example, the Judges assigned to the law and motion calendars are provided with the file, including the points and authorities filed by the respective parties, and the research statement, well in advance of the date set for hearing, for the purpose of enabling them to familiarize themselves with the matters raised and the applicable law, and to conduct independent research well in advance of the

hearing. The grant of a last-minute continuance is generally inappropriate in that it requires a duplication of effort on the part of the Judge and tends to deprive other litigants of timely access to the courts. Similarly, the Judges assigned to settlement conferences receive the files, including, all discovery theretofore filed with the Court. The Judges read and analyze the entire file and all discovery well in advance of the settlement conference date. (Effective 7/1/08)

2.10.4 Law and Motion and Voluntary Settlement Conference Continuances. Continuances may be granted in law and motion and voluntary settlement conference matters unless (a) such continuance would disrupt the calendar of the department to which such matter has been assigned, or (b) such continuance would tend to delay the trial of the action. (Effective 7/1/08)

2.10.5 Family Law Defaults, Orders to Show Cause, Change of Names and Adoption Continuances. The Calendar Clerk may grant continuances in the above types of proceedings as follows:

(a) Each party may obtain one continuance to a date within forty-five (45) days of the original date set for hearing without the consent of the Court. Litigants requesting such continuances will have the responsibility to make such requests in writing and state their reasons.

(b) Continuances may also be granted on written stipulation of the parties. The counsel or self-represented party seeking the continuance or Calendar Clerk is responsible for providing all parties to the action with written notice of continuances.

(c) No request for continuance, except by stipulation, will be granted if not received in writing five (5) calendar days prior to the date set for hearing.

(Effective 7/1/08)

Chapter 11 Fax Filing.

2.11.1 Payment of Fees. Fees for papers delivered to the Court via facsimile filing shall be remitted within three (3) days after the fax filing is completed by payment to the Clerk. If a party or counsel fails to pay the fee within the required time, the pleading shall be stricken on the Court's own motion after notice to the parties of record. (Effective 7/1/08, renumbered effective 1/1/10, amended 7/1/11)

Chapter 12 Civil Active List and Conference Setting in Departments 37, 40, 44, 45.

2.12.1 Setting Procedures. The Court shall maintain a case management conference calendar and follow the setting requirements set forth in Rules 3.721-3.735 of the California Rules of Court. (Effective 7/1/08, rule and chapter heading amended 1/1/13)

2.12.2 Short Cause. Each short cause shall be set for trial and be exempt from any requirement of a settlement conference. (Effective 7/1/08)

DIVISION 3 CIVIL RULES

Chapter 1 General Provisions.

3.1.1 Initial Filing. Except as otherwise prescribed by law or these rules, all notices of motion, demurrers and orders to show cause must be served and filed in accordance with Code of Civil Procedure § 1005 unless an order shortening time has been granted by the Judge hearing the matter. Such order shortening time should be included in the order setting the hearing. Proper returns and proofs of service for all notices of motion, demurrers, and orders to show cause must be filed with the Clerk not later than 4:00 p m. on the fourth court day preceding the scheduled hearing. (Effective 7/1/08)

3.1.2 Papers filed at or near Deadline. When papers are filed at or near the deadline, service on opposing counsel should be by personal delivery when feasible. Service of responsive papers should be by personal delivery whenever service by mail has not been effected more than seventy-two (72) hours prior to the time of the hearing. (Effective 7/1/08)

3.1.3 Notice. When a shorter period of notice is required by Rules of Practice and Procedure as adopted by the Judicial Council and the Supreme Court, or otherwise provided by law, the opposition documents must be filed no later than one (1) court day preceding the date of hearing. (Effective 7/1/08)

3.1.4 Accompanying Memoranda. All demurrers and motions must be accompanied by a memorandum of points and authorities. A mere citing of code sections which authorize the filing of a demurrer or motion will not be sufficient unless this section is waived by the law and motion judge. (Effective 7/1/08)

3.1.5 Filings in Unlimited Civil Cases

(a) Parties filing Memoranda of Points and Authorities in support of motions in unlimited civil cases must provide a courtesy copy of the Memorandum at the time of filing.

(b) Parties filing a Memorandum of Points and Authorities in opposition to any motion in unlimited civil cases must provide a courtesy copy of the Memorandum at the time of filing.

(c) Parties filing either moving, opposition or reply Separate Statements in Summary Judgment Motions, Summary Adjudication Motions, or Motions to Compel Discovery in unlimited civil cases, must include a courtesy copy of such a Separate Statement at the time of filing.

(d) Parties who have obtained a fee waiver are exempt from this provision.

(e) The failure to comply with parts (a) – (c) of this section will not prevent the papers from being accepted for filing, but parties are required to comply with this section as soon thereafter as practical.

(f) The Court may, in its discretion, relieve a party from its duties under this section.

(Effective 1/1/10, amended 1/1/13)

3.1.6 Filing Form for Motions. Unless otherwise specifically prescribed by law, all motions made in a law and motion department, except those for continuances made in open court, must be presented in writing. (Effective 7/1/08, renumbered 1/1/10, amended 1/1/13)

3.1.7 Temporary Orders. All temporary orders shall be presented to the Civil Clerk's office no later than 11:00 a.m. the day immediately preceding the day of the hearing. Specific facts must be alleged in the requests, facts sufficient to justify the granting of such orders. If the party against whom such an order is sought has been represented in the action by counsel, such counsel shall be informed of the nature of the request and the time of such request in order to allow opposing counsel to appear and comment on the requested relief. Declarations for any type of relief must set forth facts, not conclusions, justifying the relief sought. Counsel has the additional duty to fully disclose those facts. (Effective 7/1/08, renumbered 1/1/10)

Chapter 2 Calendaring Matters.

3.2.1 Motion Date. No motion shall be scheduled or noticed for hearing (except ex parte hearings) without first contacting the Calendar Clerk to request a date for hearing. (Effective 7/1/08)

3.2.2 Improper Calendaring. Should any matter be improperly noticed, the Clerk shall refer it to the civil law and motion Judge for disposition or instructions. Such instructions may, in the discretion of the Judge, include returning the document without filing. (Effective 7/1/08)

3.2.3 Time. The calendar in the law and motion department shall be called at 8:30 a.m. each court day. This hour may be changed from time to time by the Judge hearing the law and motion matter, or the Presiding Judge. (Effective 7/1/08)

3.2.4 Continuances. In case any party intends to ask for a continuance or does not intend to proceed in any matter on the date set, that party shall so inform the Court Clerk and opposing counsel or self-represented party as soon as possible, and, in any event, no later than 4:30 p.m. of the second court day preceding hearing. The Judge hearing the matter shall have complete discretion to rule or to take the matter off calendar at any time despite the agreement of counsel or self-represented party to the contrary. (Effective 7/1/08, amended 1/1/13)

3.2.5 Motion Removed from Calendar. A law and motion matter that has gone off calendar may be restored thereto only upon notice except in an extraordinary situation to be determined by the Court in its discretion. (Effective 7/1/08)

3.2.6 Motions in Limine. Any motions in limine shall be filed no later than 10 court days before the first day of trial. Any oppositions to such motions shall be filed no later than five (5) court days before the first day of trial. The Court shall have the discretion to refuse to consider any late-filed papers subject to this rule. The parties may agree to set different deadlines for the motions and oppositions, subject to the approval of the trial judge. Such an agreement may be put on the record at any status conference, without the need for a noticed motion or ex parte application, but in any event the agreement must be made no later than the date scheduled for the mandatory settlement conference for that case. (Effective 7/1/12)

Chapter 3 Miscellaneous Law and Motion Department Matters.

3.3.1 Objections to Discovery. Objections to requests for admissions or to interrogatories shall identify and quote the request for admission or the interrogatory immediately preceding the objection. (Effective 7/1/08)

3.3.2 Orders and Judgments.

(a) Minute Orders. Normally, the minute order granting, denying, sustaining, overruling, or ordering the motion off calendar, will be all that is required, and no signed order is necessary.

(b) Judgment Forms. Counsel or self-represented party must prepare, serve, and present to the court forms for all orders and judgments which require the Court's signature. If no objection is forthcoming within ten (10) days, the order or judgment will be signed as presented.

(c) Failure to Object. Failure to serve and file written opposition may be deemed a waiver of any objections and an admission that the motion or demurrer is meritorious.

(d) Captions. Captions in orders, decrees, and judgments must refer to all matters covered by the order, decree or judgment, and shall affirmatively state the result or relief.

(e) Responsibility for Notice of Ruling. In addition to the requirements of California Code of Civil Procedure § 472d, notice of the Court's ruling in all law and motion matters shall be deemed waived by all parties present unless a request is expressly made that notice be required or unless there are parties to the matter who are not present. In such instances, the prevailing party shall give notice unless otherwise ordered by the Court. Failure of the party so ordered to provide the notice of ruling to the Court for its signature within ten (10) court days of the ruling may be grounds for sanctions.

(Effective 7/1/08, parts (a) & (e) amended 1/1/10, part (b) amended 1/1/13)

3.3.3 Real Property Judgments. All judgments or decrees including judgments of dissolution which affect the transfer of real property or interest therein or change the recorded title thereof shall set forth the full legal description of the property together with the name and address of the transferee. Proposed forms of judgments or decrees which describe the real property by street number designation only or similar reference shall not be approved. (Effective 7/1/08)

3.3.4 Judicial Notice.

(a) Duty of Requesting Party. Whenever a party requests the Court to take

judicial notice of any matter other than a record of the Madera County Superior Court, the requesting party shall provide the Court with sufficient information to enable it to take judicial notice.

(b) Superior Court Files. If such matter is contained in a file of the Madera County Superior Court, the party shall, at least five (5) days prior to the hearing, by separate document filed directly in the department wherein the matter is noticed, request the Clerk of said department to order delivery of the file for the date of the hearing; and said document shall set forth the case name and number.

(c) Other Court Files. If such matter is contained in a file of any other court, such file shall be subpoenaed for the date of the hearing, or a certified copy of the record or so much thereof as the party wants judicially noticed, shall accompany and be attached to the moving papers.

(Effective 7/1/08)

3.3.5 Class Actions. Where not inconsistent with California law, the California Rules of Court or these local rules, cases filed in this Court as representative or class actions under California Code of Civil Procedure § 382, shall be governed by, and comply with, Rule 23 of the Federal Rules of Civil Procedure. (Effective 7/1/08, Renumbered 7/1/11)

3.3.6 Tentative Rulings. "The court does not routinely issue tentative rulings in advance of the hearing date. If the court chooses to issue an advance tentative ruling, it shall follow the procedure described in California Rules of Court, Rule 3.1308 (a)(2). If the court intends to issue an advance tentative ruling, the parties will be notified by the court and the tentative ruling will be sent to the parties by email or fax at the discretion of the court. The ruling may also be obtained by calling 559-416-5599 if the parties have been notified of the court's intention to issue a tentative ruling. A party should not telephone the court unless the party has been notified by the court of its intention to issue a tentative ruling. The tentative ruling will be made available by 4:30 p.m. the day before the scheduled hearing, unless another time is specified by the court. The parties shall not be required to give notice of intent to appear, and the tentative ruling shall not automatically become the ruling of the court if such notice is not given. The tentative ruling, or such other ruling as the court may render, shall not become final until the hearing. Nothing in this section shall require any judge to issue a tentative ruling on any motion." (Effective 1/1/16)

Chapter 4 Case Management - Scope, Purpose and Authority.

3.4.1 Scope. The provision of the case management rules contained in this Division of the Local Rules applies only to "general civil cases," that is, all civil cases except probate, guardianship, conservatorship, family law (including child custody proceedings), juvenile proceedings and other civil proceedings. (Effective 7/1/08)

3.4.2 Definitions. "General civil proceedings" shall specifically include:

(a) Personal injury, death or property damage-motor vehicle cases;

(b) Personal injury, death or property damage-other cases;

(c) Eminent Domain proceedings;

(d) Other civil actions and proceedings including breach of contract, injunctions, petitions for receivers, extraordinary writs, and the like, where other statutory provisions or Rules of Court do not conflict with these rules.

(Effective 7/1/08)

3.4.3 Purpose. The purpose of this rule is to: (a) expedite disposition of the case; (b) establish early and continuing control so that the case will not be protracted because of lack of management; (c) discourage wasteful pretrial activities; (d) improve the quality of trials by encouraging thorough preparation; and (e) facilitate early settlement of each case. (Effective 7/1/08)

3.4.4 Authority. This Rule is adopted pursuant to the authority of Government Code § 68070, and Standards 2 and 2.1 of the Standards of Judicial Administration. (Effective 7/1/08)

3.4.5 Case Disposition Standards.

(a) General Civil Cases. The Court adopts the disposition guidelines set forth in Standards 2.1 and 2.2 of the Standards of Judicial Administration, i.e., 90% of all general civil cases shall be disposed of within one (1) year of the filing of the complaint, 98% shall be disposed of within 18 months and 100% shall be disposed of within two (2) years. (Effective 7/1/08, amended 1/1/17)

(b) Time Standards in Small Claims Cases. The goal of each division

within this Court shall be: 90% disposal within 75 days of filing; 100% within 95 days of filing. (Effective 7/1/08, amended 1/1/17)

(c) Time Standards for Unlawful Detainer Actions. The goal of each division within this Court shall be: 90% disposal within 30 days of filing; 100% disposal within 45 days of filing. (Effective 7/1/08)

3.4.6 Exemption for Complex Cases. Cases which the Court determines to be "complex" cases shall be governed by Standard 3.10 of the Standards of Judicial Administration and not by this Division. The Court may independently review the case file to determine if a case is a "complex" case at any time after the filing of a complaint or upon the suggestion of any party. (Effective 7/1/08, amended 1/1/10, 7/1/13).

Chapter 5 Case Management Conferences in Superior Court.

