

LOCAL RULES OF COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO

Effective: July 1, 2010

Superior Court of California, County of Inyo
Post Office Drawer U
Independence, California 93526
Tel: (760) 872-3038

Rev. 07-01-2010

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AND
LIST OF CURRENTLY EFFECTIVE RULES**

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LOCAL RULES OF COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO

ARTICLE I
GENERAL INFORMATION

RULE 1.1 UNIFIED COURT

The Superior Court of the State of California, County of Inyo, is a two-judge Court that was officially unified effective July 1, 1998. The Court is also served by a part-time Title IV-D Family Support Commissioner. (Adopted, effective January 1, 2002)

RULE 1.2 COURT WEBSITE

The Court maintains an official Internet website located at www.inyocourt.ca.gov. The current website address can be obtained or verified by contacting by the Office of the Court's Executive Officer at 301 West Line Street Bishop, California 93514 Tel: (760) 872-4705. (Adopted, effective January 1, 2002; Amended July 1, 2010)

ARTICLE II
GENERAL RULES

RULE 2.1 CITATION OF RULES

These Rules shall be known and cited as the "Local Rules of Court" for the Superior Court of California, County of Inyo. (Adopted, effective January 1, 2002)

RULE 2.2 EFFECT OF RULES

These Rules shall, on their effective date, supersede all local court rules previously adopted. (Adopted, effective January 1, 2002)

RULE 2.3 AVAILABILITY OF LOCAL RULES

These Rules shall be available for inspection and copying in the Court Clerk's Office (Depts. 1 & 3) and Administrative Office of the Court located in the Courthouse 168 North Edwards Street (P.O. Drawer U) Independence, California 93526 Tel: (760) 872-3038, and at the Court Clerk's Office (Dept. 4) and Executive Office of the Court located at 301 West Line Street, Bishop, California 93514 Tel: (760) 872-3038. (Adopted, effective January 1, 2002; Amended July 1, 2010)

RULE 2.4 RULE AGAINST BIAS

It is the policy of the Court to provide an environment free of all types of bias, prejudice and any kind of discrimination or unfair practice. All judges, commissioners, referees, court officers and court attaches shall not engage in any act of bias based on race, gender, age, national origin, religion, sexual orientation, or disability, and shall otherwise perform their duties in a manner to prevent any such conduct, either by court personnel or by those appearing in court in any capacity. (Adopted, effective January 1, 2002)

RULE 2.5 RESPONSIBILITIES OF THE COUNTY CLERK TO BE PERFORMED BY
THE EXECUTIVE OFFICER OF THE SUPERIOR COURT

Pursuant to the provisions of Government Code § 68114.6; the "Memorandum of Understanding," executed February 6, 1998, between the sole Judge of the Superior Court of the State of California for the County of Inyo, and the sole Judge of the Municipal Court of the State of California for the County of Inyo; the Inyo County Trial Court Coordination Plan, effective July 1, 1998; and, the Certification of the Judicial Council of California that the Municipal and Superior Courts of Inyo County are unified effective July 1, 1998; all powers, duties, and responsibilities required or permitted to be exercised or performed by the County Clerk of Inyo County, in connection with judicial actions, proceedings, and records shall be exercised or performed by the Executive Officer of the Superior Court of California, County of Inyo. (Effective July 1, 1998)

RULE 2.6 STANDING ORDERS

Copies of all standing orders issued by the Court can be obtained from the Executive Office of the Court, P.O. Drawer U, Independence, California 93526, or the Office of the Court Clerk (Dept. 1) at the Courthouse located at 168 North Edwards Street, Independence, California 93526. (Adopted, effective January 1, 2002)

RULE 2.7 COURT REPORTER

(a) The Court only arranges and provides for an Official Court Reporter to report adoption, felony criminal cases (from the preliminary examination through all subsequent felony criminal proceedings), L.P.S. Conservatorship, Welfare & Institutions Code § 300 Dependency, and Welfare & Institutions Code §§ 601 and 602 Juvenile cases.

(b) The Court, in its discretion may also require the Court Reporter to report any specially set matters.

(c) Parties may contact the Official Court Reporters as follows: Ms. Jeri Rich, CSR 4670 at P.O. Box 1481 Bishop, CA 93515 Tel: (760) 872-4442, e-mail: csr4670jrich@hotmail.com or Ms. Niccole Rossy, CSR 10698 at P.O. Box 1675 Bishop, CA 93515 Telephone: (760) 872-4718, e-mail: n-rossy@hotmail.com Parties desiring a proceeding to be reported shall make their own arrangements directly with the Court Reporter. Requests for the services of the Court Reporter must be made as soon as possible.

(d) Deposit of reporter fees are to be made at least fourteen (14) days prior to trial, in the following amounts:

One or two day trial	\$300.00
Three or more days of trial	\$600.00

The amount of \$300.00 plus mileage per day is payable by the end of the trial.

(e) Any deposit of fees on behalf of the Reporter shall be forfeited if the Court and Court Reporter have not been notified ten (10) days prior to the trial date that the matter will not proceed. (Effective January 1, 2002; Amended, effective July 1, 2010)

RULE 2.8 MINUTE ORDERS

(a) The Clerk's Minutes taken at a court proceeding or given by the Judge shall be deemed as "Minute Orders."

(b) The Clerk shall place an original Minute Order in the file of the particular action or proceeding in which it was made as soon as reasonably possible.

(c) The Clerk's Minute Order shall be an official record of the Court proceedings when there is no Court Reporter present. (Effective July 1, 1992)

RULE 2.9 COUNTY PRISONERS

If a person being held as a prisoner in the Inyo County Jail is a party to an action, parent or legal guardian of a child in a dependency or juvenile action, the prisoner shall be present in

court, unless otherwise ordered by the Court. It shall be the responsibility of the moving party to notify the Court's Bailiff as soon as possible, and in no event later than 24 hours before the scheduled hearing, that the prisoner's presence is required. (Effective January 1, 2002)

RULE 2.10 INTERPRETERS

The Court shall be notified as soon as possible if any party or intended witness requires the services of an interpreter. The Supervising Clerk responsible for Interpreter Services shall be contacted, or in his/her absence, the Court's Executive Officer shall be promptly notified. (Adopted, effective January 1, 2002; Amended July 1, 2010)

RULE 2.11 DOMESTIC VIOLENCE COORDINATION RULES

(a) Until the court has an operational case management system capable of automatically coordinating domestic violence orders, the court's criminal, family, probate, civil (domestic violence restraining orders), and juvenile law departments shall communicate and exchange information with each other prior to issuing protective orders and child custody and visitation orders to determine if any such orders have already been issued as to the same parties or children in any other department. For the purpose avoiding the issuance of conflicting orders, resolving or reconciling conflicting orders, or to otherwise effectuate this Rule, judicial officers may directly consult with one another.

(b) No department or the family or juvenile court shall issue a protective order or custody order in conflict with an order of the criminal court. In the event such an order issues inadvertently, the orders of the criminal law proceeding shall control.

