



SUPERIOR COURT

COUNTY OF MADERA
STATE OF CALIFORNIA

ERNEST J. LICALSI
PRESIDING JUDGE

DALE J. BLEA
ASSISTANT PRESIDING JUDGE

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Summary of Proposed Amendments to Local Rules

SUMMARY:

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

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

Division 1 COURT ORGANIZATION AND GENERAL PROVISIONS

Chapter 4 Court Reporter, Interpreter and Translator

1.4.1 Court Reporters & Electronic Recording of Court Proceedings. 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~~ for the following proceedings: felony criminal, juvenile, LPS (Lanterman-Petris-Short), family court matters where a court reporter is required, and cases pursuant to *Jameson v. Desta* (2018) 5 Cal.4th 594. The court will attempt to provide a court reporter for non-mandatory proceedings (including appeals, civil (including small claims cases), case management conferences, family law cases not requiring a reporter, initial arraignments of criminal complaints, misdemeanor criminal, contempt in civil and family law and infraction matters), but their availability cannot be guaranteed. The Court, in its discretion can order those non-mandatory proceedings reported.

When an official court reporter is not available, limited civil, misdemeanor traffic, and infraction matters may be electronically recorded to make the official record pursuant to Government Code section 69957 and California Rules of Court, rules 2.952 and 2.956(c). With the exception of limited civil, misdemeanor and infraction cases, Government Code section 69957 prohibits the court from providing electronic recording in civil, family law, and probate court rooms.

(Effective 7/1/08, amended 1/1/24)

Chapter 6 Attorney, Investigator and Expert Fees

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	Current mileage rate as established by the IRS and communicated to the Courts by Judicial Council memorandum
Per Diem	\$50.00/day
Narcotic evaluation and report	\$600.00 <u>\$850.00</u> per exam & report*
Sex offender exam and report	\$600.00 <u>\$850.00</u> per exam & report*
Penal Code § 1368, Competency to Stand Trial	\$600.00 <u>\$850.00</u> per exam & report *
Penal Code § 1026, Sanity at the Time of Crime	\$600.00 <u>\$850.00</u> per exam & report *
Penal Code § 1027, Restoration to Sanity	\$600.00 <u>\$850.00</u> per exam & report *
Evidence Code § 1017, Confidential Psychiatric Evaluation for Defense	\$600.00 <u>\$850.00</u> per exam & report *
Welfare and Institutions Code §709(b), Competency of a Minor	\$600.00 <u>\$850.00</u> per exam and report*
Evaluation for General Sentencing Guidelines, Evidence Code § 460	\$600.00 <u>\$850.00</u> per exam & report *
Court appearances: Full day Half day	
Or per hour**	

* Court may authorize fees in excess of these charges by order and at the discretion of the Judicial Officer, including, but not limited to, an hourly rate of \$150.00 for additional time spent

[above the four \(4\) to five \(5\) standard to conduct psychological examinations](#). 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.

** Charges for court appearances will be authorized by the Judicial Officer.

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, 1/1/23, [1/1/24](#))

Division 3 CIVIL RULES
Chapter 1 General Provisions

3.1.7 Temporary Orders. All temporary orders, [with the exception of petitions for temporary orders in Probate Guardianship matters](#), 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, [amended 1/1/24](#))

[3.1.8 Petitions for Appointment of Temporary Guardian. All petitions for temporary guardianship orders shall be scheduled for hearing no sooner than the second court day after the filing of the petition in order for a determination to be made as to whether a referral to the local child welfare agency pursuant to Probate Code 1513\(b\) is necessary. \(Effective 1/1/24\)](#)

Division 5 DOMESTIC RELATIONS AND JUVENILE MATTERS
Chapter 1 General

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 ~~the file~~ shall be ~~noted as confidential and restricted~~ [secured](#) in the Court case management system [with confidential and restricted status](#). 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, 7/1/23, [1/1/24](#))