3.5.1 Calendaring the Case Management Conference. A Case Management Conference will be calendared no later than 180 days after the filing of the initial complaint, and notice of the case management conference shall be given to all parties no later than 45 days before the conference. If the Complaint has not been served in that time, the Plaintiff or Plaintiffs must still appear and request a continuance, subject to a good cause determination by the Court. The Case Management Conference shall be taken off calendar if a dismissal or judgment as to all parties has been entered, or if an at issue memorandum has been filed. (Effective 7/1/08)

3.5.2 Preparation for Case Management Conference. 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. The parties must use the mandatory *Case Management Statement*, Judicial Council Form CM-110. All applicable items on the form must be completed. In lieu of each party filing a separate case management statement, any two (2) or more parties may file a joint statement. (Effective 7/1/08)

3.5.3 Continuances of Case Management Conference. A noticed conference may be continued by stipulation of the parties for a period not to exceed 15 days from the original date set for the hearing. The Court may continue the Case Management Conference for the convenience of the Court's calendar, including informal coordination of related cases, consolidation of hearings on other pending motions, or other good cause. The Court may, in its discretion, impose a $20 continuance fee if the circumstance causing the continuance is caused by one or more of the parties. The fee must be paid prior to the entry of judgment or dismissal. (Effective 7/1/08, amended 1/1/10)

3.5.4 Time and Department for Case Management Conferences. Conferences shall be held in the department to which civil matters are assigned or as directed by the Presiding Judge. The first conference shall ordinarily be heard as calendared by the Judicial Secretary and thereafter conferences shall be held as ordered by the Court. (Effective 7/1/08, amended 1/1/13)

3.5.5 [Deleted 1/1/15]

3.5.6 Service of Parties. Plaintiffs shall have served the summons and complaint on all defendants and shall have filed the proofs of service by the date of the first Case Management Conference. Alternatively, plaintiff may submit an application and order for publication of summons within this period. Parties shall not submit applications for extension of time for service of summons. Requests for additional time to serve summons will be considered at the Case Management Conference. (Effective 7/1/08)

3.5.7 [Deleted 1/1/10]

3.5.8 [Deleted 1/1/10]

3.5.9 Uninsured Motorist Cases. To allow for arbitration of the plaintiffs' claim, the rules in this Division shall not apply to a case designated by the Court as "uninsured motorist" until 180 days after the designation. With the filing of the complaint or within 10 days after discovery that the case is an "uninsured motorist" case, plaintiff shall file an ex parte application for designation as "uninsured motorist." If the case is not dismissed 180 days after the designation, the Court shall issue an order to show cause why the case should not be dismissed. (Effective 7/1/08)

3.5.10 Reporting of Case Management Conference. Case Management Conferences are not reported unless otherwise directed by the Court. (Effective 7/1/08, amended 1/1/10)

3.5.11 Referral to Arbitration. If plaintiff designates the case as eligible for judicial arbitration under Code of Civil Procedure § 1141.11, and defendant's response indicates that the case is otherwise eligible, the Court may, on its own motion, vacate the Case Management Conference and refer the matter to judicial arbitration. If the parties fail to designate that the case is or is not suitable for arbitration, the Delay Reduction Coordinator may inquire from the parties whether the case is suitable for arbitration, and if the parties all agree to arbitration, the

Court may order the matter so referred and vacate the Case Management Conference. (Effective 7/1/08, amended 1/1/10).

Chapter 6 Case Management Conference Orders.

3.6.1 Type of Order Judge May Enter. Following any case management conference conducted pursuant to this Division, the Judge conducting the conference may enter orders as may be necessary for the conduct of the conference, including continuance of the conference or discovery matters. (Effective 7/1/08)

3.6.2 Order Governs Further Proceedings. Any such Order shall, until modified, govern all further proceedings in the case. (Effective 7/1/08)

3.6.3 Failure to Comply May Result in OSC re: Sanctions. Failure to comply with the orders of the Court in any Case Management Conference may result in the Court imposing monetary sanctions under Code of Civil Procedure § 177.5, or other sanctions under Government Code § 68608(b), including dismissing actions or striking pleadings, if it appears that less severe sanctions would not be effective after taking into account the effect of previous orders or previous lack of compliance in the case. (Effective 7/1/08, amended 1/1/10).

Chapter 7 Case Management - Dismissal Calendar.

3.7.1 Definition. The Court periodically shall hear a dismissal calendar for cases which are eligible for dismissal under the provisions of Part 2, Title 8, Chapter 1.5 (commencing with § 583.110) of the Code of Civil Procedure. (Effective 7/1/08)

3.7.2 Setting. Cases shall be placed on this calendar on motion of the Court. Parties shall be given 20 days' notice, unless longer notice is required by statute or by the California Rules of Court. (Effective 7/1/08)

3.7.3 Opposition. A party desiring to oppose a motion to dismiss must file a written objection not less than 5 days before the date calendared for hearing the motion. Such an objection shall state concisely the grounds for opposition to any such motion, and if opposition is based on a stay of proceedings issued by another Court a copy of the document on which the party relies for asserting such a stay exists, and a brief statement outlining the status of the matter creating such a stay. (Effective 7/1/08)

3.7.4 Dismissal. When no opposition is filed in accordance with these rules, the matter shall be summarily dismissed on the date calendared for hearing, notwithstanding any later appearance or opposition. (Effective 7/1/08)

Chapter 8 Miscellaneous Provisions

3.8.1 Delegation. The Presiding Judge may delegate the functions of the Court Clerk set forth in this Division in setting, continuing or vacating Case Management Conferences to a designated Court employee who shall be called the Civil Delay Reduction Coordinator. (Effective 7/1/08)

DIVISION 4 CRIMINAL LAW MATTERS

Chapter 1 General Matters.

4.1.1 Continuances in Criminal Cases. The continuance policy of this Court relating to any state of a criminal proceeding is necessarily governed by the provision of the Penal Code. It is the stated policy of this Court that all felony cases shall be brought to trial within sixty (60) days of the finding of the indictment or the filing of the information. Time waivers are discouraged and shall not be accepted except in unusual and extreme circumstances. (Effective 7/1/08)

4.1.2 Criminal Discovery Motions. All discovery in criminal cases shall be governed by Part 2, Title 6, Chapter 10, commencing with Penal Code § 1054. (Effective 7/1/08)

4.1.3 Moving Parties for Motions under Penal Code § 995. Documents accompanying such motions shall include the following:

(a) A brief statement in summary form of the facts as set forth in the transcript;

(b) A statement of the issues specifically identifying in what regard the People's case is defective;

(c) References to testimony in the transcript that the moving party intends to rely upon must be set forth specifying page and line number;

(d) A statement of authorities upon which the moving party relies.

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

4.1.4 Motion under Penal Code § 1538.5 to Suppress Evidence.

(a) Moving papers accompanying such motions shall include a brief statement in summary form of the facts upon which the moving party relies in support of the motion. Moving papers accompanying such motions shall include a complete specification of the exact matters and things the defendant wants to be suppressed or which the District Attorney wants to have admitted.

CAVEAT: “All the evidence seized on..., etc.” is not a proper specification.

(b) The moving papers designating a motion to suppress pursuant to Penal Code § 1538.5 shall specifically describe and list the evidence which is the subject of the motion to suppress, and shall specifically state the theory or theories which shall be relied upon and urged for the suppression of evidence, and cite the specific authority or authorities which will be offered in support of the theory or theories upon which suppression of the evidence is urged.

(c) If the moving party intends to rely upon some testimony in the transcript, the moving papers shall contain references to such testimony specifying the page and line number of the transcript.

(d) If the moving party intends to present testimony, the following must be done:

(1) The first page of the moving papers shall so state and shall further set forth an estimate of the time required for such testimony.

(2) Notice of such intent must be given to the Court and opposing counsel not less than ten (10) days in advance.

(3) The moving party shall be responsible for assuring the presence of the witnesses he or she intends to call.

(4) Points and Authorities in support of and in opposition to the motion shall be filed and served on the opposing party. The absence of such a memorandum may be construed by the Court as an admission that the motion is not meritorious and cause for its denial.

(Effective 7/1/08)

4.1.5 Forfeiture and Reinstatement of Bail; Resumption of Liability on Bail Bonds.

The general procedure for a motion to vacate forfeiture of bond is as follows:

(a) All motions to vacate forfeiture and exonerate or reinstate bonds in the Superior Court shall be filed in the criminal case.

(b) A notice of motion shall be filed setting forth the date and time of the hearing. A supporting declaration stating the specific grounds upon which the motion is based and, unless there is a statement that the surety, or his agent, has surrendered the defendant, also indicating non-collusion of the surety.

(c) Pursuant to Penal Code § 1306(b), if the Court grants relief from forfeiture, the Court will impose a fee reflecting the actual costs of returning a defendant to custody, except in cases where the Court determines that in the best interest of justice no costs shall be imposed. Where the fee is levied, it shall be no less than $150.00, reflecting the minimum cost incurred by the Court and the People as found by this Court.

(Effective 7/1/08, amended 7/1/11)

4.1.6 Preliminary Criminal Matters. Any party to a criminal action intending to raise preliminary matters before the trial court should orally specify the matters to be raised and the reasons therefor at the trial confirmation. These include:

(a) A detailed specification of the preliminary matters to be brought before the trial court and the reasons therefor shall be included in the written motion and papers submitted to the Court.

(b) Preliminary matters include, but are not limited to, motions in limine, motions to exclude confessions or admissions, motions to suppress where permitted to be raised in the trial court, and motions to strike prior convictions.

(c) An estimate of the time required for the preliminary matters to be heard.

(Effective 7/1/08)

4.1.7 Mental Capacity Issues and Pleas.

(a) It is the policy of the Court that requests for psychiatric examination and pleas of "not guilty by reason of insanity" are brought before the Court at the earliest possible time and as far in advance of the trial date as practicable.

(b) If a "not guilty by reason of insanity" plea is reserved pending a psychiatric examination pursuant to Evidence Code § 1017, a "not guilty by reason of insanity plea" shall be entered within five (5) court days following the receipt of such report.

(Effective 7/1/08)

4.1.8 Evidentiary Hearings. Formal evidentiary hearings on a probation officer's report and pronouncement shall only be set and heard upon the filing of a declaration by the defendant and/or his or her attorney. The declaration shall set forth the reasons and need for such a hearing. Said declaration shall be filed four (4) court days before the matter is set for hearing or sentencing and shall include proof of service of a copy on the attorney for the plaintiff. (Effective 7/1/08)

4.1.9 Disposition of Exhibits. Pursuant to Penal Code § 1417.3, any exhibits offered by the state or defendant shall be returned to the party offering them, by order of the Court, where the exhibit poses a security, storage, safety, or health problem. A photographic record shall be substituted for said exhibit. Exhibits which are within this category are:

(1) Any type of explosive powder

(2) Any explosive chemical such as toluene, ethane, etc.

(3) Any explosive device (i.e. pipe, bomb, grenade)

(4) Any container which contains a flammable liquid

(5) Any canister containing tear gas or mace

(6) Any rags soaked with any flammable liquid

(7) Phencyclidine, methamphetamine, corrosive liquid pyrrolodine, morpholine, or piperidine in liquid form

(8) Samples of blood, urine, human or animal tissue or other items requiring refrigeration and/or humidity-controlled storage

(9) Any controlled substance that requires special destruction under the State of California as being a hazardous material, which would include any cocaine, methamphetamine or heroin.

All such substances will be returned to the district attorney's office or the agency that confiscated the controlled substance and who has presented it as evidence in court in a criminal action or proceeding. It shall be returned by stipulation of Counsel as provided in Penal Code § 1417.2.

If exhibits or evidence are presented by either party which are deemed by the Court, in its discretion, as a health or safety hazard, or which may otherwise interfere with the Court's orderly business, the Trial Judge may direct such exhibits or evidence to be placed in storage containers or such applicable containers so as to minimize the intrusiveness or safety concerns of such exhibits or evidence. Counsel are also specifically directed to place evidence or exhibits with a pungent odor into plastic containers wherever practicable when they are brought into Court.

(Effective 7/1/08, amended 7/1/11)

4.1.10 Reporter's Notes of Capital Cases. So as to comply with the Supreme Court Order of November, 1989, all records in capital cases, including court reporter's notes, shall be turned in to the Clerk's Office upon completion of the case. Completion means when the transcript is completed and filed. The Clerk shall maintain all death penalty records in a designated place until ordered destroyed by the Supreme Court. (Effective 7/1/08, amended 1/1/13)

4.1.11 Sound Recordings Offered at Trial. Any party intending to offer any sound recording in evidence at trial shall prepare a transcript of the sound recording at least fourteen (14) days before trial and serve such transcript and copy of the recording on all other parties. Any party disputing the accuracy of the transcript shall prepare his own transcript of the sound recording identifying the disputed portions and serve that transcript on all other parties no later than three (3) days before trial. When disputed, the parties shall meet and confer in a good faith effort to resolve their differences.

(a) In the event that the differing versions cannot be resolved by the parties, they shall alert the Trial Judge on or before the first day of trial to reserve an appropriate amount of time in the assigned trial court to settle the dispute before summoning a jury panel.

(b) Each transcript shall be certified by the person preparing it. In the event the sound recording is in a language other than English, the certification shall also include a certification by the person translating the sound recording.

(c) The propounding party shall prepare a sufficient number of copies of the transcript for distribution as ordered by the Court.

(d) Nothing herein is intended to contravene the applicable rules of discovery or valid claims of confidentiality provided by law. If a party is entitled to maintain the confidentiality of a sound recording and chooses to do so until trial, a proposed settled transcript shall be lodged with the Court when the sound recording is marked for identification. The opposing party shall be allowed a reasonable opportunity to listen to the sound recording, prepare a proposed transcript and lodge objections before the sound recording is received as evidence.

(Effective 7/1/08, part (a) amended 1/1/13, part (d) added 1/1/15)

4.1.12 [Deleted 1/1/13]

4.1.13 [Deleted 1/1/15]

4.1.14 Petition Pursuant to Penal Code, § 1203.4. A person who petitions for a change of plea or setting aside of a verdict under Penal Code, § 1203.4 is required to additionally serve the petition for relief on the Madera County Probation Department prior to filing the petition with the court. (Effective 7/1/19)

4.1.15 Filings in Criminal Cases

(a) Parties filing motions and documents in support of motions with the Criminal Division must provide a courtesy copy of all documents at the time of filing.

(b) Parties filing responses and documents, in opposition or otherwise, to any motion with the Criminal Division must provide a courtesy copy of all documents at the time of filing.

(c) Parties filing a reply and related documents to any response with the Criminal Division must include a courtesy copy of all documents at the time of filing.

(d) Parties who have obtained a fee waiver are exempt from this

provision.

(e) The failure to comply with parts (a) – (c) of this section will not prevent the papers from being accepted for filing, but parties are required to comply with this section as soon thereafter as practical.

(f) The Court may, in its discretion, relieve a party from its duties under this section. (Effective 1/1/20)

Chapter 2 Traffic Matters

4.2.1 Trial by Written Declaration. Any defendant, regardless of where he or she resides, may elect to have a trial by written declaration for traffic violations described in Vehicle Code § 40902. A trial by declaration shall be processed and determined in accordance with Vehicle Code § 40902. A request for trial de novo pursuant to Vehicle Code § 40902 shall be filed within 20 days after mailing of the notice. (Effective 7/1/08, amended 7/1/10).