(c) A court issuing a criminal court protective order may, after consultation with the appropriate department or the family or juvenile court, modify the criminal court protective order to allow or restrict contact between the restrained person and his or her children, spouse, or other protected person. (Adopted, effective July 1, 2010)

RULE 2.12 VACATION DAY DEFINED

Pursuant to Rule 10.603(c)(2)(E) of the California Rules of Court, the presiding judge of each court is required to allow the judges of that court, vacation days according to their number of years of service. Rule 10.603(c)(2)(H) requires each court to define a vacation day, for purposes of the above entitlement. Subject to the provisions of Rule 10.603(c)(2)(H) specifically exempting illness and certain judicial activities from constituting vacation, a "day of vacation" for a judge of the court shall be defined as an approved absence for one full business day. Consistent with the needs of the court and on approval of the Presiding Judge, a judge may nevertheless use accumulated unused vacation leave in half-day increments. (Adopted, effective July 1, 2010)

RULE 2.13 TELEPHONIC APPEARANCES

When telephonic appearances are authorized by law, Rule of Court, or leave of court, counsel and parties wishing to so appear, shall utilize *CourtCall*, unless other arrangements are

approved by the Court. Counsel and parties may make a *CourtCall* appearance by serving and filing with *CourtCall*, not less than five (5) court days prior to the hearing date, a Request for Telephonic Appearance Form and paying the requisite fee and/or providing Fee Waiver Orders for each *CourtCall* appearance. Additional information can be obtained by calling the *CourtCall* program Administrator at 888-882-6878. (Adopted, effective July 1, 2010)

RULE 2.14 INDIAN CHILD WELFARE ACT (ICWA) EXPERTS IDENTIFICATION AND ACCESS TO RECORDS

(a) The provisions of this rule shall apply in all cases involving an Indian child, including dependency, delinquency, family law, and guardianship proceedings, wherein the testimony of a qualified expert is required to comply with the provisions of 25 U.S.C. § 1901 et seq.; California Rules of Court, rules 5.480 through 5.487; Welfare and Institutions Code §§ 110, 224-224.6, 290.1, 290.2, 291-295, 297, 305.5, 306.6, 317, 360.6, 361, 361.31, 361.7, 366, 366.26, 727.4, 10553.1, and 16507.4; and/or other applicable provision of law or rule of court.

(b) Subject to the provisions of subdivision (c) of this rule, an “ICWA expert” as defined in subdivision (a), shall have the right to examine and review, in preparation for testifying, the juvenile case file of the Indian child or children about whom the expert will testify. The ICWA Expert shall otherwise strictly maintain the confidentiality of the information contained in the juvenile case file.

(c) Prior to the disclosure, examination, or review of the juvenile case file, any party intending to call an ICWA Expert, shall give notice to the Court and all parties to the action of the identity of the ICWA Expert, and shall provide a resume or other reasonable statement setting forth the ICWA Expert’s qualifications. Within ten (10) days of receipt of said notice, the Court on its own motion, or any party may notice a hearing to determine whether the intended ICWA Expert is a “qualified expert,” and/or to seek orders limiting the ICWA Expert’s access to confidential information. If such a motion is timely filed, no confidential information shall be disclosed to the ICWA Expert, nor shall the ICWA Expert have access to, review, or examine the juvenile case file pending further order of the court. If no such motion is filed within ten (10) days of receipt of the notice and statement of qualification by the court and all parties, the ICWA Expert may review and examine the juvenile case as provided in subdivision (b) of this rule. (Adopted, effective July 1, 2010)

ARTICLE III
APPLICABILITY AND SANCTIONS

RULE 3.1 APPLICATION OF GENERAL COURT RULES

These Rules are in addition to, and do not supersede, applicable state rules unless specifically authorized. (Adopted, effective January 1, 2002)

RULE 3.2 SANCTIONS AUTHORIZED

Any unjustified failure to comply with the requirements of any local rule of the Superior Court of the State of California, County of Inyo may result in the imposition of sanctions, including assessment of fines, court costs or attorney fees against the offending party, or other sanctions as determined by the Court, including issue preclusion, exclusion of evidence, striking of pleadings, or dismissal of an action or cause of action. (Adopted, effective January 1, 2002)

RULE 3.3 SELF-REPRESENTED PARTIES ACTING AS COUNSEL

For purposes of these rules, the term counsel shall include self-represented parties. (Adopted, effective July 1, 2010)

RULE 3.4 COURTROOM ATTIRE AND DECORUM

(a) These rules have been adopted to foster orderly proceedings and respect for the Constitution of the United States, the Constitution of the State of California, the laws of this state, and the Superior Court.

(b) The rules set forth herein shall apply in all superior court proceedings unless a judicial officer orders otherwise in a particular circumstance. A judicial officer, upon appropriate application in a particular case, may waive the application of any particular rule or may impose additional rules applicable to such case.

(c) Each attorney who appears in court shall:

(1) “Maintain the respect due to the courts of justice and judicial officers” (Business and Professions Code § 6068(b))

(2) Be polite and considerate toward opposing counsel, opposing parties, witnesses, and members of the court’s staff.

(3) Be familiar with the rules and guidelines set forth in these rules as well as other applicable statutes, rules of conduct, ethics, and professionalism.

(4) Make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules, and make a reasonable attempt to see that such persons abide by these rules.

(d) All attorneys, litigants, witnesses and spectators shall be required to dress and conduct themselves in a manner consistent with the traditional dignity of the superior court. All persons in the courtroom shall dress in a manner that is not offensive or distracting to other of

usual sensibilities. Counsel shall so instruct parties they represent, witnesses they call and persons accompanying them. No person shall appear in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court: sunglasses, hats, or any clothing that displays obscene, gang related, offensive, or inappropriate words or pictures. This rule applies to juveniles as well as adults. Attorneys should be neatly and appropriately dressed in business attire for all court appearances. The bailiff may remove any person from court who violates this rule. This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom.

(e) Persons in the courtroom shall not:

(1) Talk to clerks when the court is in session, except conversation that may be necessary in relation to the matter at the moment before the court.

(2) Converse with anyone in a manner that is distracting to the proceedings then before the court.

(3) Eat, drink, chew gum, read newspapers, repeatedly or needlessly click pens, jiggle coins or keys, or otherwise engage in distracting or disrespectful behaviors.

(4) Visibly or audibly display approval or disapproval, agreement or disagreement with any testimony, ruling or statement of the court, counsel, or a witness.

(5) Communicate in any way with a prisoner.

(f) No one other than a judicial officer or a member of the court's staff shall use a courtroom telephone without the specific permission of the court. No one other than a judicial officer, member of the court's staff (including the bailiff) shall use a cellular phone within the courtroom. All noise alert devices related to cellular phones, beepers, pagers, and other noise alert devices shall be turned off in the courtroom.

(g) Persons in the courtroom should not traverse the area between the bench and counsel table, except with the express approval of the court. Counsel shall so instruct their clients, witnesses they call, and persons accompanying them.

(h) Counsel, and parties appearing in propria persona, shall remain at a lectern or behind the counsel table when examining a witness. During trial, counsel shall not exhibit familiarity with witnesses, parties or other counsel, nor address them by use of first names (except children). (Adopted, effective July 1, 2010)

ARTICLE IV
JURY COMMISSIONER

RULE 4.1 ORDER FOR DRAWING OF JURY

Whenever the business of the Court shall require the attendance of a trial jury, the Jury Commissioner shall direct that a trial jury venire be drawn and summoned to attend before the Court in such a number and at such a time as shall be appropriate for the conduct of the trials for which juries are required. This rule constitutes a continuing delegation to the Jury Commissioner of the Court's authority pursuant to Code of Civil Procedure § 196. (Adopted, effective January 1, 2002)

RULE 4.2 EXCUSES FROM TRIAL JURY SERVICE

Pursuant to Code of Civil Procedure § 204, the Jury Commissioner is empowered to grant excuses from trial jury service to such prospective jurors who, in the opinion of the Jury Commissioner, qualify for excuses under Code of Civil Procedure § 218. In exercising the authority herein conferred, the Jury Commissioner will apply the following principles:

