



SUPERIOR COURT

COUNTY OF MADERA
STATE OF CALIFORNIA

ERNEST J. LICALSI
PRESIDING JUDGE

DALE J. BLEA
ASSISTANT PRESIDING JUDGE

ADRIENNE CALIP
COURT EXECUTIVE OFFICER/JURY COMMISSIONER

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Summary of Proposed Amendments to Local Rules

SUMMARY:

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

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

Division 1 COURT ORGANIZATION AND GENERAL PROVISIONS

Chapter 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 | \$850.00 per exam & report* |
| Sex offender exam and report | \$850.00 per exam & report* |

| | |
|--|------------------------------|
| Penal Code § 1368, Competency to Stand Trial | \$850.00 per exam & report * |
| Penal Code § 1026, Sanity at the Time of Crime | \$850.00 per exam & report * |
| Penal Code § 1027, Restoration to Sanity | \$850.00 per exam & report * |
| Evidence Code § 1017, Confidential Psychiatric Evaluation for Defense | \$850.00 per exam & report * |
| Welfare and Institutions Code §709(b), Competency of a Minor | \$850.00 per exam & report* |
| Evaluation for General Sentencing Guidelines, Evidence Code § 460 | \$850.00 per exam & report * |

No Show/Failure to Participate Rate \$150.00 each occurrence

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, [7/1/24](#))

DIVISION 2 TRIAL COURT RULES

Chapter 1: General Filing Requirements

2.1.3 Factors for Clerk Authorized Rejection In any civil, family law, probate, or small claims cases, the Clerk is authorized to reject filings that do not comply with the following factors, but may not necessarily reject a filing for all factors specified within California Rules of Court Title 2, Division 2, Chapter 1:

- (a) Case number
- (b) Parties' names
- (c) Court name
- (d) Failing to sign a document

(Effective 7/1/24.)

2.1.4 Temporary Orders. All temporary orders filed in any civil, family law, probate, and small claims case, 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.

(Formerly 3.1.7, Effective 7/1/24.)

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. Note that Local Rule 7.1.7 does not apply to the filing of petitions for temporary guardianship orders. (Effective 1/1/24)~~

DIVISION 7 PROBATE, ADOPTION, AND RELATED MATTERS

Chapter 1 Probate Filings and Orders

7.1.10 Petitions for Appointment of Temporary Guardian If the court finds good cause to dispense notice as required by probate code 2250(e), Petitions for Appointment of Temporary Guardian shall be presented to the Clerk's office no later than 10:00 a.m. to be scheduled for hearing no sooner than the second court day after the filing of the petition. This will allow determination to be made as to whether a referral to the local child welfare agency pursuant to Probate Code 1513(b) is necessary. All petitions for appointment of temporary guardian in which

notice is being given pursuant to probate code 2250(e) will be given a tentative hearing no sooner than 10 court days after the filing of the petition. The hearing will be scheduled when proof of service is filed. Proof of service shall be filed no later than 10:00 a.m. 2 days before the tentative hearing. Note that Local Rule 7.1.7 does not apply to the filing of petitions for temporary guardianship orders.

(Formerly 3.1.8, Effective 7/1/24.)

| Form Number: | Form Name: | Form Type: | Form Effective/Revised Date: |
|-----------------------------|---|--------------------------|--|
| MAD-CIV-004 | Request for Records Search - Civil Division | Optional | 04/15/2020 03/06/2024 |
| MAD-CIV-020 | Certificate of No Appeal | Optional | 03/20/2024 |
| MAD-CRM-001 | Request for Records Search – Criminal Division | Optional | 04/15/2020 03/06/2024 |
| MAD-CRM-0018 | Information and Instructions for Petition for Dismissal | Optional | 07/01/2020 02/13/2024 |
| MAD-JUV-001 | Request for Records Search – Juvenile Division | Optional | 04/15/2020 03/06/2024 |
| MAD-JUV-021 | Petition to Declare Minor Free from Parental Custody and Control | Optional | 11/01/2023 |
| MAD-JUV-022 | Citation to Appear | Optional | 11/01/2023 |
| MAD-JUV-023 | Order Declaration Minor Free from Parental Custody and Control | Optional | 11/01/2023 |
| MAD-RPT-001 | Order for Production of Court Reporter’s Transcript | Optional | 01/05/2024 |
| MAD-RPT-002 | Order Appointing Court Approved Reporter as Official Reporter Pro Tempore | Optional | 01/05/2024 |
| MAD-TRC-001 | Request for Records Search- Traffic Division | Optional | 04/15/2020 03/20/2024 |