4.2.2 Dismissal of Correctable Traffic Offenses. With respect to violations specified in Vehicle Code § 40303.5, the Clerk 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)

4.2.3 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 branch court according to branch 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 last 18 months (from violation date to violation date);

(4) The time to complete school is 90 days from receipt of payment.

(5) Defendant must request traffic school on or before the due date on the citation or any court-granted extension to the due date.

(b) However, it is the procedure of this Court that persons with the following situations must appear in court to request traffic school:

(1) Defendant did not request traffic school prior to the due date on the citation or any court-granted extension to the due date;

(2) A speeding violation is in excess of 25 miles per hour over the applicable speed limit;

(3) More than one (1) point for a moving violation appears on the defendant's DMV record in the last 18 months (from violation date to violation date).

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

4.2.4 Added Fees for Traffic Violator School. Each person permitted or ordered to attend traffic violator school shall pay a fee equal to the bail for the offense for which he or she was cited. In addition each person shall also pay administrative fees as authorized by law. Payment for both such fees shall be made to the Division which permitted or ordered the traffic violator school attendance. (Effective 7/1/08, amended 7/1/10, 1/1/16)

4.2.5 Transcripts.

(a) Where a party or attorney has been found to have repeatedly ordered transcripts of hearings or trials in preparation for appeal, but continually failed to file such an appeal, the Traffic Court judge has the discretion to deny the request pending the filing of an affidavit by the party or attorney that he or she has a good faith and reasonable suspicion that appealable error occurred at the hearing or trial.

(b) If the trial court proceedings were reported by a court reporter and the trial court judge determines that it would save court time and resources, instead of correcting a proposed statement on appeal, the trial court judge may order that a transcript be prepared as the record of the oral proceedings. The court will pay for any transcript ordered under this subdivision. (Effective 7/1/10, amended 7/1/20)

4.2.6 Remote Video Proceedings.

(a) Traffic infraction trials and proceedings may be conducted by two-way remote video communications pursuant to California Rules of Court, Rule

("CRC") 4.220(a).

(b) "Remote video proceedings" ("RVP") are available in any infraction case involving an alleged violation of the Vehicle Code, or any local ordinance adopted under the Vehicle Code, that does not involve drugs or alcohol, or cases that are filed in informal juvenile or traffic court; except as specifically excluded by CRC Rule 4.220(b)(1).

(c) RVP are available for arraignments, trials, or related proceedings conducted by two-way electronic audiovisual communication between the defendant, witnesses, the prosecution, including any law enforcement officer, and the court in lieu of the physical presence of both the defendant and any witness or law enforcement officer in the courtroom.

(d) RVP may only be requested by the defendant. If RVP is not requested by the defendant, the trial will be heard in Department 17.

(e) To request arraignment and trial on the same day by RVP, the defendant must complete and submit Judicial Council form TR-505, *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial.* To request arraignment and trial on different days by RVP, the defendant must complete and submit Judicial Council form TR-510, *Notice and Waiver of Rights and Request for Remote Video Proceeding*.

(f) Judicial Council forms TR-505 and TR-510 must be submitted, either in person or by mail, to the Traffic Division for filing. The mailing address for the Traffic Division is:

Madera County Superior Court

Traffic Division

200 South "G" Street

Madera, California 93637

The Traffic Division is located on the first floor of the Madera County courthouse located at 200 South "G" Street, Madera, California 93637.

(g) The forms requesting RVP must be submitted for filing no later than one (1) day prior to the appearance date indicated on the traffic citation issued by the officer or other notice to appear. Forms submitted in person must be received at least five (5) court days prior to the appearance date indicated on the traffic citation issued by the officer or other notice to appear. Forms submitted by mail must be postmarked no less than ten (10) court days prior to the appearance date

indicated on the traffic citation issued by the officer or other notice to appear.

(h) All documents the defendant, prosecution or law enforcement officer intends to request the court to consider on the date of the RVP trial must be submitted prior to the date set for trial, in order for the documents to be in the file and available to the judicial officer on the date of the trial.

"Document" means any writing, handwritten, typed or printed, diagram, map, drawing, photograph and reproduction of any electronic image.

All documents submitted must clearly and legibly indicate the full name of the defendant and the case number or citation number. All documents must be submitted with Madera County local form MAD-CSD-0007, *Notice of Exhibits Associated with Remote Video Trial*. At least two (2) copies of all documents submitted must be brought to the RVP trial by the party submitting the documents. One (1) of those documents must be provided to the opposing party prior to the beginning of the trial.

The judicial officer, in his or her discretion, may accept documents for consideration on the date of the trial by RVP. If any party to an RVP trial wishes to have the court consider documents on the date of the RVP, those documents must be provided to the court clerk no later than 9:30 a.m., on the day of the trial. The original document must be submitted to the court. The submitting party must bring two (2) copies of each original document to the RVP trial and provide one (1) of those copies to the opposing party prior to the beginning of the trial. (Effective Date 7/1/19)

DIVISION 5 DOMESTIC RELATIONS AND JUVENILE MATTERS

Chapter 1 General

5.1.1 Domestic Relations Forms. All applications in matters coming under the Divisions 6 through 12, inclusive, of the Family Code, and related papers, shall be prepared so far as possible on forms approved by the Judicial Council. The Clerk's office has approved Judicial Council forms available for counsel and parties. (Effective 7/1/08)

5.1.2 Marvin Cases. Matters involving issues coming within the *Marvin v. Marvin* (1976) 18 Cal.3d 660, case shall be governed by the statutes, cases, and rules applying to non-family law civil cases except that:

(a) A form pursuant to Family Code § 3409 shall accompany the petition

if minor children are involved;

(b) An Order to Show Cause or Request for Order may be issued;

(c) An Income and Expense Declaration shall be required in accordance with Rule 5.260(a) of the California Rules of Court.

(Effective 7/1/08, amended 1/1/13, section (c) amended 1/1/15)

5.1.3 [Deleted 1/1/21]

5.1.4 Orders Shortening Time. A request for an Order for Shortening Time of a Notice, for a Request for Order, Order to Show Cause or Notice of Motion, shall be made only after the filing of an affidavit or declaration showing an urgent need for said order, or showing that an irreparable injury may result unless the time is shortened. In such emergency cases, the Clerk shall place the matter on the calendar upon the filing of said papers, together with the Order Shortening Time and proof of service, which said papers shall be filed with the Clerk not later than 4:00p.m. the day before the hearing. (Effective 7/1/08, amended 1/1/13, 1/1/15)

5.1.5 Requests for Orders, Orders to Show Cause and Notices of Motion Re Support or Fees. All Requests for Orders, Orders to Show Cause, and Notices of Motion, regarding payment of spousal support, child support, and attorney's fees shall be supported by an appropriate declaration together with a complete income and expense declaration on forms provided by the Clerk's Office. (Effective 7/1/08, amended 1/1/13)

5.1.6 Moving Papers Accompanied by Blank Forms. The moving parties' supporting declaration and income and expense declaration shall be served with the Request for Order, Order to Show Cause and/or Notice of Motion, which shall be accompanied at the time of service by two blank forms of the petitioner's/respondent's income and expense declaration. (Effective 7/1/08, amended 1/1/10, 1/1/13).

5.1.7 Responding Party to Complete Forms. The party, upon being served, shall complete said income and expense declaration, in duplicate, and serve the moving party's attorney or party, if self-represented, with one and file the other completed income and expense declaration with the Clerk three (3) court days prior to the hearing. In the discretion of the Court, a respondent who appears in pro per may be allowed to file his or her income and expense declaration at any time prior to actual hearing upon the Request for Order, Order to Show Cause, or Notice of Motion. (Effective 7/1/08, amended 1/1/13)

5.1.8 Fees. The required filing fee shall be waived if the party has submitted a petition to proceed in forma pauperis and it reasonably appears that such person could not otherwise proceed without using the funds required for the necessities of life. (Effective 7/1/08)

5.1.9 Setting Requests for Order, Orders to Show Cause and Notices of Motion in Family Law Matters. The Calendar Clerk shall set all Requests for Order, Orders to Show Cause and Notices of Motion, in family law matters to be heard in the family law department to which such case is assigned. (Effective 7/1/08, amended 1/1/10, 1/1/13)

5.1.10 Assignment for Trial Setting. Upon filing an at-issue memorandum, the matter shall be assigned for trial setting to the family law department to which such case is assigned. (Effective 7/1/08, amended 1/1/10)

5.1.11 [Deleted 1/1/10]

5.1.12 [Deleted 1/1/10]

5.1.13 Non-Appearance of Counsel or Self-Represented Party. When a matter comes on calendar and there is no appearance by counsel or self-represented party, the matter will be ordered stricken from the calendar unless:

(a) The return of service of the copy of the Request for Order, Order to Show Cause, or Notice of Motion, theretofore issued by the Court is on file or the Clerk has been advised that such service has been effected, and,

(b) The Clerk has been notified to request the Court for a continuance of said matter.

(Effective 7/1/08, amended 1/1/13)

5.1.14 Counsel's Duty. If an attorney is unable to be present at the time of the call of the case on calendar he or she must, prior to the call, inform the courtroom Clerk of that department of the reason for and extent of such delay. Failure to appear or furnish such information shall be deemed sufficient cause for placing such matter off the calendar or for proceeding to hear the matter in the absence of counsel as the Court in its discretion may determine. (Effective 7/1/08)

5.1.15 Restoration to Calendar. In the extraordinary situation where there is good cause therefor, the Court may order a matter stricken from the calendar to be restored to the calendar upon such conditions as the Court shall deem necessary or desirable. (Effective 7/1/08)

5.1.16 Restraining and Temporary Orders. All orders restraining either party from annoying, harassing, or molesting the other, and from disposing of property except in the ordinary course of business or for the necessities of life, shall be presented to the civil clerk's office no later than 11:00 a.m. the day immediately preceding the day of the hearing. Specific facts must be alleged in the requests for other than standard restraining orders; facts sufficient to justify the granting of such orders. If the party against whom such an order is sought has been represented in the action by counsel, such counsel shall be informed of the nature of the request and the time of such request in order to allow opposing counsel to appear and comment on the requested relief. If physical abuse is alleged, the supporting declaration must be specific and contain the dates and details. Declarations for any type of relief must set forth facts, not conclusions, justifying the relief sought. Counsel has the additional duty to fully disclose those facts. (Effective 7/1/08)

5.1.17 Hearings for Requests for Orders, Orders to Show Cause, and Notices of Motion. All Requests for Orders, Orders to Show Cause, and Notices of Motion, shall be heard before the law and motion judge at the time and the days as the Presiding Judge and/or Calendar Clerk may from time to time designate. In custody matters, the Court may contact Family Court Services for intake evaluation. If it appears that a report from the Family Court Services is appropriate, a stipulation on a form provided shall be signed. All stipulations must be reduced to writing and signed by the parties and their counsel (if represented). Whether payments are to be made by one (1) party on community obligations prior to trial, or whether those payments shall be reimbursable to that party prior to an equal division of the community property at trial, or whether such payments shall be considered as support shall be set out in the stipulation. In cases in which it is anticipated that custody and division of assets will be contested, counsel or self-represented party is requested to seek a bifurcation of those issues for trial.

Caveat: Counsel and/or self-represented party should always bear in mind that what is in the best interests of the children is of paramount importance and that there is a substantial risk of doing irreparable harm to the children if the matter of the children's custody is litigated in the same proceeding as the division of property.

(Effective 7/1/08, amended 1/1/13)

5.1.18 Mandatory Settlement Conference. All cases involving a trial estimate of five hours or more shall be set for mandatory settlement conference. Settlement conference shall be held in accordance with the Court policy regarding family law matters and the parties and counsel shall comply with such policy. In the event of a failure to comply therewith, the Court may impose appropriate sanctions. The parties shall be present at the settlement conference, and if a settlement is effected, a judgment may be obtained. All judgments shall be approved as to the content by opposing counsel prior to submission to the Judge for signature. (Effective 7/1/08, amended 1/1/13)

5.1.19 Appraisal. In cases in which the value of assets is in dispute, the parties must be prepared to introduce legally sufficient evidence to establish value. Counsel and self-represented parties are urged to consider stipulating that a single appraiser may make an appraisal and that the results of such appraisal shall be admissible in written form thereby waiving the right of cross-examination. The Court may on its own motion appoint an appraiser at the expense of the parties, to assist in determining value. (Effective 7/1/08, amended 1/1/13)

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 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)

5.1.21 [Deleted 1/1/13]

5.1.22 Family Law and Motion Matters. All family law and motion matters shall be set in the designated civil law and motion department at 8:30 a.m. on Monday through Friday of each week, subject to the directives of the Department Judge or the Presiding Judge. (Effective 7/1/08, amended 1/1/13, 1/1/15)

5.1.23 Child and Spousal Support. The Court complies with Family Code § 4055 in setting child support. The Court uses CFLR Dissomaster 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)

5.1.24 Computer Printouts as Basis for Support Calculation. Counsel or self-represented party may submit printouts from CFLR Dissomaster 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)

5.1.25 Charges for Child Custody Evaluation and Investigation. The Court determines that child custody evaluation is "visitation work," for which the costs may be charged under Family Code § 3112. (Effective 7/1/08, amended 1/1/13)

5.1.26 Family Court Services Child Custody Recommending Counseling/Mediation Policies and Charges.

(a) Parties shall be referred to Family Court Services by the Court. Upon referral to Family Court Services, it is the parties' responsibility to contact Family Court Services to initiate the intake process. Unless otherwise ordered by the Court, appointments for Child Custody Recommending Counseling/Mediation will not be scheduled unless both the petitioner and the respondent contact Family Court Services and complete the intake process. If either party does not contact Family Court Services at least ten (10) Court days prior to the scheduled hearing to review the Family Court Services report, a memorandum to the Court will be issued. If a party contacts Family Court Services after the time that the memorandum is issued, they will be asked to return upon re-referral by the Court. The Court shall re-refer the matter back to Family Court Services if appropriate. In cases where one party has failed to attend their scheduled appointment on two (2) occasions, the party who has attended shall be interviewed by a Child Custody Recommending Counselor/Mediator and a memorandum without a recommendation shall be provided to the Court for review.