- (a) Categorical Exclusions. No class or category of persons will be automatically excluded from jury duty except as provided by law.
- (b) Statutory Exemptions. A statutory exemption from jury service will be granted only when the eligible person claims it.
- (c) Deferment Preferred to Exclusion. Deferring jury service will be preferred to excusing a prospective juror for a temporary or marginal hardship.
- (d) Inconvenience Inadequate Ground. Inconvenience to a prospective juror or an employer is not an adequate reason to be excused from jury duty, although it may be considered a ground for deferral.
- (e) Request to Be Excused. All requests to be excused from jury service that are granted for undue hardship will be in writing from the prospective juror, or reduced to writing, and placed on the Court's record. The prospective juror will support the request with facts specifying the hardship and a statement why the circumstances constituting the undue hardship cannot be avoided by deferring the prospective juror's service.
- (f) Grounds Constituting Undue Hardship. An excuse on the ground of undue hardship may be granted for any of the following reasons:
 - (1) The prospective juror has no reasonably available means of public or private transportation to the court.
 - (2) The prospective juror must travel more than one and one-half hours from the prospective juror's home to the court.
 - (3) The prospective juror will bear an extreme financial burden. In determining whether to excuse the prospective juror, consideration should be given to:
 - a. the sources of the prospective juror's household income;

- b. the availability and extent of income reimbursement;
- c. the expected length of service; and,
- d. whether service can reasonably be expected to compromise that person's ability to support himself or his or her dependents, or so disrupt the economic stability of any individual as to be against the interests of justice.

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

- a. the nature of the property;
- b. the source and duration of the risk;
- c. the probability that the risk will be realized;
- d. the reason why alternative arrangements to protect the property cannot be made; and,
- e. whether material injury to or destruction of the property will so disrupt the economic stability of any individual so as to be against the interests of justice.

(5) The prospective juror has a physical or mental disability or impairment, not affecting that person's competence to act as a juror that would expose the potential juror to an undue risk of mental or physical harm. In any individual case, except whether the person is aged 70 years or older, the prospective juror may be required to furnish a verification or a method of verification of the disability or impairment, its probable duration, and the particular reason for the person's inability to serve as a juror.

(6) The prospective juror's services are immediately needed for the protection of the public health and safety, and it is not feasible to make alternative arrangements to relieve the person of these responsibilities during the period of service as a juror without substantially reducing essential public services.

(7) The prospective juror has a personal obligation to provide actual and necessary care to another including sick, aged, or infirm dependents or a child who requires the prospective juror's personal care and attention, and no comparable substitute care is either available or practical without imposing an undue economic hardship on the prospective juror or person cared for. Where the request to be excused is based on care provided to a sick, disabled, or infirm person, the prospective juror may be required to furnish verification or a method of verification that the person being cared for is in need of regular and personal care. (Adopted, effective January 1, 2002)

ARTICLE V
COURT SESSIONS

RULE 5.1 REGULAR LAW AND MOTION

Regular adult law and motion sessions are generally scheduled on selected Fridays. Regular juvenile law and motion sessions are generally scheduled on selected Thursdays in Bishop for northern Inyo dependency and delinquency cases. Southern Inyo and most detained juvenile delinquency cases are heard on selected Mondays in Independence, and southern Inyo dependency cases are heard in Independence on selected Wednesdays. A copy of the Court's calendar may be obtained by contacting the Court's Calendar Clerk or Administrator. As calendars are subject to change, consultation should be made with the Court's Calendar Clerk or Assistant Executive Officer, so to confirm current calendar dates. No matter shall be set on an adult or juvenile law and motion calendar that is estimated to exceed 15 minutes without the prior approval of the Court. All matters with time estimate in excess of 15 minutes shall be set by the Court, Court's Calendar Clerk, or Court's Administrator. (Adopted, effective January 1, 2002; Amended July 1, 2010)

RULE 5.2 EX PARTE HEARINGS

To maximize judicial efficiency, this Court does not maintain a regular calendar for hearing of ex parte applications. A specific date, time, and location for all ex parte hearings may be obtained from the Court's Calendar Clerk, or Court's Administrator. At a minimum, notice shall be given as provided by the provisions of California Rules of Court, Rule 379. This local rule does not apply to ex parte applications for domestic violence or civil harassment restraining orders, elder or dependent adult protective orders, applications in criminal cases for the appointment of confidential defense experts or investigators, or as otherwise provided by rule or statute. (Adopted, effective January 1, 2002)

ARTICLE VI
CIVIL PROCEEDINGS

RULE 6.1 SCOPE OF CHAPTER

This chapter applies to all general civil cases. "General Civil Case" means all civil cases except probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act, freedom from parental custody and control proceedings, and adoption proceedings), juvenile court proceedings, small claims and small claims appeals, and "other civil petitions," including petitions for writ of mandate or prohibition, temporary restraining order, civil harassment restraining order, domestic violence restraining order, writ of possession, appointment of a receiver, release of property from lien, and change of name. (Adopted, effective January 1, 2002)

RULE 6.2 DEFINITIONS

- (a) The term "counsel" includes parties representing themselves; and,
- (b) The term "defendant" also includes cross-defendants. (Adopted, effective January 1, 2002)

RULE 6.3 TRANSFERRED CASES

All cases transferred from another jurisdiction are subject to these rules. (Adopted, effective January 1, 2002)

RULE 6.4 DELAY REDUCTION POLICY

- (a) It is the policy of this Court to conclude 90 percent of all civil litigation cases within 12 months of the filing of the Complaint. These cases shall be known as "Plan 1" cases.
- (b) It is the policy of this Court to conclude 98 percent of all civil litigation cases within 18 months of the filing of the Complaint. These cases shall be known as "Plan 2" cases.
- (c) It is the policy of this Court to conclude 100 percent of all civil litigation cases within 24 months of the filing of the Complaint. These cases shall be known as "Plan 3" cases.
- (d) All cases are presumed to be Plan 1 cases which shall be concluded within 12 months of filing of the Complaint, unless upon a showing of good cause, the Court grants an application to otherwise designate the action. General civil cases will only be exempted from the aforesaid delay reduction objectives and rules upon proper application and requisite showing of exceptional circumstances as provided by California Rules of Court, Rules 2105 and 2106.
- (e) It is the policy of this Court that once any date has been set, it cannot be changed without a showing of good cause. (Adopted, effective January 1, 2002)

RULE 6.4.1 ALTERNATIVE DISPUTE RESOLUTION (ADR)

(a) Court ADR Policy

It is the policy of this Court to secure a fair, timely, and efficient disposition of every civil case before it (Cal. Rules of Court, rule 3.700); to achieve a just and effective resolution of each general civil case through active management and supervision of the pace of litigation (Cal. Rules of Court, rule 3.713(c)); and to develop and implement processes and procedures to improve court operations and responsiveness to the public. (Cal. Rules of Court, rule 10.601(b)(6).)

It has been well documented through numerous Judicial Council-sponsored pilot programs, Feasibility and Planning studies, and Implementation programs that the use of mediation is effective in meeting all of these objectives. Specifically, benefits included reductions in trial rates, case disposition time, and the courts' workload; increases in litigant satisfaction with the court's services; and decreases in litigant costs. (Jud. Council of Cal., Admin. Off. of Cts., Rep. on Evaluation of the Early Mediation Pilot Programs, p. xix.)

It is therefore the policy of this Court to apply mediation where appropriate, however any utilization of ADR services shall have the prior approval of the court.

(b) Mandatory Referrals

The Presiding Judge has elected to apply the provisions of Code of Civil Procedure section 1775, et seq., to eligible cases, and to refer to mediation all cases of unlimited jurisdiction in which the amount in controversy does not exceed \$50,000 for each plaintiff. In addition, any civil action in which a party to the action is a public agency or public entity, with the exception of child support cases, shall be referred to mediation. These referrals shall be mandatory, unless there is good cause to dispense with ADR.