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(b). The subpoena and the required deposit under Government Code § 68097.2(b) 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 contested hearing, the ten (10) court day deadline does not apply as to that hearing only. Parties or their counsel(s) must advise the office of Family Court Services regarding a continuance of the contested hearing requested by either party and shall check the Child Custody Recommending Counselor's availability before rescheduling a contested hearing.~~ For any subsequent hearings, unless the proceeding is continued on the Courts own motion pursuant to Government Code § 68097.2(e) or further service is waived by the court, the subpoena must be delivered to Family Court Services ten (10) court days before the hearing date to which the proceeding is continued. If the party or their counsel who previously served the subpoena for the testimony of Child Custody Recommending Counselor requests a continuance of the proceeding, they shall confirm the availability of the Child Custody Recommending Counselor by contacting the office of Family Court Services prior to selecting a new hearing date. If expenses exceed the \$275.00 deposit, Family Court Services will add the fees to the case of the deposing party for the additional funds at the current CCRC hourly rate of \$55.00 per hour. All ~~additional~~ subpoena trust deposit fees shall be paid at the Civil Division window. (Effective 7/1/08, amended 1/1/10, part (b) deleted 1/1/13, amended 1/1/15, 1/1/17, 7/1/20, 7/1/23, 1/1/24)

DIVISION 6 ELECTRONIC FILING

Chapter 1 Electronic Filings Generally

6.1.6 Eligible Case Types – Electronic Filing Service Providers. Documents and filings can be submitted electronically from various electronic filing service providers (EFSPs) as noted on the Court's website in the following case types: Civil (limited and unlimited); Small Claims; Family Law; Probate. Should the Court implement electronic filing, ~~these rules~~ this rule will be in effect immediately upon implementation of an e-filing platform. (Effective 1/1/22, amended 1/1/24)

6.1.7 Eligible Case Types – E-Delivery and Interface. Documents and filings can be submitted through electronic delivery, including electronic mail and/or interface with the Court's case management system (CMS) in the following case types:

- Infractions filed in the Traffic Division;
- Misdemeanors and Felonies filed in the Criminal and Traffic Divisions;
- Juvenile Delinquency matters filed in the Juvenile Division.

Child Support matters filed in the Juvenile Division.

The Court intends to allow for electronic filing through direct interface (Interface) with the following justice partner agencies:

Madera County District Attorney: Filing of initial and subsequent charging documents to include complaints, amended complaints, informations, and amended informations. Filing of subsequent documents including, but not limited to, motions, oppositions, petitions, and proposed orders ('District Attorney Interface');

Madera County Probation Department: Filing of all probation related documents/filings ([‘Probation Interface’](#));

Madera County Sheriff’s Department: Filing of all executed arrest warrants, bench warrants, and body attachments ([‘Warrant Interface’](#));

Madera County Sheriff’s Department, Jail Division: Filing of all booking sheets ([‘Jail Interface’](#));

Madera Police Department: Filing of all direct filed citations ([‘Electronic Citation Interface’](#))

[California Highway Patrol: Filing of all direct filed citations \(‘CHP Interface’\)](#);

[California Department of Child Support Services: Filing of all documents related to Title IV-D Child Support matters \(‘DCSS Interface’\)](#).

For most documents not included in justice partner agency interfaces, the Court will allow for electronic filing through electronic delivery, or E-Delivery (including e-mail), by other Court users. Please see ‘Exclusions and Exceptions’ below.

This rule will become effective as follows: ~~immediately upon implementation of any interfaces or the implementation of electronic filing in the affected divisions.~~

For all filings in the Traffic Division, immediately upon the implementation of either the CHP Interface, District Attorney Interface, or Electronic Citation Interface, whichever is implemented first.

For all filings in the Criminal Division, immediately upon the implementation of either the District Attorney Interface, Jail Interface, Probation Interface, or Warrant Interface, whichever is implemented first.

For all filings in the Juvenile Division, immediately upon the implementation of either the DCSS Interface or District Attorney Interface, whichever is implemented first. (Effective 1/1/22, amended 1/1/24)