(b) There shall be no charge for the Child Custody Recommending Counseling/Mediation orientation or the initial Child Custody Recommending Counseling/Mediation appointment. Family Court Services may charge fee of $200.00 to a party who failed to attend a scheduled Child Custody Recommending Counseling/Mediation session without notifying the Family Court Services office personnel no less than 48 hours in advance. For each subsequent Child Custody Recommending Counseling/Mediation, the Family Court Services division of the Court shall collect a charge of $100.00 per parent. This charge may increase from time to time by Policy Memorandum. For each child interview conducted by Family Court Services there shall be a $100.00 fee collected from each parent prior to the interview. Parties shall pay all fees at the time of their appointment with Family Court Services, unless they have a valid fee waiver on file. Nonpayment of fees may result in appointment cancellation. (Effective 7/1/08, amended 1/1/13, 1/1/17, 7/1/18, 1/1/20)

5.1.27 Investigation Charge.

(a) For each matter referred by the Court for a child custody investigation or evaluation, Family Court Services shall collect a charge of $600.00 per parent. These charges may be increased, or otherwise changed, from time to time by Policy Memorandum. Upon referral to Family Court Services, it is the parties' responsibility to contact Family Court Services to initiate the intake process.

(b) For each matter referred by the Court for a Limited Scope child custody investigation or evaluation or an Expanded Mediation, Family Court Services shall collect a charge of $200.00 per parent. These charges may be increased, or otherwise changed, from time to time by Policy Memorandum. Upon referral to Family Court Services, it is the parties' responsibility to contact Family Court Services to initiate the intake process. (Effective 7/1/08, amended 7/1/14, 1/1/17, amended and renumbered 7/1/21)

5.1.28 Ability to Pay. If a party believes that he or she does not have the ability to pay the cost of the Child Custody investigation, the party seeking relief shall file a written request for relief (on a form specified by the Court) from the charge and a complete and current Judicial Council Income and Expense Declaration Form with the Clerk setting forth, assets, all income and expenses, including copies of pay stubs for the previous month or a statement by the applicant's employer of wages earned in the last 30 days. The request and Income and Expense Declaration shall be filed not less than twenty (20) days before either the scheduled Child Custody Evaluation or the first interview on the investigation or evaluation. The Court shall review the application, and grant or deny the application within five (5) Court days of the filing of the request. Failure to file a complete Income and Expense Declaration shall be sufficient grounds for denial of the application. The Court may grant the application as to part of the charge, or all of the charge. (Effective 7/1/08, amended 1/1/13)

5.1.29 Waivers of Court Charges and Costs. Parties who have filed an Application for Waiver of Court Fees and Costs who seek to have the charge imposed for any Family Court Services Fees waived, must submit a supplemental application under California Rules of Court 3.52. Fee waivers must be approved before the first appointment with Family Court Services. Therefore, a fee waiver should be applied for at least two weeks prior to your first appointment. Applicants for waiver of charges will be considered, on the same basis as waiver of filing fees. If no fee waiver has been approved, payment is due prior to the first appointment. (Effective 7/1/08, amended 1/1/13, 7/1/13, 1/1/17, 7/1/18)

5.1.30 Stipulation for Private Evaluation or Dispute Resolution. Upon the stipulation of the parties, and upon the Court's finding that such an appointment is in the best interests of the minor child or children, the Court may appoint an arbitrator, appraiser, custody investigator, psychologist, psychiatrist, social worker, Child Custody Evaluator or family counselor to assist the Court in resolving

custody, visitation or property disputes between the parties. The parties stipulating to such an appointment shall be entirely responsible for compensation of such an appointed person. The Court may apportion the payment of costs of such an individual between the parties. With respect to all custody and visitation matters, the Court shall reserve jurisdiction to enter orders enforcing or modifying any resolutions reached through private evaluation. (Effective 7/1/08, amended 1/1/13)

5.1.31 Disqualification of Child Custody Evaluator or Mental Health Professional. Court employees or individuals (including mental health professionals) appointed by the Court to conduct Child Custody Evaluations pursuant to Family Code § 3170, to conduct investigations pursuant to Family Code §§ 3110 *et seq.*, or appointed pursuant to Evidence Code § 730, shall not be subject to a peremptory disqualification by any party to the proceeding. Any objection to a Child Custody Evaluation or investigation by a specific individual shall be made by noticed motion to the Court, except that any objections within Family Court Services should be made, in the first instance, to the director of Family Court Services. Further, objections to the Child Custody Evaluation or investigation by a specific individual may be made on ex parte notice upon an appropriate showing of need. (Effective 7/1/08, amended 1/1/13)

5.1.32 Contact between Court Child Custody Recommending Counselor (CCRC) and Minor Children.

In conducting an interview with minor children pursuant to a court investigation under Family Code § 3110 or pursuant to court order under Evidence Code § 730, the recommending counselor, Court Investigator or other mental health professional shall be governed by the following guidelines:

(a) The professional should inform the minor that his or her parents may read the report;

(b) The professional who sees the child with one parent should see the child with the other parent unless there are serious and substantiated allegations of abuse or criminal conduct between the parent and the child, and the investigator, mediator, or other mental health professional determines that such an interview would not be in the child's best interests;

(c) Interviews with siblings may be together or separate in the discretion of the investigator, recommending counselor, or other mental health professional conducting the investigation or evaluation;

(d) Child Custody Evaluations should be based whenever possible on interviews with both parents. In circumstances where one (1) parent is unavailable

for interview, the recommending counselor, court investigator or other mental health investigator may conduct an interview with one parent alone, and may make a recommendation based on all of the information available to the counselor, investigator or other professional;

(e) Interviews with children for mediation cases shall be conducted per the Order of the Court or at the discretion of the Child Custody Recommending Counselor;

(f) For each child interview conducted by Family Court Services for Child Custody Recommendation Counseling/Mediation there shall be a $100.00 fee collected from each parent prior to the interview. Please refer to section 5.1.26 for additional information regarding the payment of fees.

(Effective 7/1/08, amended 1/1/13, 1/1/17, 7/1/18)

5.1.33 Custody Recommendations by Family Court Services to Court.

Madera County is a "recommending county." In all Child Custody Recommending Counseling/Mediations, whether by privately retained recommending counselor/mediator or through Family Court Services, the Child Custody Recommending Counselor ("CCRC") shall submit a report and recommendation to the Court. The recommendation shall contain any agreement between the parties, together with the recommendation of the Child Custody Recommending Counselor on any custody or visitation issues between the parties upon which the parties have not agreed. This report is deemed confidential and shall be placed in a confidential envelope in the court file. Copies of this report shall be provided to parties (or their counsel where parties are represented by counsel). The report shall be filed and shall be considered by the Court as evidence without further stipulation of the parties. A Child Custody Recommending Counselor may not make a recommendation without input from both parties or consultation with another qualified neutral professional, per California Rule of Court, Rule 5.210, subdivision (h)(4).

(Effective 7/1/08, amended 1/1/13, 1/1/17)

5.1.34 Examination of the Child Custody Recommending Counselor.

In the event that any party shall desire to examine the Child Custody Recommending Counselor concerning any report prepared by the Child Custody Recommending Counselor, said party shall subpoena the Child Custody Recommending Counselor as required by Government Code § 68097.2. The

subpoena and the required deposit under Government Code § 68097.2 of $275.00 shall be delivered to the office of Family Court Services not less than ten (10) court days before the date of attendance. In the event the report is not filed ten (10) court days before the upcoming hearing, the ten (10) court day deadline does not apply as to that hearing only. At any subsequent hearing, the subpoena and deposit must be timely delivered to Family Court Services ten (10) court days before the hearing. If expenses exceed the $275.00 deposit, FCS will bill the depositing party for the additional funds at the current CCRC hourly rate of $55.00.

(Effective 7/1/08, amended 1/1/10, part (b) deleted 1/1/13, amended 1/1/15, 1/1/17, 7/1/2020)

5.1.35 Documents To Be Delivered. In any action referred by the Court for Child Custody Evaluation or investigation the party filing any of the documents described below is to deliver a copy to the office of Family Court Services:

(1) A conformed copy of the Petition, or initial pleading

(2) A conformed copy of the Response

(3) A "Proof of Service" for each document, and

(4) An Order After Hearing following adjudication of the pending matters

(Effective 7/1/08)

5.1.36 Confidential Declaration Sheet

Upon filing of any petition or response in any family law case, the filing party shall file a confidential information sheet entitled "Confidential Declaration" to help the Court identify the parties in the case. The confidential information sheet shall be placed in a confidential envelope within the Court's case file and shall not be made available to any parties other than the Court absent a court order. The Confidential Declaration form is available on the Court's website under the "Forms" link and is available at the Civil window.

(Effective 1/1/13)

5.1.37 Family-Centered Case Resolution

(a) All dissolution, legal separation, nullity and parentage cases filed on or after January 1, 2013 shall be set for a status conference no later than 120 days from the date of filing of the Petition. Additional status conferences will be set every 180 days or less, as determined by the court, until the case reaches final disposition. If, after 18 months, both parties have failed to participate in the case resolution process as determined by the court, no further hearings will be set except at the discretion of the court or pursuant to local rule 5.1.9 until such time as the case qualifies for dismissal pursuant to Code of Civil Procedure §§ 583.210 or 583.310.

(b) The goal of the Family Centered Case Resolution process is to finalize dispositions as set forth in CRC rule 5.83.

(c) Cases involving self-represented litigants shall be referred to the Family Law Facilitator to assist in complying with the case resolution process. Written material as required by California Rule of Court rule 5.83(g) shall be provided by the Clerk upon filing of first papers in dissolution, legal separation, nullity, or parentage actions.

(d) Results of failure to comply with Family Centered Case Resolution Rules

All family law cases will be reviewed for compliance with these rules, and orders to show cause may be issued for failure to comply. Failure of a party or parties to comply with these rules, including failing to appear at a mandatory Court event or failing to file required forms, may result in one or more of the following on the request of the other party or on the Court's own motion:

(1) Dismissal of the case.

(2) An award of attorneys fees and costs against the noncomplying party, the party's attorney, or both.

(3) An order based solely upon the pleadings properly before the court.

(4) Such other orders as the Court deems appropriate.

(e) Reinstatement of dismissed cases

A party to a case dismissed under these rules for failure to appear at a required Court event or failure to file required Court documents may apply within

six (6) months to have their case reinstated under Code of Civil Procedure § 473(b). The Court may reinstate the case upon such terms and conditions as the Court deems just.

(Effective 1/1/13, section (a) amended 7/1/13)

5.1.38 Mandatory "Notice of Family Law Case Status Conference" Form

The Court is adopting a "Notice of Family Law Case Status Conference" Form (Form Mad-1) for all dissolution, legal separation, nullity and parentage cases filed on or after July 1, 2013. This form shall be filled out by the Petitioner and filed with the Court alongside the Petition. The Court will provide a hearing date on the Form, pursuant to Rule 5.1.37(a), and return the Form to the Petitioner. The Form is to be served on the Respondent along with the Petition, and a proof of service shall be returned to the Court upon completion of service. See Appendix A for a copy of the form.

Note-The Form may be amended from time to time; please check with the Civil Division for the latest version of the Form.

(Effective 7/1/13)

5.1.39 Sanctions.

If a party has an appointment with Family Court Services, and does not need the appointment, the party must cancel it at least 48 hours prior to the appointment time. Please call 559-416-5560 for cancellations. If the party does not cancel the appointment, and/or fails to appear for the appointment, the party may be ordered by the Court to pay a monetary sanction of up to $1,500.00 pursuant to Code of Civil Procedure, section 177.5. (Effective 1/1/17)

5.1.40 Family Law Criminal Contempt Actions.

Any party electing to proceed on a criminal contempt in a Family Law Case not arising from child support or domestic violence, must list each violation with a number indicating the count, specify which order was violated, how the order was violated and when the order was violated. (Effective 7/1/19)

5.1.4 Appointment of Counsel for Children (Minor's Counsel). Attorneys who would like to be considered for appointment as Minor's Counsel in a Family Law case must contact the Court Administration for further instructions.

(a) Minor's Counsel must meet all qualifications set forth in California Rule of Court 5.242.

(b) Attorneys appointed as Minor's Counsel must file Judicial Council form FL-322 (or its equivalent) no later than 10 days after appointment and before beginning work on the case.

(c) After the initial appointment, Minor's Counsel appointed must file Judicial Council form FL-322 (or its equivalent) annually in each case during the time they are appointed to indicate they have completed the required updates.

(Effective 1/1/21)

5.1.42 Complaints regarding Minor's Counsel. Complaints or questions regarding Minor's Counsel representation shall be addressed as follows:

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

(b) If the issue remains unresolved, or if there is no designated agency or law firm, the complaint may be submitted to the Court in writing. The Court may conduct its own review of the complaint or question and take appropriate action if required.

(Effective 1/1/21)

Chapter 2 Juvenile Dependency Cases -Appointment of Counsel

5.2.1 Timeliness. Attorneys for parties are required to adhere to the statutory timelines for all hearings. Time waivers will be accepted and continuances granted only on a showing of exceptional circumstances. Timelines for hearings are as follows:

(a) Detention Hearings. Detention hearings shall be heard no later than the end of the next court day after a petition has been filed (Welfare & Inst. Code § 315; CRC 5.667);

(b) Contested Jurisdiction Hearing. If the child is not detained, the hearing on the petition shall begin within 30 calendar days from the date the petition was filed. If the child is detained, the hearing on the petition shall begin within 15 court days from the date of the detention order (Welfare & Inst. Code § 334; CRC 5.680);

(c) Disposition Hearing. If the child is detained, the hearing on disposition must begin within 10 court days from the date the petition was sustained. If the child is not detained, the disposition hearing shall begin no later than 30 calendar days after jurisdiction is found (Welfare & Inst. Code § 358; CRC 5.686);

(d) Six (6) Month Review Hearing. The Court is required to review the status of every dependent child within six (6) months of the declaration of dependency and at least every six (6) months thereafter (Welfare & Inst. Code §§ 364, 366, 366.21; CRC 5.710);

(f) Twelve (12) Month Review. The Court is required to review the status of every child who has been removed from the custody of a parent or guardian within twelve (12) months of the declaration of dependency (Welfare & Inst. Code § 366.21; CRC 5.715);

(g) Eighteen (18) Month Review. If the child is not returned at the twelve (12) month review, the Court shall conduct a review no later than eighteen (18) months from the date of the original detention (Welfare & Inst. Code §§ 366.21, 366.22, 355; CRC 5.720);

(h) Notice of Intent to File Writ Petition. A notice of intent to file a petition for extraordinary writ shall be filed within seven (7) days of the date of the order setting a hearing under Welfare & Inst. Code § 366.26, with an extension of five (5) days if the party received notice of the order only by mail (CRC 8.450);

(i) Petition for Writ. A petition seeking writ review of orders setting a hearing under Welfare & Inst. Code § 366.26 shall be served and filed within ten (10) days after the filing of the record in the reviewing court (CRC 8.452);

(j) Response to Writ Petition. Any response to a writ petition shall be served and filed within ten (10) days after the filing of the writ petition or within ten (10) days of receiving a request for a response from the reviewing court (CRC 8.452);

(k) Selection Hearing. A selection hearing for Permanent Plan shall

begin within 120 days of the review at which reunification services are terminated and a hearing under Welfare & Inst. Code § 366.26 ordered (Welfare & Inst. Code §§ 366.31, 366.22; CRC 5.710, 5.715, 5.720);

(l) Notice of Appeal. Notice of Appeal shall be filed within 60 days after the rendition of the judgment.