(c) Case-by-Case Referrals

Further, this Court has elected to apply the provisions of Government Code section 68600, et seq., to identify all other civil cases that may be protracted or amenable to alternative dispute techniques, and to refer such cases to mediation after review at the Case Management and Trial Setting Conference, or any time thereafter. (See also Cal. Rules of Court, rule 3.722(a)); Cal. Rules of Court, rule 3.727(6).)

(d) Attendance at the Mediation Session.

(1) Parties. All named parties and their counsel are required to attend the mediation session unless excused under subsection 4 of this section. This requirement reflects the Court's view that the principal values of mediation include affording litigants the opportunity to articulate directly to other litigants and a neutral mediator their positions and arguments and to hear them first hand. Mediation also enables parties to collaborate in the search for mutually agreeable solutions.

a. Corporation or Other Entity. A party other than a natural person (e.g., a corporation or an association) satisfies this attendance requirement if represented by a person (other than outside counsel) who has authority to settle and who is knowledgeable about the facts of the case.

b. Government Entity. A unit or agency of government satisfies this attendance requirement if represented by a person who has, to the greatest extent feasible, authority to settle, and who is knowledgeable about the facts of the case, the governmental unit's position, and the procedures and policies under which the governmental unit decides whether to accept proposed settlements. If the action is brought by a governmental entity on behalf of one or more individuals, at least one such individual also shall attend.

(2) Counsel. Each party shall be accompanied at the mediation by the lawyer who will be primarily responsible for handling the trial of the matter.

(3) Insurers. Insurer representatives who are necessary are required to attend in person.

(4) Request to be excused. A person who is required to attend mediation may be excused from attending in person only after demonstrating to the court that his or her personal attendance would impose an extraordinary or otherwise unjustifiable hardship, or upon stipulation with concurrence of the mediator. A person excused from appearing in person at the mediation session shall be available to participate by telephone.

(5) Failure to comply with this rule may result in an award of attorney fees or sanctions pursuant to California Rules of Court, rule 2.30, Code of Civil Procedure, section 128.5, and Rule 6.19.

(e) The ADR Administrator, under the guidance of the Presiding Judge, shall prepare and implement Mediation Program procedures as appropriate to fulfill the intent of this Rule.
(Adopted, effective July 1, 2010)

RULE 6.4.2 REQUIREMENTS FOR ADDRESSING COMPLAINTS ABOUT COURT-PROGRAM MEDIATORS

(a) Application and Purpose. This rule is intended to promote the resolution of complaints that mediators in court-connected mediation programs for civil cases may have violated a provision of the rules of conduct for such mediators in article 2 of the California Rules of Court. They are intended to help the court promptly resolve any such complaints in a manner that is respectful and fair to the complainant and the mediator and consistent with the California mediation confidentiality statutes.

(b) Definitions. As used in this rule, unless the context or subject matter requires otherwise:

(1) "The rules of conduct" means rules 3.850-3.860 of the California Rules of Court.

(2) “Court-program mediator” means a person subject to the rules of conduct under rule 3.851 of the California Rules of Court.

(3) “Inquiry” means an unwritten communication presented to the court’s complaint coordinator indicating that a mediator may have violated a provision of the rules of conduct.

(4) “Complaint” means a written communication presented to the court’s complaint coordinator indicating that a mediator may have violated a provision of the rules of conduct.

(5) “Complainant” means a person who makes or presents a complaint.

(6) “Complaint coordinator” means the person designated by the presiding judge under subsection (c)1 of this rule to receive complaints and inquiries about the conduct of mediators.

(7) “Complaint committee” means a committee designated or appointed to investigate and make recommendations concerning complaints under subsection (d)4.b of this rule.

(8) “Complaint procedure” means a procedure for presenting, receiving, reviewing, responding to, investigating, and acting on any inquiry or complaint.

(9) “Complaint proceeding” means all of the proceedings that take place as part of a complaint procedure concerning a specific inquiry or complaint.

(10) “Mediation communication” means any statement that is made or any writing that is prepared for the purpose of, in the course of, or pursuant to a mediation or a mediation consultation, as defined in Evidence Code section 1115, and includes any communications, negotiations, and settlement discussions between participants in the course of a mediation or a mediation consultation.

(c) Complaint coordinator.

(1) Designation of the complaint coordinator. The presiding judge shall designate a person who is knowledgeable about mediation to serve as the complaint coordinator.

(2) Identification of the complaint coordinator. The court shall make the complaint coordinator’s identity and contact information readily accessible to litigants and the public.

(d) General requirements for complaint procedures and complaint proceedings.

(1) Submission and referral of inquiries and complaints to the complaint coordinator. All inquiries and complaints must be submitted or referred to the complaint coordinator.

(2) Acknowledgement of complaint. The complaint coordinator shall send the complainant a written acknowledgement that the court has received the complaint.

(3) Preliminary review and disposition of complaints. The complaint coordinator shall conduct a preliminary review of all complaints to determine whether the

complaint can be informally resolved or closed, or whether the complaint warrants investigation.

(4) Procedure for complaints not resolved through the preliminary review. The following procedures are required only if a complaint is not resolved or closed through the preliminary review.

a. Mediator's notice and opportunity to respond. The mediator shall be given notice of the complaint and an opportunity to respond.

b. Investigation and recommendation. The complaint shall be investigated and a recommendation concerning court action on the complaint shall be made by either an individual who has experience as a mediator and who is familiar with the rules of conduct stated in article 2 of the California Rules of Court or a complaint committee that has at least one such individual as a member. The presiding judge may waive the requirement for participation by an individual who has experience as a mediator in conducting the investigation and making the recommendation if the court cannot find a suitable qualified individual to perform the required functions or for other grounds of hardship.

c. Final decision. The final decision on the complaint shall be made by the presiding judge or his or her designee, who shall not be the complaint coordinator or an individual who investigated the complaint before its submission for final decision.

(5) Notice of final action

a. The court shall send the complainant notice of the final action taken by the court on the complaint.

b. If the complaint was not closed during the preliminary review, the court shall send notice of the final action to the mediator.

(6) Promptness. The court shall process complaints promptly at all stages.

(7) Records of complaints. The court shall maintain sufficient information about each complaint and its disposition to identify any history or patterns of complaints submitted under this rule.

(e) Permissible court actions on complaints. After an investigation has been conducted, the presiding judge or his or her designee may do one or more of the following:

(1) Direct that no action be taken on the complaint;

(2) Counsel, admonish, or reprimand the mediator;

(3) Impose additional training requirements as a condition of the mediator remaining on the court's panel or list;

(4) Suspend the mediator from the court's panel or list or otherwise temporarily prohibit the mediator from receiving future mediation referrals from the court; or

(5) Remove the mediator from the court's panel or list or otherwise prohibit the mediator from receiving future mediation referrals from the court.

(f) Confidentiality of complaint proceedings, information, and records

(1) Intent. This rule is intended to:

a. Preserve the confidentiality of mediation communications as required by Evidence Code sections 1115-1128;

b. Promote cooperation in the reporting, investigation, and resolution of complaints about court-program mediators; and

c. Protect mediators against damage to their reputations that might result from the disclosure of unfounded complaints against them.

(2) Preserving the confidentiality of mediation communications. All complaint procedures and complaint proceedings shall be designed and conducted in a manner that preserves the confidentiality of mediation communications, including but not limited to the confidentiality of any communications between the mediator and individual mediation participants or subgroups of mediation participants.

(3) Confidentiality of complaint proceedings. All complaint proceedings shall occur in private and shall be kept confidential. No information or records concerning the receipt, investigation, or resolution of an inquiry or a complaint may be open to the public or disclosed outside the course of the complaint proceeding except as provided in subdivision 4 of this section, or as otherwise required by law.

(4) Authorized disclosures. After the decision on a complaint, the presiding judge, or a person whom the presiding judge designates to do so, may authorize the public disclosure of information or records concerning the complaint proceeding that do not reveal any mediation communications. The disclosures that may be authorized under this subdivision include the name of a mediator against whom action has been taken under this rule, the action taken, and the general basis on which the action was taken. In determining whether to authorize the disclosure of information or records under this subdivision, the presiding judge or the designee shall consider the purposes of the confidentiality of complaint proceedings stated in subdivisions (1)(b) and (1)(c) of this section.

(5) Disclosures required by law. In determining whether the disclosure of information or records concerning a complaint proceeding is required by law, the court shall consider the purposes of the confidentiality of complaint proceedings stated in subdivision (1) of this section. If it appears that the disclosure of information or records concerning a complaint proceeding that would reveal mediation communications is required by law, before the information or records are disclosed, notice shall be given to any person whose mediation communications may thereby be revealed.

(g) Disqualification from subsequently serving as an adjudicator. A person who has participated in a complaint proceeding or otherwise received information about the substance of a complaint, other than information that is publicly disclosed under subdivision (f)4 of this rule, must not subsequently hear or determine any contested issue of law, fact, or procedure concerning the dispute that was the subject of the underlying mediation or any other dispute that arises from the mediation as a judge, an arbitrator, a referee, or a juror, or in any other adjudicative capacity, in any court action or proceeding.

(h) Privilege to serve as a court-program neutral. Inclusion on a court list of ADR neutrals and eligibility to be recommended, appointed, or compensated by the court to serve as a neutral are privileges that are revocable and confer no vested right on the neutral. (Adopted, effective July 1, 2010)

RULE 6.5 FILING OF THE COMPLAINT

Upon filing a Complaint, the Plaintiff shall receive the following from the Clerk:

- (a) Summons and Complaint indicating the case number;
- (b) Notice and date of the Case Management and Trial Setting Conference, which will be set within one hundred fifty (150) days of the filing of the original Complaint;
- (c) A blank Case Management Conference Questionnaire. (Any Cross-Complainant naming new parties will also be served with a blank Case Management Conference questionnaire); and,
- (d) ADR Information Package, containing a blank Stipulation to Participate in Mediation. (Adopted, effective January 1, 2002; As Amended July 1, 2010)

RULE 6.6 SERVICE OF SUMMONS, COMPLAINT, AND NOTICE OF CASE MANAGEMENT AND TRIAL SETTING CONFERENCE

- (a) At the time of serving the Summons and Complaint (and a Cross-Complaint upon a new party), the responding party shall be served with the Notice of the Case Management and Trial Setting Conference, a blank Case Management Conference Questionnaire, and a blank Stipulation to Participate in Mediation.
- (b) Within sixty (60) days of filing, the Complaint must be served and a proof of service filed with the Court. When a complaint is voluntarily amended for the first time, pursuant to CCP § 472, before the Defendant answers (even after demurrer), the time herein shall run from the file date of the amended Complaint.
- (c) Upon failure to serve the Complaint and file a proof of service as required above, an Order to Show Cause shall issue as to why sanctions should not be imposed for failure to comply with this Rule. Responsive papers to the Order to Show Cause must be filed and served five (5) days in advance of the hearing. (Adopted, effective January 1, 2002; Amended, effective July 1, 2010))

RULE 6.7 RESPONSIVE PLEADINGS

- (a) Each party served shall file and serve all necessary responsive pleadings within the time required by law.
- (b) Absent the filing of the responsive pleadings, the Plaintiff is required, within ten (10) days after the statutory time for filing the responsive pleadings, to request the entry of default, as herein provided. Failing that, an Order to Show Cause will issue as to why sanctions

should not be imposed. Responsive papers to the Order to Show Cause must be filed and served five (5) days in advance of the hearing.

(c) After a request for entry of default is filed, the Court will set and notice the case for default hearing. In lieu of appearance and in an appropriate case, a declaration under Code of Civil Procedure § 585 may be submitted.

(d) Default hearings and judgments need not be pursued in multi-defendant cases until the entire action against all responding defendants has concluded.

(e) Parties may seek to set aside a default by a stipulation submitted with a proposed Order. If the Court approves the Order, an Answer or other responsive pleading must be filed within ten (10) days of the filing of the Order. (Adopted, effective January 1, 2002)

RULE 6.8 MOTIONS TO AMEND PLEADINGS

Proposed amended pleadings shall be separately lodged with the Clerk for potential filing, with a true and correct copy attached as an exhibit to the moving papers. (Adopted, effective January 1, 2002)

RULE 6.9 CASE MANAGEMENT CONFERENCE QUESTIONNAIRE AND ADR STIPULATION

Each appearing party shall file and serve a completed Case Management Conference Questionnaire at least five (5) court days before the first Case Management and Trial Setting Conference. Each party subject to Rule 6.4.1(a) shall file a completed Stipulation to Participate in Mediation along with the Case Management Conference Questionnaire. (Adopted, effective January 1, 2002; Amended July 1, 2010)

RULE 6.10 CASE MANAGEMENT AND TRIAL SETTING CONFERENCE

(a) Counsel for each appearing party shall attend the Case Management and Trial Setting Conference, unless the parties have arranged with the Court's Calendar Clerk, at least five days prior to the conference, to have the conference conducted by telephone. Such arrangements for a telephone conference shall be confirmed in writing, specifying which counsel will be appearing telephonically, what telephone number they will be communicating from, and who will be responsible making conference call arrangements.

(b) Counsel appearing at the Case Management and Trial Setting Conference shall be familiar with the case, prepared to discuss all matters, and commit to the setting of a trial date, and other pre-trial settings. Counsel who fails to attend or participate shall be subject to sanctions.

(c) At the Case Management and Trial Setting Conference, the Court may make all appropriate pre-trial orders, including, but not necessarily limited to, the following:

(1) Dismiss Defendants, with the exception of DOE defendants. Orders dismissing defendants, fictitious cross-defendants, served and unserved defendants and cross-defendants who have not appeared and against whom no default has been taken,

unless the Court for good cause otherwise orders and sets a date by which they shall be served;

(2) Make Orders on stipulations to binding arbitration, judicial arbitration, set the date for completion of the arbitration and filing of the award, and/or set a future status conference date for referral to arbitration. The Court and parties shall examine and consider alternative dispute resolution programs and procedures available to the parties;

(3) Upon stipulation or the Court's determination that it is reasonably probable that the amount in controversy will not exceed \$25,000, make Orders transferring and/or designating the case as a "Limited Civil Case" within the meaning of California Code of Civil Procedure §§ 85 et. seq.;

(4) Make Orders establishing a plan regulating the timing, scope, issues, and deadlines for completing any remaining discovery;

(5) Make Orders scheduling the exchange of information relating to expert witnesses required under Section 2034 of the Code of Civil Procedure and depositions of expert witnesses unless the parties stipulate that no expert witnesses will be called. The Court shall closely examine a claim that multiple expert witnesses are required;

(6) Make Orders scheduling dates by which law and motion matters must be completed; and,

(7) Make Orders setting further interim case management/status conferences, setting the mandatory settlement conference, pre-trial conference, and the trial date.

(8) Make Orders for cases subject to mandatory mediation pursuant to Rule 6.4.1(b), set date for completion of mediation, and/or set a future status conference date.