(Effective 7/1/08, sections (h),(i), and (j) amended 1/1/15)

5.2.2 Experience, Training, Education, Standards of Representation. Every party in a dependency hearing who is represented by an attorney shall be entitled to competent counsel as defined in California Rule of Court 5.660(d). The law firm designated by the Court for appointment as counsel in dependency proceedings shall be responsible for the following:

(a) The establishment of written procedures for screening applicants seeking to represent parties, including but not limited to (1) instructions as to whom application shall be made, (2) the information required for application, and (3) the process for reviewing applications and interviewing applicants.

(b) The establishment of written requirements and procedures for qualification of attorneys to be included in the list of those to be appointed to represent parties, including but not limited to those requirements described in CRC 5.660(d). For example: (1) demonstrated familiarity with relevant statutes and rules of court; (2) knowledge of court procedures and forms, including restraining and custody orders, transfers out, Welfare & Inst. Code § 388 motions, placement, requirements, de facto parents, and participation by interested persons, including relatives and confidentiality.

(c) The establishment of written minimum standards of representation including, but not limited to, those described in CRC 5.660(d)(4). For example: (1) requirements for frequency and extent of client contact, (2) duties to assist with resolution of the case, e.g., mediation, settlement, conferences, etc., (3) duties after disposition and on-going representation, and (4) filing of Notices of Appeal, Notices of Intent to File Writ Petition, and Writ Petitions.

(d) The establishment of minimum and maximum caseloads for attorneys representing parties in dependency proceedings.

(e) Copies of the procedures and standards described in rule 5.2.2 shall be lodged with the Court and made available to all juvenile and court judicial officers.

(Effective 7/1/08, amended 7/1/13, 1/1/15)

5.2.3 Appointment of Counsel for Parents or Guardians. In the absence of a known conflict of interest, the Court shall appoint the law firm of Ciummo and Associates to represent the mother and the law firm of Madera Alternate Defense to represent the father.

(a) If the parent or guardian is known and said parent or guardian lives within Madera County, counsel shall automatically be appointed. Other parents or guardians may be appointed counsel at the Court's discretion upon their request and showing of need for appointed counsel.

(b) Notification of the appointment shall be communicated as follows: The Clerk shall send written copy of notice of appointment to the appointed attorney and the petitioner. Petitioner shall notify the parents of any appointment of counsel.

(c) Parents may be billed for the cost of counsel by the Revenue Services Division of the County Auditor-Controller in accordance with that office's procedure.

(d) The assigned law firm shall be responsible for assigning particular attorneys to each case.

(Effective 7/1/08)

5.2.4 Appointment of Counsel for Children. The Court shall appoint a wheel attorney from the conflict panel to represent those children the Court determines would benefit from the appointment of counsel.

(a) Counsel for all children shall automatically be appointed.

(b) Notification of the appointment shall be communicated as follows: Notice of appointment shall be sent to the appointed attorney and to the petitioner.

(c) Procedures for billing a parent or guardian for the cost of the child's appointed counsel shall be established by the Revenue Services Division of the County Auditor-Controller.

(d) The law firm appointed shall be responsible for assigning particular attorneys to each case.

(Effective 7/1/08)

5.2.5 Conflicts. In the event of a conflict, the Court shall appoint a wheel attorney. (Effective 7/1/08)

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

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

(b) 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 conduct its own review of the complaint or question and take appropriate action if required.

(Effective 7/1/08)

5.2.7 Attorney for the Child. Counsel for the child in a dependency proceeding is charged with representation of the child's interests, including causes of action and other interests to be advanced or protected by administrative or judicial proceeding.

(a) Absent exceptional circumstances, the attorney for the child shall have personal contact with the child regardless of age, and shall interview any child four (4) years or older so the attorney may effectively represent to the Court how the child's wishes and interests may best be addressed.

(b) The attorney for the child shall investigate any interests of the child beyond the scope of the dependency proceeding and shall immediately advise the juvenile Court of information regarding any interest or right of the child to be protected or pursued in other judicial or administrative forums.

(c) Upon receipt of the request by counsel for instructions from the Court, the Court shall do one or more 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;

D. Take any other action to protect the interests and rights of child.

(Effective 7/1/08)

5.2.8 Information Received by Court Concerning the Child. If the Court receives information regarding an interest or right of the child from a person other than the attorney for the child, the Court may inform the attorney of record for the child of the information and ask the attorney to further investigate the matter. (Effective 7/1/08)

Chapter 3 Court Appointed Special Advocates (CASA).

5.3.1 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 § 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 Advocate Association and the California State Guidelines for Child Advocates.

(Effective 7/1/08)

5.3.2 Child Advocates.

(a) Advocate's 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:

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

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

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

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

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

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

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

(8) 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 or her services on behalf of the child to such other courts or tribunals.

(b) 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 or her duties, and shall subscribe the written oath describing the duties and responsibilities of the advocate.

(c) 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 or her obligation to the child and the Court in accordance with the general duties set forth in subsection (a) above.

(Effective 7/1/08)

5.3.3 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 or she is appointed to represent as any case manager/social worker with regard to records pertaining to the child held by an 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 or her identification as a Court-appointed advocate to any such record holder in support of his or 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.

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

(d) 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, Department of Social Services (DSS), case manager, child's attorney, attorneys for parents, relatives, foster parents and any therapist for the child.

(Effective 7/1/08)

5.3.4 Advocate's Right to Timely Notice. In any motion concerning the child for whom the advocate has been appointed, the moving party shall provide the advocate timely notice. (Effective 7/1/08)

5.3.5 Calendar Priority for Advocates. In light of the fact that advocates are rendering a voluntary service to children and the Court, matters on which they appear should be granted priority on the Court's calendar, whenever possible. (Effective 7/1/08)

5.3.6 Advocate's Visitation Throughout Dependency. An advocate shall visit the child regularly until the child is secure in a permanent placement. Thereafter, the advocate shall monitor the case as appropriate until dependency is dismissed or the advocate is relieved from appointment. (Effective 7/1/08)

5.3.7 Family Law Advocacy. Should the Juvenile Court dismiss dependency and create a family law order pursuant to Welfare & Institutions Code § 362.4, the advocate's appointment may be continued in the family law proceeding, in which case the Juvenile Court order shall set forth the nature, extent and duration of the advocate's duties in the family law proceeding. (Effective 7/1/08)

5.3.8 Advocate's Right to Appear. An advocate shall have the right to be present and be heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that the advocate may be called to testify at some point in the proceedings. The Court, in its discretion, shall have the authority to grant the advocate amicus curiae status, which includes the right to appear with counsel. (Effective 7/1/08)

5.3.9 Appearance by Consular Representative. In cases where a parent or minor is a citizen of a foreign nation, the Consul and/or an attorney or representative of the Consul of that nation shall have the right to appear and participate in the Court proceedings to the extent such is provided for by international agreement to which the United States is a signatory. (Effective 7/1/08)

DIVISION 6 [Reserved]

DIVISION 7 PROBATE, ADOPTION AND RELATED MATTERS

Chapter 1 Probate Filings and Orders.

7.1.1 Additional Notice Requirements. A copy of the petition shall be served with each notice of hearing when served on a person requesting special notice or where the petition is the accounting of a testamentary trustee. Where the fiduciary or attorney is requesting fees or commissions other than those computed by Probate Code §§ 10800 *et seq.*, the notice of hearing and a copy of the petition shall be served on all interested parties. The proof of service shall show service of the copy of the petition as well as the notice of hearing. (Effective 7/1/08)

7.1.2 Notice by Clerk. The moving party shall prepare and submit to the Clerk as many copies of notices to be posted, published or mailed by the Clerk as the Clerk is required to post, publish or mail. Where the notice is to be mailed the moving party shall furnish to the Clerk envelopes addressed to those required to receive notice, with postage prepaid, and with the Clerk's address as the return address. (Effective 7/1/08)

7.1.3 Notice Required for Special or Temporary Letters. The party seeking special

letters of administration, or temporary letters of guardianship or conservatorship shall give notice of the application to the surviving spouse, proposed ward or proposed conservatee, other persons who might be expected to seek letters and any other person who appears to be equitably entitled to notice. Unless otherwise ordered, the notice given shall be the notice required under the applicable provisions of the Probate Code. When a petition for special or temporary letters has been filed, there must appear in the petition for special or temporary letters a showing of good cause why a petition for permanent letters has not also been filed. (Effective 7/1/08, amended 1/1/13)

7.1.4 Heirs without Known Addresses. Where notice is mailed to an heir, devisee, or legatee at the County seat, an affidavit or declaration shall be filed with the proof of mailing showing due diligence made to locate that person. (Effective 7/1/08)

7.1.5 Copies of Handwritten Wills and Codicils; Translation of Foreign Wills. A typewritten copy of the will or codicil shall accompany the petition for probate if the document is handwritten. If the document is in a foreign language, it shall be accompanied by a translation, signed by the translator, together with an affidavit or declaration under penalty of perjury showing the qualifications of the translator. (Effective 7/1/08)

7.1.6 Wording of Probate Orders. Probate orders shall be worded so that their general effect may be determined without reference to the petition on which they are based. (Effective 7/1/08)

7.1.7 Time for Submitting Papers and Orders. 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)

7.1.8 Uncontested Matters.

(a) Appearance of Counsel. Except as otherwise provided by law, all verified petitions in probate matters shall be deemed submitted without an appearance, except that the attorney, if represented, shall appear on a petition for confirmation of sale of (1) real property or (2) personal property valued in excess of $100. The petitioner and the petitioner's attorney shall appear on all petitions for appointment of a guardian or conservator. As used in this rule, "verified" means verified by the petitioner. Before denying any petition where there is no appearance under this rule, the Court will continue the matter one (1) week or until the next succeeding calendar day, whichever is later, to give the petitioner or

petitioner's attorney an opportunity to appear. If there is no appearance or other response by the petitioner or petitioner's attorney at the continued hearing, the Court may drop the matter from the calendar.

(b) Proposed Order in Matters Submitted Without an Appearance. In matters submitted without an appearance by a party or the party's attorney pursuant to Rule 7.1.8(a), an original and one (1) copy of a proposed order bearing the date of submission shall be delivered to the Clerk for presentation, together with the case file, to the Judge at least two (2) court days before the hearing.

Comment: It is the responsibility of the attorney to determine whether the matter has been approved or continued.

(Effective 7/1/08, amended 1/1/13)

7.1.9 Orders for Family Allowance. The duration of an order for family allowance is limited to six (6) months if no inventory and appraisement has been filed and to one (1) year if an inventory and appraisement has been filed.

Comment: The Court discourages requests for retroactive (*nunc pro tunc*) payment of family allowance. Requests for a family allowance should be made in a timely fashion.

(Effective 7/1/08)

Chapter 2 Fees and Commissions.

7.2.1 Fees and Commissions in General. Assignments of property to attorneys or personal representatives in place of fees or commissions will not ordinarily be approved. All attorney's fees or personal representative's commissions shall be set forth as such and approved by the Court. All attorney's fees and personal representative's commissions shall be stated, along with an explanation of how the fees or commissions were calculated, even if an accounting is waived. (Effective 7/1/08)

7.2.2 Fees and Commissions in Advance.

(a) Decedents Estates. There is no authority for the payment of any fees or commissions in decedents estate in advance of a court order authorizing the same, unless the written consent of the residuary beneficiaries is filed with the Court and the amounts paid are reasonable and proper or unless it can be shown that payment of such fees was to the benefit of the estate.

(b) Trusts. Fees or commissions shall be paid only after the services to which they relate have been performed. The payment shall be in conformity with the compensation provided in the trust instrument, if any, or otherwise be reasonable in amount.

(c) Guardianships and Conservatorships. Periodic payment of fees or commissions may be made with prior court authority pursuant to Probate Code § 2643. Without such prior authority, the Court will apply the same rule as in decedent's estates. The Court prefers that requests for fees for ordinary services be deferred until the first account.

(Effective 7/1/08)

7.2.3 Fees or Commissions Based on Fluctuating Values. In all accountings wherein fees or commissions are requested by the accounting party or his attorney based upon the fluctuating values of items constituting capital assets of the estate or trust, rather than the original or appraised values, the papers shall contain the following:

(a) A detailed statement, setting forth the original or appraised value of each item;

(b) A statement, showing the value of each item used as a basis for the request for fees or commissions, together with the date of valuation of the item; and,

(c) Proof by declaration or affidavit of service by mail at least ten (10) days before the hearing of said petition of a notice of the date of hearing and a copy of the accounting on all persons having a beneficial interest in the trust.

(Effective 7/1/08)

7.2.4 Allowance on Account of Fees and Commissions. Allowances on account of statutory fees or commissions will be granted by the Court only in proportion to the work actually completed. Moreover, the last twenty-five percent (25%) of statutory fees or commissions will not be allowed before the approval of the final account and the decree of distribution, unless it can be shown that payment of a greater amount will benefit the estate. Until the final account is settled, the Court is unable to fix the total amount of statutory fees or commissions. Any allowance made before that time shall be low enough to avoid the possibility of overpayment.
(Effective 7/1/08)

7.2.5 Determination of Statutory Fees and Commissions. If an accounting is waived, the statutory fee is to be based upon only the stated inventory. In such cases, no fees are to be paid on gains on sales or on receipts by the estate. (Effective 7/1/08)

7.2.6 Determination of Extraordinary Fees and Commissions. No appearance by the attorney or the parties will normally be requested where such petition is verified by the party and the fee does not exceed $750. However, all fees requested for extraordinary services shall be supported by a detailed description of such services. Each item that constitutes an extraordinary service shall be individually stated in the petition with a specific fee request for such service. The description shall indicate criteria that the Court may consider in awarding fees, such as complexity, size of the estate, result obtained, particular expertise brought to bear on the problem, time involved, and novelty of the issues. (Effective 7/1/08)

7.2.7 Probate Code § 13650 Proceedings. In proceedings under Probate Code § 13650, for confirmation of community property to surviving spouse, all services shall be treated as extraordinary and described in detail. (Effective 7/1/08)

Chapter 3 Claims and Sales.