(9) Upon the Court's determination that the case may be protracted or amenable to alternative dispute techniques and thus appropriate for referral to mediation pursuant to Rule 6.4.1(c), make Orders, set date for completion of mediation, and/or set a future status conference date.

(d) Failure to file cross-complaints shall not be considered a valid ground for enlarging the time for trial, arbitration or other processes. Untimely cross-complaints shall, in most cases, be served so as not to delay the orderly processes of the court.

(e) Counsel for cases subject to mandatory mediation pursuant to Rule 6.4.1(b) who have not filed their Stipulation to Participate in Mediation, or Counsel for cases subject to Rule 6.4.1(c) who object to referral to mediation, must show cause, or be subject to Sanctions under California Rules of Court, rule 2.30, Code of Civil Procedure, section 128.5, and Rule 6.19. (Adopted, effective January 1, 2002; Amended July 1, 2010)

RULE 6.11 MANDATORY SETTLEMENT CONFERENCE

(a) As to all cases, Mandatory Settlement Conferences shall be set approximately six (6) weeks prior to the trial, or at such other date the Court determines to be appropriate. In selecting a date for the Settlement Conference, the Court will consider the needs of the party to conduct discovery and to otherwise be prepared to engage in a meaningful settlement conference. The settlement conference will be set sufficiently prior to trial so to avoid the potential of

unnecessarily obtaining the assignment of a visiting trial judge, and/or the issuance of summons to prospective jurors. The Settlement Conference will also be set on a date which in the Court's opinion promotes the orderly calendaring of the Court's business, and promotes judicial efficiency and economy.

(b) Settlement Conferences are mandatory and require personal appearances of all attorneys who will be actually trying the case. Personal appearances are also mandatory for all parties. In those cases where a party is represented by an insurance carrier, or in any tort case wherein a party who might be liable for damages has insurance coverage, a representative of that carrier must also be present, who is authorized to make all decisions regarding the case, unless excused by the judge. Where such an excuse has been granted, such representative must be immediately accessible by telephone at all times during the conference. Corporate parties and governmental entities must be represented by a responsible officer in addition to and separate from counsel for such parties, who are authorized to make all decisions regarding the case, subject only to the approval of any governing board having the ultimate power to make such decisions.

(c) Each party shall serve and file at least five (5) judicial days prior to the Settlement Conference, a settlement conference brief including a statement identifying the parties and their attorneys, a statement of facts, injuries, damages, legal issues and contentions, and a statement as to the status of settlement negotiations between the parties to date.

(d) The failure of any person to appear at, prepare for, or participate in good faith in a mandatory settlement conference, in conformity with the requirements of these rules, unless good cause is shown for such failure, is an unlawful interference with the proceedings of the Court and may result in sanctions.

(e) For those cases previously referred to or stipulating to mediation, at least ten (10) court days prior to the Settlement Conference, the parties shall file a Statement of Agreement or Non-agreement, Form ADR-100. Parties who fail to file the Statement will be subject to sanctions at an Order to Show Cause hearing. (Adopted, effective January 1, 2002; Amended July 1, 2010)

RULE 6.12 MOTIONS IN LIMINE

Generally the Court summons jurors for individual trials. It is the policy of the Court to minimize delay and inconvenience for prospective jurors and trial jurors. Absent leave of Court, upon a showing of good cause, all motions in limine shall be heard at the Pre-trial Conference, be in writing, and are to be served and filed at least five (5) judicial days prior to the Pre-trial Conference. (Adopted, effective January 1, 2002)

RULE 6.13 INSPECTION OF EXHIBITS

Prior to the Pre-trial Conference, attorneys for all parties shall have personally inspected all pre-marked exhibits which are intended by the attorneys to be used at the time of trial. (Adopted, effective January 1, 2002)

RULE 6.14 SUBMISSION OF JUDGE'S COPY OF PLEADINGS AND EXHIBITS

On a case by case basis, the Court may direct the parties to lodge with the Court an additional copy of any or all pleadings and exhibits, so that the same may be used by the Court. (Adopted, effective January 1, 2002)

RULE 6.15 PRE-TRIAL CONFERENCE

(a) The Court shall set a pre-trial conference date approximately five (5) judicial days prior to the date of trial. Personal appearances are mandatory for all attorneys representing the parties, and who will actually be trying the case.

(b) At least five (5) judicial days prior to the pre-trial conference, counsel shall have served, exchanged, and filed with the Court the following:

(1) A proposed short statement of the case to be read to the jury. Counsel shall meet and confer and make a good faith effort to submit an agreed upon joint statement of the case.

(2) Any proposed voir dire questionnaires;

(3) A witness list containing a brief statement of anticipated testimony of each witness;

(4) A list of pre-marked exhibits to be used at trial;

(5) Requested CACI and special jury instructions;

(6) Proposed verdict forms, and in any case where special verdicts or findings will be required, proposed form of any special verdicts or interrogatories which will be required for the resolution of the case;

(7) Any in limine motions; and,

(8) A Pre-trial Conference Brief which includes an estimate as to the length of trial, a statement of the facts, law and respective contentions of the parties regarding liability, damages, nature and extent of injuries, any unusual evidentiary or legal issues anticipated at trial, and all matters of fact believed by any party to be appropriate for stipulation.

(c) Transcripts of all depositions which will be utilized during the trial shall be lodged with the Clerk of the Court prior to or at the time of the Pre-trial Conference. The Court will utilize the lodged deposition, and it is counsel's responsibility to provide sufficient copies for use by counsel and the witness, if desired. (Adopted, effective January 1, 2002; Amended, effective July 1, 2010)

RULE 6.16 WITNESSES

Once trial is commenced, each party shall have witnesses available to utilize to the fullest extent possible every trial day. (Adopted, effective January 1, 2002)

RULE 6.17 COURT REPORTER

The Court neither provides nor arranges for the services of a court reporter in general civil cases. (Adopted, effective January 1, 2002)

RULE 6.18 JUDICIAL ARBITRATION

The court hereby adopts the provisions of subdivision (b) of section 1141.11 of the California Code of Civil Procedure. The court determining that it is in the best interests of justice, all nonexempt, unlimited civil cases shall be submitted to arbitration as provided in Chapter 2.5 of the California Code of Civil Procedure and this court's Local Rules of Court, if the amount in controversy, in the opinion of the court, will not exceed fifty thousand dollars (\$50,000) for each plaintiff. This court also adopts the provisions of subdivision (a) of section 1775.3 of the California Code of Civil Procedure, allowing for the submission of the matter to mediation as otherwise provided by this court's Local Rules of Court, including, but not necessarily limited to, the provisions of Rule 6.4.1 herein above. (Adopted, effective January 1, 2002; Amended, effective July 1, 2010)

RULE 6.19 SANCTIONS

If the Court finds that any party has not proceeded with due diligence or has otherwise failed to comply these Rules, sanctions may be imposed. (Adopted, effective January 1, 2002)

RULE 6.20 ATTORNEY FEES IN CIVIL ACTIONS OR PROCEEDINGS

(a) In actions on promissory notes and contracts providing for the payment of attorney fees, whenever a prevailing party is entitled to the recovery of reasonable attorney fees, the following schedule shall be considered by the court, in its discretion, in awarding attorney fees:

- (1) Default Action. Exclusive of costs and interest,
 - a. Twenty-five percent (25%) of the first two thousand dollars (\$2,000) awarded as damages;
 - b. Twenty percent (20%) of the next four thousand dollars (\$4,000);
 - c. Fifteen percent (15%) of the next four thousand dollars (\$4,000);
 - d. Ten percent (10%) of the next ten thousand dollars (\$10,000);
 - e. Five percent (5%) of the next thirty thousand dollars (\$30,000);and,
 - f. Two percent (2%) of amounts in excess of the first fifty thousand dollars (\$50,000).

(2) *Contested Action.* The same amount as computed under paragraph (A)(1), increased by such compensation computed on an hourly or per-day basis for any additional research, general preparation, trial or other services as may be allowed by the court.

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(b) Where a defendant is the prevailing party, the fees shall be fixed by reasonable compensation computed on an hourly or per-day basis for research, general preparation, trial or other services rendered.

(c) Where a prevailing party is entitled to the recovery of reasonable attorney fees in an otherwise appropriate clerk's judgment, the Clerk shall include attorney fees computed pursuant to the fee schedule contained in this Rule.

(d) In any case where a party claims fees in excess of those allowed by this Rule, application for attorney fees shall be made to the court, supported by declarations setting forth the legal and factual basis for the claimed attorney fees. The fees shall thereupon be fixed by the court. (Adopted, effective July 1, 2010)

ARTICLE VII
FAMILY LAW RULES

RULE 7.1 FINANCIAL ISSUES

The following rules apply to all Family Law, Domestic Violence, Paternity, and Department of Child Support Services proceedings where any financial matter is at issue, including, but not necessarily limited to, any request for child support, spousal support, family support, or attorneys fees and/or costs. The Court strongly encourages the parties to completely and timely disclose all relevant financial information to each other and the Court whenever a financial matter is at issue.

(a) REQUIREMENT OF COMPLETED INCOME AND EXPENSE DECLARATION. In all such proceedings, prior to every default hearing and every contested hearing, there shall be served and filed by each party an Income and Expense Declaration and a Property Declaration, on the forms prescribed respectively by the California Rules of Court, unless the matter to be considered at the hearing does not involve the consideration of any financial issue. Such statements shall show conditions as they existed no earlier than 60 days prior to the hearing, shall be executed by the declarant on a date not earlier than 60 days prior to the hearing, shall be completely filled out so that every blank calling for information available to the declarant is filled out (with the word "none," if that be an appropriate response), and shall be filed no later than two court days prior to the hearing, unless an earlier filing is required by rule of statute. Parties are encouraged to serve and file such declarations at least five (5) days prior to any such hearing. An Income and Expense Declaration is not fully complete unless it contains the following:

(1) Schedules wherever required (including all business income, commission income, rental income, interest income, etc.) These schedules shall completely set forth the source of income, total gross income, an itemization of all deductions, and the net income after deductions. Business expense schedules shall identify depreciation and any other non-cash expenses.

(2) A fully completed section on attorney's fees, including the hourly rate, if any, even if attorney's fees have not been requested.

(3) A schedule of bonuses, if any, setting forth the amount and date of the most recent bonus, the date on which the next bonus is expected to be received, and the amount of the next bonus (if known)

(4) A statement of overtime and a description of the frequency of receipt.

(5) An estimate of the other party's income.

(6) Proof of self-employment income. If a party is self-employed, the income and expense declaration shall contain a full description of current year's claimed income and expenses and depreciation if the party is self-employed. In the event the other party requires additional time for hearing on the examination of these expenses, the court may consider a motion to set the matter over for hearing to a date certain.

(b) **REQUIREMENT OF EXCHANGE OF FINANCIAL DOCUMENTS; PENALTY FOR LACK OF COMPLIANCE.** In addition to timely service and filing of any and all moving papers, opposition, or reply documents, as required by law and these Rules, each party shall exchange, at least five (5) days prior to any hearing involving financial matters (unless an earlier time is required by rule or statute), wage stubs or other documents evidencing income for the preceding three (3) months. Additionally, each party shall provide to the other a copy of the party's most recent federal income tax return. If the hearing is scheduled between February 1 and the date the parties' tax return is filed, copies of all W-2 forms, 1099 forms, and other forms reflecting receipt of income during the previous year shall be exchanged. Where available, a self-employed party shall provide his/her most recent business profit and loss or financial statement. A failure to comply with this rule may result in an adverse ruling or either monetary, issue, or terminating sanctions. (Adopted, effective January 1, 2002)

RULE 7.2 DETERMINATION OF CHILD AND SPOUSAL SUPPORT

(a) For the purpose of determining guideline child support, in Title IV-D cases, the Court will only accept and use the State of California's Guideline Calculator.

(b) If the non-custodial parent is exercising visitation with the minor child or children, the court will use the actual time share in the guideline calculation.

(c) An award of temporary spousal support, may in the Court's discretion, be calculated at forty percent (40%) of the supporting (payor) spouse's net income subject to reduction by fifty percent (50%) of the supported (payee) spouse's net income. The Court may in its discretion also consider, for the limited purpose of making an award of temporary spousal support, the state's *Guideline Calculator*, *Dissomaster* computer software program, or any other support program, provided the same is certified pursuant to the provisions of Family Code § 3830, and California Rules of Court, Rule 5.275. The provisions of this Rule are not intended to limit the Court's discretion except as otherwise provided by applicable law. (Adopted, effective January 1, 2002; Amended, effective July 1, 2010)

RULE 7.3 CHILD CUSTODY

The Court is committed to the principle that parents should retain responsibility for child rearing and should not abdicate that authority to the Court. Consequently, extraordinary efforts are expended to assist parents in resolving differences and formulating a parenting plan that is in the best interest of the children. Mediation provides a framework within which parents can make their own decisions regarding the lives of their children. The Court believes that agreements made by the parties which are mutually viewed as being in the best interest of the children, have a substantially greater likelihood of successful implementation. Parties who are able to reach mediated agreements, especially during the early stages of separation and/or dissolution, significantly reduces the likelihood of costly and emotionally damaging litigation at every milestone in the child's life. Parties are encouraged to resolve disputes by using all available resources, including mediation in the private sector. If any parenting (custody/visitation) issues remain unresolved, "Court Mediation" is required prior to hearing. (Adopted, effective January 1, 2002)

RULE 7.4 COURT MEDIATION AND PARENT EDUCATION

(a) If any issue pertaining to child custody and/or child visitation remains unresolved, even following private mediation, the Parties are required and ordered, prior to hearing or trial, to participate in good faith in "Court Mediation," which is paid for by the Court. "Court Mediation" is mediation with the Mediator approved by the Superior Court of California, County of Inyo (also referred to herein as the "Court Mediator.") The Office of the Clerk and Office of the Court's Administrator maintains a current list of Court approved Mediators. Parties may of course initially utilize the services of a court approved mediator, without having first attempted mediation in the private sector.

(b) Prior to attending Court Mediation, all parties are required to participate in the Court's Pre-Mediation Orientation Program and domestic violence assessment. All parties are required to contact the Family Law Facilitator at 314 West Line Street, Ste. H, Bishop, CA 93514; Tel: (760) 872-4444 to schedule their intake, pre-mediation orientation, and domestic violence assessment. The Family Law Facilitator will also assist the parties in coordinating arrangements with a court approved mediator. To assist parties, the Court through its Family Court Services Program, provides Extended Family Law Facilitator Services and assistance from a Family Court Services Coordinator. Information and details about the Pre-Mediation Orientation program, and availability of assistance from the Family Law Facilitator and/or Family Court Services Coordinator is available at the Office of the Court Clerk.

(c) The Court's protocol for mediation services in cases involving a history of domestic violence between the parties, or where a protective order as defined in Family Code § 6218 is in effect, includes the following:

(1) The Court's Family Law Mediation Instructions & Requirements packet shall contain a statement of each party's right to request separate mediation as provided by Family Code § 3181;

(2) As required by Rule 7.4(b) above, both parties are required to participate in a pre-mediation intake and orientation through the offices of this Court's Family Law Facilitator. Intake forms shall include a statement that if a party alleging domestic violence in a written declaration under penalty of perjury or a party protected by a protective order so requests, the mediator will meet with the parties separately and at separate times.