7.3.1 Creditor's Claims by Personal Representative. A noticed motion for approval of a creditor's claim filed by the personal representative, with service of the notice of motion on the heirs, is required unless:

(a) The claim is for reimbursement of funeral and last illness expenses and proof of payment is attached to the claim;

(b) The claim, together with all other claims of the personal representative except for reimbursement of funeral and last illness expenses, is less than $1,000; and,

(c) All persons beneficially interested in the estate approve the claim in writing.

(Effective 7/1/08)

7.3.2 Sale or Encumbrance of Estate Property. All petitions for the sale or encumbrance of estate property must be accompanied by a declaration under oath that the property sought to be sold is not specifically devised or bequeathed real or

personal property. No specifically devised or bequeathed real or personal property shall be encumbered or offered for sale unless first approved by the Court on seven (7) court days' notice to the specific devisee or legatee. (Effective 7/1/08)

Chapter 4 Accounts and Distribution.

7.4.1 Required Matters in a Petition for Final Distribution. In addition to items otherwise required by law, a petition for final distribution shall contain the following matters, unless set forth in the account and report:

(a) A full and complete description of all assets on hand.

(b) Facts specifically showing the entitlement of each heir to the portion of the estate to be distributed to that heir, including any information concerning predeceased children.

(c) A computation of the attorney fees and representative commissions requested.

(d) An accounting if assets are to be distributed to a trustee, conservator or guardian.

(e) An agreement to the distribution signed by each heir with each signature acknowledged if distribution of assets is to be made in kind and all persons will not share equally in each asset.

(f) A schedule of names showing the name of the claimant, amount claimed, date presented, date allowed, and if paid, the date of payment. As to any claims rejected, the date of rejection must be set forth and the original of the notice of rejection with an affidavit of mailing to the creditor must be filed.

(g) The terms of any testamentary trust must be set out in full in the petition and order and not merely incorporated by reference.

(h) An itemization of costs for which counsel is seeking reimbursement. Ordinary overhead items, including but not limited to costs of duplication of documents, telephone calls, and automobile mileage are not proper cost items.

(i) A schedule showing the proration of taxes, fees, and costs.

(j) A statement of what property is separate and what is community.

(k) If distribution is to be made pursuant to an assignment of interest, the assignment shall be filed and acknowledged and the details of the consideration set forth.

(l) If distribution is to be made to a trust, either an acknowledged statement by the trustee accepting the property under the terms of the trust or a petition by the executor or administrator for the designation of a substitute trustee.

(m) If distribution is to be made to a minor or an incompetent, either facts showing compliance with Probate Code §§ 3300 *et seq*. or current certified copies of letters of conservatorship or guardianship shall be filed.

(Effective 7/1/08)

7.4.2 Required Form of Accounts. All accounts filed in probate proceedings, including guardianships, conservatorships and trust accounts, shall contain a summary or recapitulation showing:

(a) Amount of inventory and appraisement, if first account, or amount chargeable from prior account.

(b) Amount of receipts excluding capital items.

(c) Gain on sales or other disposition of assets.

(d) Amount of disbursement.

(e) Loss on sales or other disposition of assets.

(f) Amount of property on hand.

(Effective 7/1/08)

7.4.3 Suggested Form of Summary. A suggested form of summary is as follows:

SUMMARY OF ACCOUNT

The petitioner is chargeable, and is entitled to the credits, respectively as set forth in this summary of account. The attached supporting schedules are hereby incorporated herein by reference:

CHARGES	
Amount of Inventory and Appraisement	
(OR, If subsequent account, amount	
chargeable from prior account)	$_____
Receipts during Account Period	
(Schedule “A”)	$_____
Gain on Sales (Schedule ”B”)	$_____
TOTAL CHARGES	$_____
CREDITS	
Disbursements during Account Period	
(Schedule “C”)	$_____
Loss on Sales (Schedule “D”)	$_____
Other Credits:	
(Property distributed, Homestead or other	
property set apart-Schedule “E”)	$_____
Property on Hand (Schedule “F”)	$_____
TOTAL CREDITS	$_____

The summary should be supported by detailed schedules. The schedules of receipts and disbursements should show the nature or purpose of each item and date thereof. The schedule of property on hand should describe each item and indicate the appraised value.

(Effective 7/1/08)

Chapter 5 Disposition Without Administration.

7.5.1 Required Allegations in Support of Claimed Property as Community. The Court may require any person submitting a petition to determine and/or to confirm community property to provide to the Court the following information in addition to that required by law. Counsel should be prepared to provide such information, if it is requested, at the first hearing on the petition in a form which would be admissible as evidence at an uncontested hearing:

(a) Date and place of marriage;

(b) Decedents occupation at time of marriage;

(c) Whether decedent owned any real or personal property on date of marriage and, if so, its description and approximate value at the time of marriage and whether it is still a part of the estate;

(d) Decedent's net worth at time of marriage;

(e) Whether decedent ever received any property after the date of marriage by gift, bequest, devise, descent, proceeds of life insurance or joint tenancy survivorship and, if so, its description, approximate value, dates of receipt, and whether it is still a part of the estate;

(f) A copy of any document on which the claim is based;

(g) The date decedent first came to California; and,

(h) Any additional facts upon which claim of community property is based.

(Effective 7/1/08)

7.5.2 Notice in Proceedings to Set Aside Community Property. Prior to the hearing on a petition to determine and/or confirm community property, the petitioner shall file a declaration showing compliance with the notice requirements of Probate Code § 13655. (Effective 7/1/08)

7.5.3 Petition to Establish Fact of Death. A petition to establish the fact of death (terminate a joint tenancy or life estate) shall be verified and shall have attached as exhibits:

(a) A copy of any instrument relating to any interest in the property, and

(b) A copy of the death certificate.

Comment: There is no statutory provision for the determination by a court of attorney fees in proceedings for termination of joint tenancy or a life estate. No request for fees for service of this character should be made.

(Effective 7/1/08)

Chapter 6 Adoptions

7.6.1 Stepparent Adoption under Family Code §§ 9000, et seq.

(a) If a petition for adoption is filed under Family Code § 9000 without first having had a petition and order under Family Code §§ 7800 *et seq.*, there shall be a special hearing entitled "necessity of consent" hearing.

(b) The Clerk shall immediately notify Family Court Services Division of the Court of the filing of the petition and the Family Court Services investigator shall report in the same manner as provided in Family Code § 7850.

(c) A citation in the form provided by Family Code § 7880 shall be issued on the filing of the petition and shall be served on the persons and in the manner described in Family Code §§ 7881 and 7882. The citation shall require the persons served to show cause, if any, why the minor shall not be found to be abandoned and the consent of the named parent to the adoption is unnecessary.

(d) The hearing date shall be on the regular adoptions calendar and the date selected shall be within sixty (60) calendar days of the filing of the petition.

(e) The proceeding under this rule is in addition to that required by Family Code § 9000.

(Effective 7/1/08)

7.6.2 Adoption where Natural Father not Found. If it is claimed that an alleged natural father cannot be found, or is unidentifiable, the petitioner shall file a petition under Family Code § 7664 and the Clerk shall set a hearing on the regular adoptions calendar, to be scheduled within sixty (60) calendar days of the filing of the adoption petition, to determine whether notice to any alleged natural father may be dispensed with and if the father is unidentifiable. The petitioner shall appear and present evidence at the hearing. (Effective 7/1/08)

7.6.3 Military Affidavit. An affidavit under the Servicemembers Relief Act is required in all adoption and abandonment proceedings where citations have been issued and the parties served have not appeared in the proceedings. If the petitioner or someone on his behalf is unable to make an affidavit that the parent served is not in the military service, the Court will accept the certificate alluded to in 50 USC App. section 521 *et seq.* of said Act. (Effective 7/1/08, amended 7/1/13)

7.6.4 Charges for Investigations in Stepparent Adoptions. There shall be a charge

of $300 for each investigation conducted by the Family Court Services Division of this Court or by any court-appointed investigator for a stepparent adoption pursuant to Family Code §§ 9000, *et seq.* [formerly Civil Code § 227.10, *et seq.*]. This charge may increase from time to time by Policy Memorandum. Upon referral to Family Court Services, it is the parties' responsibility to contact Family Court Services to initiate the intake process. Please see section 5.1.29 for instructions regarding fee waivers. If no fee waiver has been approved, payment is due at the time of the first appointment. (Effective 7/1/08, amended 1/1/17, 7/1/18, 1/1/20)

7.6.5 Charges for Investigations in Declare Minor Free Petitions. There shall be a charge of $300.00 for each investigation conducted by the Family Court Services Division of this Court or by any court-appointed investigator pursuant to Family Code §§ 7820, *et seq*. This charge may increase from time to time by Policy Memorandum. Upon referral to Family Court Services, it is the parties' responsibility to contact Family Court Services to initiate the intake process. (Effective 7/1/18)

7.6.6 Charges for Investigations in Dual Stepparent Adoptions/Declare Minor Free Petitions. There shall be a charge of $450.00 for each investigation conducted by the Family Court Services Division of this Court or by any court-appointed investigator pursuant to Family Code §§ 9000, *et seq*. and Family Code §§ 7820, *et seq*. This charge may increase from time to time by Policy Memorandum. Upon referral to Family Court Services, it is the parties' responsibility to contact Family Court Services to initiate the intake process. (Effective 7/1/18)

Chapter 7 Orders for Withdrawal of Funds.

7.7.1 Application. When application is made for the withdrawal of funds on deposit under Probate Code § 1510, a deputy clerk shall submit the original court file together with the application for withdrawal of funds to the Judge who approved the compromise. If the Judge is not available, the application shall be submitted to any available Judge of this Court. (Effective 7/1/08)

Chapter 8 Guardianship & Conservatorship Investigations.

7.8.1 Investigation of Proposed Guardian. In conducting the investigation required under Probate Code § 1513, the Court investigator in his/her discretion may require the proposed guardian or guardians to submit a fingerprint card, and/or consent to a criminal, record history check. The results of this check may be included in the investigator's report to the Court. Upon referral to Family Court Services, it is the parties' responsibility to contact Family Court Services to initiate the intake process. (Effective 7/1/08, amended 1/1/17)

7.8.2 Charges for Guardianship Investigations. There shall be a charge of $600.00 for each investigation conducted pursuant to Probate Code § 1513 charged to the petitioner. This charge shall be paid to the Family Court Services Division at the time an appointment is made for an interview. This charge may increase from time to time by Policy Memorandum. Please see section 5.1.29 for instructions regarding fee waivers. If no fee waiver has been approved, payment is due at the time of the first appointment. (Effective 7/1/08, amended 7/1/18, 1/1/20)

7.8.3 Preparation and Filing of Order Appointing Guardianship Investigator. In each guardianship case where the petition seeks the appointment of a guardian of the person, the petitioner shall prepare an Order Appointing Guardianship Investigator, and serve a copy on the office of Family Court Services, or on the office of Madera County Child Protective Services, as instructed by the Court. (Effective 7/1/08, amended 1/1/20)

7.8.4 Charges for Conservatorship Investigation. Pursuant to Probate Code § 1851.5, there shall be a charge of $400 for each conservatorship investigation conducted by a court investigator with respect to that conservatee. (Effective 7/1/08, amended 1/1/15)

7.8.5 Ability to Pay. If a party, who is required to pay an investigation charge under Local Rule 7.8.2 or 7.8.4, believes that neither the party nor the estate has the ability to pay the cost of the investigation, the party requesting relief shall submit a request for relief in compliance with Local Rule 5.1.28 and/or 5.1.8. Please see section 5.1.29 for instructions regarding fee waivers. If no fee waiver has been approved, payment is due at the time of the first appointment. (Effective 7/1/08, amended 1/1/13, 1/1/15, 7/1/18, 1/1/20)

7.8.6 Required Orientation for Proposed Probate Conservators

All persons who are proposed conservators of either the person or the estate of a proposed conservatee shall, unless attendance is waived by the Court, attend an orientation at the office of the Family Court Services. Any proposed conservator will be required to show proof of having read the Judicial Council publication, “Handbook for Conservators,” pursuant to Probate Code, § 1835, which is available on the Madera County Superior Court website. (Effective 7/1/08, amended 7/1/13, 1/1/15, 1/1/17)

7.8.7 Background Check/Electronic Fingerprint Scan

A background check and electronic fingerprint scan will be required when a petition for a name change, guardianship, or adoption has been filed. The purpose of the background check is to verify that the petitioner is not on probation, parole or

a registered sex offender. (Code Civ. Proc. §1279.5 (e).) A Live Scan will be requested from the petitioner, parent(s) or legal guardian(s). A Live Scan consists of a check of electronic fingerprint records maintained by the Department of Justice, the Child Abuse Central Index and possibly the FBI. Live Scan locations can be obtained from Family Court Services or on the Department of Justice website (doj.ca.gov) by typing "Live Scan Locations" in the search box. The individual subject to Live Scan shall pay the fee charged by the Live Scan provider. The individual subject to Live Scan shall complete the Live Scan application form with the requested information and provide the Live Scan provider valid photo identification. Failure to provide the requested information will delay the petition and/or otherwise preclude the completion of the required investigation. For Child Custody Evaluations and Conservatorships, this information will be obtained by Family Court Services through the California Law Enforcement Telecommunications System ("CLETS") at the Madera Sheriff's Office. (Effective 1/1/17).

7.8.8 Guardianship Filings Involving Multiple Minors. In the event multiple minors are involved in a guardianship proceeding, the same case number will be assigned if both parents (mother and father) are the same. However, if the minors share one parent, but the other parent is different or unknown, then the guardianship for each minor must be filed under separate case numbers, but marked as companion cases so that the issues will be heard in the same department. (Effective 1/1/20)

DIVISION 8 APPELLATE DEPARTMENT

8.1.1 Briefs. Briefs shall be prepared and filed as provided by California Rule of Court 8.800, *et seq*. In addition thereto, counsel shall deposit with the Clerk of the Court, when filing the original brief, four (4) legible copies of the original brief for the assistance of the members of the Court. (Effective 7/1/08, amended 7/1/13, 1/1/17, 7/1/20)

8.1.2 Calendaring. The Court, after the filing of an appeal, will set a briefing schedule and set a date for oral argument on the third Friday of the month at 8:00 a.m. (Effective 7/1/08)

8.1.3 Oral Argument. Unless otherwise ordered, counsel for each party shall be allowed fifteen (15) minutes for oral argument. The appellant or the moving party shall have the right to open and close. (Effective 7/1/08)

8.1.4 Motions. All motions shall be heard at regular sessions in the department designated by the Presiding Judge unless a different time or place for the hearing of a particular motion is designated by the Presiding Judge. (Effective 7/1/08, amended 1/1/10, 1/1/13)

DIVISION 9 COURT PERSONNEL

Chapter 1 General Provisions.

9.1.1 Definition. All persons appearing on the payroll of the Superior Court as permanent, full-time employees and any additional full-time employees assigned to the Superior Court, but appearing on the payroll of a separate budget unit, shall be considered Superior Court personnel. (Effective 7/1/08)

9.1.2 Judicial Officers. A person elected or appointed to the office of Judge of the Superior Court or a person appointed as Court Commissioner shall be considered judicial personnel. (Effective 7/1/08)

9.1.3 Officers. The Court Executive Officer, the Staff Attorney, the Facilitator and the Director of Family Court Services are officers of the Court. (Effective 7/1/08)

9.1.4 Employees. All Superior Court personnel who are neither Judges nor Court Officers and who are not employed by contract (which includes per diem interpreters and per diem reporters not permanently appointed by a Judge of the Court) shall be considered Court employees. (Effective 7/1/08)

9.1.5 Assigned Court Personnel. Personnel assigned to the Court by other agencies (i.e. bailiffs) are Superior Court Personnel. Such persons shall be assigned to any such departments as may be designated by the Presiding Judge. Nothing contained herein shall be construed as in any way affecting the power of the employing agency to transfer such personnel away from the Superior Court. (Effective 7/1/08)

Chapter 2 Court Executive Officer.

9.2.1 Appointments. The Presiding Judge shall appoint a Court Executive Officer who shall serve at the pleasure of a majority of the Judges of the Court. (Effective 7/1/08)

9.2.2 Functions. The Court Executive Officer shall organize and administer the non-judicial activities of the Court. Subject to the supervision and direction of the Presiding Judge, the Court Executive Officer shall:

(a) Supervise and assign work to the staff that serves the Judges in the

execution of the Court's business.

(b) Provide necessary administrative direction in the dispatch of judicial business, particularly in calendar management.

(c) Manage all personnel functions for non-judicial employees.

(d) Manage facilities and procurement functions.

(e) Prepare and administer the Court's budget.

(f) Direct statistical data analysis and prepare statistical studies.

(g) Direct the development, implementation, and maintenance of data processing efforts.

(h) Monitor the performance of the organization and take actions necessary to ensure that the operations are conducted according to the plans.

(i) Act as the Clerk of the Court, and serve as a liaison for the Court with the Judicial Council, Board of Supervisors, and the County Administrative Officer.

(j) Develop and recommend innovations, modify non-judicial and administrative policies and procedures, and propose modifications to court rules.

(k) Provide administrative support to the Grand Jury in budgeting, supervising staff support, and managing facilities, procurement, and office operations.

(l) Select, qualify, and summon jurors for all jury trials in the Court.

(m) Supervise and direct all jury system staff and activities.

(n) Provide all management services for the jury system.

(o) Perform other tasks as directed by the Court.

(Effective 7/1/08, section (f) amended 1/1/15)

Chapter 3 Chief Probation Officer.

9.3.1 Selection. The Chief Probation Officer shall be appointed as provided by the applicable statutes and County ordinances. The Judges of the Superior Court shall assist in the selection process. The Chief Probation Officer shall serve at the pleasure of the Court. (Effective 7/1/08)

9.3.2 Functions. The Chief Probation Officer shall:

(a) Formulate departmental policy.

(b) Direct the probation services provided by the department including but not limited to juvenile intake and detention control, adult and juvenile investigation, reports and supervision, special court services, and related programs.

(c) Direct the fiscal, personnel, budget and other administrative functions of the department.

(d) Direct the development and use of professional skills in probation casework provided to adults and juveniles and in the maintenance of adequate standards of service.

(e) Direct the development and administration of the department's detention and treatment facilities for the custody, care and rehabilitation of juveniles.

(f) Direct the medical, psychiatric, dental and nursing care programs provided to juveniles placed in detention facilities and foster homes.

(g) Direct the research activities of the department.

(h) Coordinate the work of the Probation Department with various segments of the justice system including, but not limited to Police Departments, the Sheriff's Office, Public Defender, District Attorney, and the Court.

(i) Maintain public relations with other County departments, other jurisdictions, social welfare agencies, civic groups and the public, and interpret the objectives and progress of the department.

(j) Work with the Juvenile Justice and Delinquency Prevention Commission in establishing and coordinating services provided to juveniles.

(k) Recommend the adoption, enactment, and amendment of County ordinances, resolutions, regulations and state statutes to promote the effective, efficient and economical administration of the department.

(l) Direct the development of changes in organization, staffing, work processing, and management information systems to increase effectiveness and efficiency, and to reduce administrative costs.

(m) Make periodic reports to the Court and to the Board of Supervisors regarding the accomplishments of the department.

(n) The Chief Probation Officer shall serve, when appropriate and pursuant to court order, as guardian or conservator of wards of the Court.

(Effective 7/1/08)

Chapter 4 Director of Family Court Services and Facilitator

9.4.1 Appointment. The Judges shall appoint the Director of Family Court Services and Facilitator. (Effective 7/1/08)

9.4.2 Functions-Family Court Services.

The duties of the Director of Family Court Services and Court Investigator/Child Custody Recommending Counselor shall include, but are not limited to:

(a) Conducting mediation, child custody evaluations, and investigating all family law matters referred by the Court.

(b) Conducting interviews with the conservatees/wards and advising them of the legal consequences of a conservatorship/guardianship.

(c) Investigating and evaluating the performance of the conservators/guardians and explaining fiduciary obligations.

(d) Interviewing and consulting both professional and non-professional personnel concerning the conservatee's/ward's living arrangements and financial affairs.

(e) Investigating and evaluating medical reports, financial records, and

other data pertaining to the welfare of the conservatee/ward.

(f) Submitting reports to the Court which reflect the results of the investigation or mediation.

(Effective 7/1/08, amended 1/1/13)

9.4.3 [Deleted 1/1/13]

9.4.4 Simultaneous Release of Reports. No Child Custody Evaluator may provide information regarding final recommendations prior to the release of the final report. No Child Custody Evaluator will divulge final recommendations to either party or his or her attorney, separately. Final recommendations will be made available in written form to all parties and their attorneys simultaneously. (Effective 7/1/08, amended 1/1/13)

9.4.5 Functions - Facilitator. The office of the Family Law Facilitator shall provide the following services:

(a) Distributing family law/family support, and probate Guardianship of the Person and civil harassment judicial council forms.

(b) Distributing and reviewing judicial council forms for completeness.

(c) Preparing support scheduled based upon statutory guidelines.

(d) Providing educational materials to parties concerning the Court's process for establishing parentage, and establishing, modifying, and enforcing child and spousal support in the courts.

(e) Providing referrals to the Family Court Services Division of the Court and other community agencies which provide services for parents and children.

(Effective 7/1/08)

9.4.6 Grievance Procedure Relating to Family Court Services, Child Custody Recommending Counseling and/or Facilitator. The following procedure shall be observed with regard to complaints about Family Court Services, Child Custody Recommending Counseling or Facilitator:

(a) A complaint received on the conduct of individual or individuals shall

be directed to the Presiding Judge or to a person designated by the Presiding Judge for the purposes of handling such complaints. When a complaint is not in writing, the Presiding Judge may require that the complainant reduce the complaint to writing, or may direct a written memorandum be made of the complaint.

(b) The Presiding Judge or such person as the Presiding Judge may appoint shall investigate the complaint. If the complaint is frivolous or unfounded on its face, the complaint may be disposed of without further action.

(c) If the Presiding Judge, or the Presiding Judge's designee, determines the complaint has possible validity, the matter shall be reviewed promptly. A copy of the complaint shall be provided to the individual being complained of, who shall be allowed an opportunity to respond. A preliminary inquiry may be terminated if the complaint is found to be lacking in merit or if an acceptable explanation is offered.

(d) When the preliminary inquiry indicates that the complaint is not minor in nature and appears to have validity, or there is good cause (including other complaints), the Presiding Judge may act upon the allegation including appointing a committee of judges to conduct further investigation if deemed necessary, or the Presiding Judge's designee may recommend that the Presiding Judge appoint a committee of Judges to conduct further investigation if believed necessary or may recommend any other action deemed necessary. The individual complained of shall be presented with a written statement of allegations and provided an opportunity to respond either orally or in writing.

(e) At the conclusion of the investigation, the committee shall make such report and recommendations as it deems fit for action by the Court.

(f) The Court shall inform the complainant of the disposition of the complaint.

(Effective 7/1/08, amended 1/1/13)

9.4.7. Confidentiality of Communications and Reports. All communications and reports made pursuant to Rule 9.4.6 shall be deemed confidential, except communications under 9.4.6(f). (Effective 7/1/08)

Index

Adoptions 7.6.1--7.6.6

Appeals 8.1.1 -- 8.1.4

Arbitration 2.8.10 -- 2.8.13; 3.5.11
Attorney Fees 1.6.1 – 1.6.5
Body-Worn Cameras, Law Enforcement Use 1.10.1
Calendar Clerk 1.1.1; 2.7.3; 2.8.2; 2.9.2; 2.10.5; 3.2.1; 5.1.9; 5.1.17; 5.1.20
Case Management Conference See generally, Division 3, Chapters 4-7.
Clerk
- Court Executive Officer as, 1.5.1
- Death penalty cases 4.1.10
- Filing of papers 3.1.1 – 3.1.7

Continuance 2.10.1 – 2.10.5
Court reporter 1.4.1-1.4.2
Criminal Cases, generally See Division 4
Default 2.10.5; 5.1.20
Districts of Madera Superior Court 1.3.7
Divisions of the Court 1.3.2 – 1.3.3; 1.3.5 – 1.3.6
Ex Parte 2.4.1 – 2.1.9
Fees
- Attorney Fees 1.6.1 – 1.6.5
- Court reporter 1.4.2
- CourtCall 2.7.1-2.7.8
- Fax Filing 2.11.1
- Interpreters and translators 1.4.4
- Investigation of proposed guardians 7.8.1-7.8.8
- Probate fees and commissions 7.2.1-7.2.6

Filings 3.1.1 – 3.1.6
Interpreters and translators 1.4.4
Investigator, court 5.1.27; 5.1.32; 7.8.1-7.8.4; 9.4.1 – 9.4.7
Minor's Counsel 5.1.41 – 5.1.42
Presiding Judge 1.3.1
Settlement conference 2.8.1 – 2.8.9; 2.9.1-2.9.2; 5.1.18
Small Claims Appeals 2.6.1

Traffic Matters 4.2.1 – 4.2.6

Unlawful Detainers 2.5.1

List of Local Forms

Organized by Form Name

Form Number:	Form Name:	Form Type:	Form Effective/Revised Date:
MAD-JUV-0013	Adult Adoption Agreement	Optional	04/15/2020
MAD-JUV-0016	Adult Adoption Order	Optional	04/15/2020
MAD-TRC-0002	Agreement to Pay and Forfeit Bail in Installments (Vehicle Code §40510.5)	Optional	04/15/2020
MAD-TRC-0003	Agreement to Pay Traffic Violator School Fees in Installments (Vehicle Code §42007)	Optional	04/15/2020
MAD-CIV-0012	Application and Order for Publication, Posting of Summons, Citation; Extension of Time	Optional	04/15/2020
MAD-CRM-0025	Application for Order to Modify and/or Terminate Criminal Protective Order	Optional	04/15/2020
MAD-CIV-0001	At Issue Memorandum	Optional	04/15/2020
MAD-CRIM-0010-A	Certificate of Rehabilitation Pursuant to Penal Code §4852.13	Optional	04/15/2020
MAD-CRM-0005	Checklist for Undertaking Pursuant to Penal Code §§ 1279 and 1298	Optional	04/15/2020
MAD-FCS-0005	Child Custody Investigation Intake Questionnaire	Mandatory	04/15/2020
MAD-CIV-0010	Confidential Declaration	Mandatory	04/15/2020
MAD-JUV-0014	Consent of Spouse of Adopting Parent	Optional	04/15/2020
MAD-JUV-0015	Consent of Spouse of Adopted Person	Optional	04/15/2020

MAD-FCS-0006	Conservatorship Investigation Intake Questionnaire	Mandatory	04/15/2020
MAD-CIV-0016	Consent to Termination and Waiver of Service of Petition and Notice of Hearing	Optional	08/15/2020
MAD-FCS-0002	Court Order Appointing Child Protective Services in Probate Guardianship (Pursuant to Probate Code §1513)	Optional	09/14/2020
MAD-FCS-0003	Court Order Appointing Superior Court Investigator in Probate Conservatorship	Optional	04/15/2020
MAD-FCS-0001	Court Order Appointing Superior Court Investigator in Probate Guardianship (Pursuant to Probate Code §1513)	Optional	04/15/2020
MAD-FCS-0004	Court Order Appointing Superior Court Investigator Pursuant to Family Code §7850	Optional	04/15/2020
MAD-CIV-0017	Declaration of Due Diligence and Request to Dispense with Notice of Service	Optional	08/15/2020
MAD-FCS-0009	Declare Minor Free/Stepparent Adoption Investigation Intake Questionnaire	Mandatory	04/15/2020
MAD-CRM-0007	Deed of Full Reconveyance	Optional	04/15/2020
MAD-CIV-0005	Ex-Parte Declaration	Optional	04/15/2020
MAD-CIV-0013	Family Law Settlement Conference Statement	Optional	04/15/2020
MAD-FCS-0010	Grandparent-Stepparent Mediation Intake Questionnaire	Mandatory	04/15/2020
MAD-FCS-0007	Guardianship Investigation Intake	Mandatory	04/15/2020

	Questionnaire		
MAD-FCS-0011	Guardianship Mediation Intake Questionnaire	Mandatory	04/15/2020
MAD-CRM-0019	Information and Instructions for Expungement of DNA Profiles and Samples (Pen Code §299)	Optional	04/15/2020
MAD-CRM-0018	Information and Instructions for Petition for Dismissal	Optional	07/01/2020
MAD-JUV-0005	Information Sheet for Petition to Inspect Adoption Record (FC §9200)	Optional	04/15/2020
MAD-JUV-0008	Information Sheet for Petition to Inspect and/or Obtain Copies of Birth Record (H&S §102705)	Optional	04/15/2020
MAD-JUV-0011	Information Sheet for Petition to Obtain Original Unsealed/Unredacted Birth Certificate	Optional	04/15/2020
MAD-CRM-0022	Instructions for Petition for Certificate of Rehabilitation and Pardon	Optional	04/15/2020
MAD-CRM-0004	Instructions for Undertaking Pursuant to Penal Code §§1279 and 1298	Optional	04/15/2020
MAD-CRM-0023	Instructions on Notice of Petition and Petition for Relief Under Penal Code § 1210(e)(1)	Optional	04/15/2020
MAD-CIV-0008	Judgment Debtor's Declaration Re: Request to Enter Satisfaction of Judgment Pursuant to CCP §116.850 and Order	Optional	04/15/2020
MAD-INT-0003	Language Access	Optional	04/15/2020

	Complaint or Comment Form- English		
MAD-INT-0004	Language Access Complaint or Comment Form- Spanish	Optional	04/15/2020
MAD-CIV-0006	Local Court Policy	Optional	04/15/2020
MAD-FCS-0008	Mediation Intake Questionnaire	Mandatory	04/15/2020
MAD-CRM-0002	Modification Request Form—Criminal Division	Optional	04/15/2020
MAD-CIV-0003	Notice of Family Law Status Conference	Mandatory	04/15/2020
MAD-CRM-0009	Notice of Filing of Petition for Certificate of Rehabilitation and Pardon Pursuant to Penal Code §§4852.01, 4852.06	Optional	04/15/2020
MAD-CRM-0008	Notice of Petition and Petition for Relief Pursuant to Penal Code §1210(e)(1)	Optional	04/15/2020
MAD-CIV-0007	Objection to Guardianship	Optional	04/15/2020
MAD-CRM-0011	Order Dismissing Accusation Against Probationer Pursuant to Penal Code §1210(e)(1)	Optional	04/15/2020
MAD-CRM-0014	Order— Petition for Resentencing	Optional	04/15/2020
MAD-CRM-0020	Order – Petition for Resentencing (Health and Safety Code §11361.8) Prop 64	Optional	04/15/2020
MAD-JUV-0004	Order to Inspect and/or Obtain Copies of Adoption Record (FC §9200)	Optional	04/15/2020
MAD-JUV-0007	Order to Inspect and/or Obtain Copies of Birth Record (H&S §102705)	Optional	04/15/2020
MAD-JUV-0010	Order to Obtain Original Unsealed/Unredacted Birth Certificate	Optional	04/15/2020

MAD-CRM-0003	Order Withdrawing Lien on Real Property Posted as Bail	Optional	04/15/2020
MAD-CIV-0014	Peremptory Challenge (CCP §170.6)	Optional	08/15/2020
MAD-CRM-0010	Petition: Certificate of Rehabilitation and Pardon Pursuant to Penal Code §§4852.01, 4852.06 (Penal Code §4852.1 et seq.)	Optional	04/15/2020
MAD-JUV-0012	Petition for Approval of Adult Adoption Agreement	Optional	04/15/2020
MAD-CIV-0009	Petition for Joinder (Visitation)	Optional	04/15/2020
MAD-CRM-0017	Petition for Modification/Termination of Probation Pursuant to Penal Code §1203.3	Optional	04/15/2020
MAD-CRM-0012	Petition for Resentencing for Reduction to Misdemeanor	Optional	04/15/2020
MAD-CIV-0015	Petition for Visitation (Probate)	Optional	08/15/2020
MAD-FCS-0013	Petitioner(s) Screening Form—Guardianship	Mandatory	04/15/2020
MAD-JUV-0003	Petition to Inspect and/or Obtain Copies of Adoption Record (FC §9200)	Optional	04/15/2020
MAD-JUV-0006	Petition to Inspect and/or Obtain Copies of Birth Record (H&S §102705)	Optional	04/15/2020
MAD-JUV-0009	Petition to Obtain Original Unsealed/Unredacted Birth Certificate	Optional	04/15/2020
MAD-CRM-0016	Proof of Service—Criminal	Optional	08/01/2020
MAD-CRM-0024	Proof of Service- Notice of Petition and Petition	Optional	07/01/2020

	for Relief Under Penal Code §1210(e)(1)		
MAD-CRM-0021	Proof of Service—Petition for Expungement of DNA Profiles and Samples (Penal Code § 299)	Optional	04/15/2020
MAD-CIV-0002	Request for Calendar Setting – Civil Division	Optional	04/15/2020
MAD-CRM-0026	Request for Calendar Setting—Criminal Division	Optional	07/01/2020
MAD-JUV-0002	Request for Calendar Setting- Juvenile Division	Optional	04/15/2020
MAD-CRM-0015	Request for Copy of Notice of Default and Sale	Optional	04/15/2020
MAD-CIV-0011	Request for Dismissal in Whole or in Part (Small Claims)	Optional	04/15/2020
MAD-INT-0001	Request for Interpreter Services- English	Optional	04/15/2020
MAD-INT-0002	Request for Interpreter Services- Spanish	Optional	04/15/2020
MAD-CFO-0001	Request for Judicial Administrative Records	Optional	04/15/2020
MAD-CIV-0004	Request for Records Search– Civil Division	Optional	04/15/2020
MAD-CRM-0001	Request for Records Search—Criminal Division	Optional	04/15/2020
MAD-JUV-0001	Request for Records Search- Juvenile Division	Optional	04/15/2020

List of Local Forms

Organized by Form Number

Form Number:	Form Name:	Form Type:	Form Effective/Revised Date:
MAD-CFO-0001	Request for Judicial Administrative Records	Optional	04/15/2020
MAD-CIV-0001	At Issue Memorandum	Optional	04/15/2020
MAD-CIV-0002	Request for Calendar Setting – Civil Division	Optional	04/15/2020
MAD-CIV-0003	Notice of Family Law Status Conference	Mandatory	04/15/2020
MAD-CIV-0004	Request for Records Search– Civil Division	Optional	04/15/2020
MAD-CIV-0005	Ex-Parte Declaration	Optional	04/15/2020
MAD-CIV-0006	Local Court Policy	Optional	04/15/2020
MAD-CIV-0007	Objection to Guardianship	Optional	04/15/2020
MAD-CIV-0008	Judgment Debtor's Declaration Re: Request to Enter Satisfaction of Judgment Pursuant to CCP §116.850 and Order	Optional	04/15/2020
MAD-CIV-0009	Petition for Joinder (Visitation)	Optional	04/15/2020
MAD-CIV-0010	Confidential Declaration	Mandatory	04/15/2020
MAD-CIV-0011	Request for Dismissal in Whole or in Part (Small Claims)	Optional	04/15/2020
MAD-CIV-0012	Application and Order for Publication, Posting of Summons, Citation; Extension of Time	Optional	04/15/2020
MAD-CIV-0013	Family Law Settlement Conference Statement	Optional	04/15/2020
MAD-CIV-0014	Peremptory Challenge (CCP §170.6)	Optional	08/15/2020

MAD-CIV-0015	Petition for Visitation (Probate)	Optional	08/15/2020
MAD-CIV-0016	Consent to Termination and Waiver of Service of Petition and Notice of Hearing	Optional	08/15/2020
MAD-CIV-0017	Declaration of Due Diligence and Request to Dispense with Notice of Service	Optional	08/15/2020
MAD-CIV-0018	Unlawful Detainer Supplemental Cover Sheet	Optional	09/01/2020
MAD-CRM-0001	Request for Records Search—Criminal Division	Optional	04/15/2020
MAD-CRM-0002	Modification Request Form—Criminal Division	Optional	04/15/2020
MAD-CRM-0003	Order Withdrawing Lien on Real Property Posted as Bail	Optional	04/15/2020
MAD-CRM-0004	Instructions for Undertaking Pursuant to Penal Code §§1279 and 1298	Optional	04/15/2020
MAD-CRM-0005	Checklist for Undertaking Pursuant to Penal Code §§ 1279 and 1298	Optional	04/15/2020
MAD-CRM-0006	Undertaking and Affidavit for Undertaking (Deposit or Real Property as Bail)	Optional	04/15/2020
MAD-CRM-0007	Deed of Full Reconveyance	Optional	04/15/2020
MAD-CRM-0008	Notice of Petition and Petition for Relief Pursuant to Penal Code §1210(e)(1)	Optional	04/15/2020
MAD-CRM-0009	Notice of Filing of Petition for Certificate of Rehabilitation and Pardon Pursuant to Penal Code §§4852.01,	Optional	04/15/2020

	4852.06		
MAD-CRM-0010	Petition: Certificate of Rehabilitation and Pardon Pursuant to Penal Code §§4852.01, 4852.06 (Penal Code §4852.1 et seq.)	Optional	04/15/2020
MAD-CRIM-0010-A	Certificate of Rehabilitation Pursuant to Penal Code §4852.13	Optional	04/15/2020
MAD-CRM-0011	Order Dismissing Accusation Against Probationer Pursuant to Penal Code §1210(e)(1)	Optional	04/15/2020
MAD-CRM-0012	Petition for Resentencing for Reduction to Misdemeanor	Optional	04/15/2020
MAD-CRM-0013	Response Resentencing for Reduction to Misdemeanor	Optional	04/15/2020
MAD-CRM-0014	Order— Petition for Resentencing	Optional	04/15/2020
MAD-CRM-0015	Request for Copy of Notice of Default and Sale	Optional	04/15/2020
MAD-CRM-0016	Proof of Service— Criminal	Optional	08/01/2020
MAD-CRM-0017	Petition for Modification/Termination of Probation Pursuant to Penal Code §1203.3	Optional	04/15/2020
MAD-CRM-0018	Information and Instructions for Petition for Dismissal	Optional	07/01/2020
MAD-CRM-0019	Information and Instructions for Expungement of DNA Profiles and Samples (Pen Code §299)	Optional	04/15/2020
MAD-CRM-0020	Order – Petition for Resentencing (Health and Safety Code §11361.8) Prop 64	Optional	04/15/2020

MAD-CRM-0021	Proof of Service—Petition for Expungement of DNA Profiles and Samples (Penal Code § 299)	Optional	04/15/2020
MAD-CRM-0022	Instructions for Petition for Certificate of Rehabilitation and Pardon	Optional	04/15/2020
MAD-CRM-0023	Instructions on Notice of Petition and Petition for Relief Under Penal Code § 1210(e)(1)	Optional	04/15/2020
MAD-CRM-0024	Proof of Service- Notice of Petition and Petition for Relief Under Penal Code §1210(e)(1)	Optional	07/01/2020
MAD-CRM-0025	Application for Order to Modify and/or Terminate Criminal Protective Order	Optional	04/15/2020
MAD-CRM-0026	Request for Calendar Setting—Criminal Division	Optional	07/01/2020
MAD-FCS-0001	Court Order Appointing Superior Court Investigator in Probate Guardianship (Pursuant to Probate Code §1513)	Optional	04/15/2020
MAD-FCS-0002	Court Order Appointing Child Protective Services in Probate Guardianship (Pursuant to Probate Code §1513)	Optional	09/14/2020
MAD-FCS-0003	Court Order Appointing Superior Court Investigator in Probate Conservatorship	Optional	04/15/2020
MAD-FCS-0004	Court Order Appointing Superior Court Investigator Pursuant to Family Code §7850	Optional	04/15/2020
MAD-FCS-0005	Child Custody Investigation Intake	Mandatory	04/15/2020

	Questionnaire		
MAD-FCS-0006	Conservatorship Investigation Intake Questionnaire	Mandatory	04/15/2020
MAD-FCS-0007	Guardianship Investigation Intake Questionnaire	Mandatory	04/15/2020
MAD-FCS-0008	Mediation Intake Questionnaire	Mandatory	04/15/2020
MAD-FCS-0009	Declare Minor Free/Stepparent Adoption Investigation Intake Questionnaire	Mandatory	04/15/2020
MAD-FCS-0010	Grandparent-Stepparent Mediation Intake Questionnaire	Mandatory	04/15/2020
MAD-FCS-0011	Guardianship Mediation Intake Questionnaire	Mandatory	04/15/2020
MAD-FCS-0012	Waiver of Right to Individual Session	Mandatory	04/15/2020
MAD-FCS-0013	Petitioner(s) Screening Form—Guardianship	Mandatory	04/15/2020
MAD-INT-0001	Request for Interpreter Services- English	Optional	04/15/2020
MAD-INT-0002	Request for Interpreter Services- Spanish	Optional	04/15/2020
MAD-INT-0003	Language Access Complaint or Comment Form- English	Optional	04/15/2020
MAD-INT-0004	Language Access Complaint or Comment Form- Spanish	Optional	04/15/2020
MAD-JUV-0001	Request for Records Search- Juvenile Division	Optional	04/15/2020
MAD-JUV-0002	Request for Calendar Setting- Juvenile Division	Optional	04/15/2020
MAD-JUV-0003	Petition to Inspect and/or Obtain Copies of Adoption Record (FC §9200)	Optional	04/15/2020
MAD-JUV-0004	Order to Inspect and/or Obtain Copies of	Optional	04/15/2020

	Adoption Record (FC §9200)		
MAD-JUV-0005	Information Sheet for Petition to Inspect Adoption Record (FC §9200)	Optional	04/15/2020
MAD-JUV-0006	Petition to Inspect and/or Obtain Copies of Birth Record (H&S §102705)	Optional	04/15/2020
MAD-JUV-0007	Order to Inspect and/or Obtain Copies of Birth Record (H&S §102705)	Optional	04/15/2020
MAD-JUV-0008	Information Sheet for Petition to Inspect and/or Obtain Copies of Birth Record (H&S §102705)	Optional	04/15/2020
MAD-JUV-0009	Petition to Obtain Original Unsealed/Unredacted Birth Certificate	Optional	04/15/2020
MAD-JUV-0010	Order to Obtain Original Unsealed/Unredacted Birth Certificate	Optional	04/15/2020
MAD-JUV-0011	Information Sheet for Petition to Obtain Original Unsealed/Unredacted Birth Certificate	Optional	04/15/2020
MAD-JUV-0012	Petition for Approval of Adult Adoption Agreement	Optional	04/15/2020
MAD-JUV-0013	Adult Adoption Agreement	Optional	04/15/2020
MAD-JUV-0014	Consent of Spouse of Adopting Parent	Optional	04/15/2020
MAD-JUV-0015	Consent of Spouse of Adopted Person	Optional	04/15/2020
MAD-JUV-0016	Adult Adoption Order	Optional	04/15/2020
MAD-TRC-0001	Request for Records Search—Traffic Division	Optional	04/15/2020
MAD-TRC-	Agreement to Pay and	Optional	04/15/2020

0002	Forfeit Bail in Installments (Vehicle Code §40510.5)		
MAD-TRC-0003	Agreement to Pay Traffic Violator School Fees in Installments (Vehicle Code §42007)	Optional	04/15/2020