(3) As required by Rule 7.4(b) above, both parties are required to complete a domestic violence assessment administered through this Court's Office of the Family Law Facilitator, which assessment shall include both parties completing a written domestic violence screening form.

(4) Upon request of the Family Law Facilitator, the Clerk's Office will promptly conduct a search of this Court's case management system to ascertain if either or both of the parties are subject to a protective order as defined in Family Code § 6218.

(5) The Family Law Facilitator shall notify the Mediator of any known history of domestic violence or applicable protective order.

(6) The Family Law Facilitator and/or Mediator may contact the Court's Executive Officer or his/her designee, to address special security needs, including, but

not limited to, utilization of court facilities for conducting the mediation, and/or making special arrangements for the bailiff or other security staff to be available during mediation.

(d) Attorneys should prepare clients to participate in mediation in an open, responsive, and receptive manner. Clients should be advised that the focus of mediation is on the present and future, and should come to mediation with proposals regarding residence, timesharing, education, child care, transportation, holidays, vacation, special needs of the children, and decision making responsibilities.

(e) Initial Child Custody/Visitation mediation shall be “confidential mediation.” Notwithstanding this rule, the Court Mediator may under certain circumstances be required by law to report to Child Protective Services, and/or disclose the existence of threats of death or bodily harm in accordance with applicable law, including the Supreme Court’s ruling in *Tarasoff v. Board of Regents*, 17 Cal.3d 425. Further, the Mediator may report to the Court the Mediator’s opinion that a child custody evaluation is indicated, appointment of minor’s counsel is indicated, and/or recommendation that to protect the well-being of the child involved in the controversy that restraining orders be issued.

(f) If “confidential mediation” is not successful, in whole or in part, the Court may order the parties to participate in “non-confidential mediation” pursuant to Family Code § 3183(a), wherein the Mediator shall submit a recommendation to the Court as to the custody of and/or visitation with the child or children. The Court may, without foundation, consider the report and recommendation of the Mediator. Non-confidential mediation shall be conducted by a Mediator named in the court’s separate list of “Court Approved Non-Confidential or Recommending Mediators.” Unless both parties stipulate otherwise, the Non-Confidential or Recommending Mediator shall not be the same Mediator who conducted “confidential mediation” with the parties. If an agreement is reached during “non-confidential” mediation, which the mediator does not believe is in the child or children’s best interest, the mediator’s report shall so inform the court with a statement of reasons.

(g) When an agreement is reached in confidential or non-confidential mediation that resolves all issues pending in any OSC or motion, the attorneys or parties shall prepare a written stipulation in proper form for filing as a stipulated order or judgment.

(h) If paternity is disputed, the issue need not be resolved by the Court prior to mediation. Mediation shall not be denied to the parties on the basis that paternity is an issue in the proceeding before the court. (Family Code § 3172) The Court may make a pendente lite order granting visitation to a non-custodial parent absent the tests authorized by Evidence Code § 621, upon a finding that the granting of such visitation rights would be in the best interests of the child.

(i) A non-English-speaking parent must be accompanied by a neutral individual who is fluent in both English and the party's native language in order for mediation to proceed.

(j) In the event one of the parties to the mediation is not a resident of Inyo County, application can be made to the Court to waive participation in the pre-mediation orientation program and/or to participate in mediation telephonically.

(k) If the Court orders any party or child of a party, to participate in counseling as provided by Family Code § 3190, or any other provision of law, said party and their Counsel

shall cooperate with the Family Court Services Coordinator in effectuating said counseling services. (Adopted, Effective 01-01-02; Amended July 1, 2010)

RULE 7.5 CHILD CUSTODY INVESTIGATIONS

(a) No peremptory challenge is permitted of any child custody investigator or evaluator appointed by the Court pursuant to the provisions of Family Code §§ 3110 et seq.

(b) A request by a party for a change of a court appointed child custody investigator or evaluator must be made by written motion, with service on counsel or the other party in propria persona. Such application may be made on an ex parte basis with at least 24 hours notice to the other party or counsel. Such requests will only be granted upon a strong showing of good cause.

(c) The grievance procedure outlined herein is not for the use of expressing dissatisfaction regarding recommendations made by any court appointed child custody investigator or evaluator.

(d) Any person with complaints about their experience with any court appointed child custody investigator or evaluator are encouraged to first raise their concerns with the individual involved and seek to resolve the concern.

(e) The court appointed child custody investigator or evaluator is not an employee of the Superior Court of the State of California, County of Inyo, but rather an independent contractor.

(f) Should a party wish to file a formal complaint, the same must be in writing, and served on the Presiding Judge of the Court. The Presiding Judge or his or her designee will review the complaint, investigate, and determine whether the complaint is meritorious. In the event the complaint is found to be meritorious, the Presiding Judge may in his or her discretion take such lawful action as the Presiding Judge deems appropriate, just, and proper. Such action may include removal of the court appointed child custody investigator or evaluator from the case involving the complaining party, and appointing another investigator or evaluator. (Adopted, Effective January 1, 2002)

RULE 7.6 CHILDREN IN COURTROOM

While children who are the subject of litigation may appear at the courthouse, it is the policy of the Court not to have any subject child in the courtroom without the Court's prior knowledge and consent. Children shall remain the hallway, child's waiting room, or other appropriate and convenient location in the care of a responsible adult who is not a party to the action. (Adopted, Effective January 1, 2002)

RULE 7.7 APPOINTMENT OF COUNSEL TO REPRESENT CHILD AND COMPLAINT PROCEDURE

(a) Governed by the provisions of Family Code §§ 3150 et seq., and California Rules of Court, Appendix Div. 1, Section 20.5, the Court in its discretion may appoint counsel to represent the minor children in family law cases (minor's counsel).

(b) Counsel so appointed to represent the minor children shall have the following rights, unless otherwise limited by the Court's Order:

(1) Reasonable access to the child with adequate notice;

(2) Notice of any and all proceedings, including any request for examinations affecting the child;

(3) Full access to all court pleadings and records; any and all medical, psychological, psychiatric, educational, and school testing and records; as well as all records maintained by Inyo County Child Protective Services (CPS), except that the identity of the reporting party on any CPS referral or report shall remain confidential, unless the reporting party is one of the parents;

(4) The right to veto any physical or psychological examination or evaluation, for purposes of hearing or trial, which has not been ordered by the Court;

(5) The right to assert on behalf of the child any privilege for discovery purposes; and,

(6) The right to seek independent psychological, educational, and/or physical examination or evaluation of the child upon application to the Court.

(c) A request by a party for a change of court appointed counsel for a minor child or children must be made by written motion, with service on all counsel, including minor's counsel, and the other party if in propria persona. The notice of motion shall indicate the nature of the motion without setting forth specific or factual grounds in support of the motion. The motion itself, supporting declarations, memorandums of points and authorities, and any other pleadings or documents filed with the court setting forth the grounds or basis seeking such removal or change in court appointed minor's counsel, shall be filed under seal. Such motions will only be granted upon a strong showing of good cause. The motion shall initially be heard by a judge other than the judge assigned to hear the custody/visitation matter. The judge initially hearing the motion may, in his or her discretion, refer the matter for further hearing and determination by the judge assigned to hear the custody/visitation matter.

(1) The grievance procedure outlined herein is not for the use of expressing dissatisfaction regarding recommendations made by any court appointed minor's counsel.

(2) Any person with complaints about their experience with any court appointed minor's counsel are encouraged to first raise their concerns with the individual attorney and seek to resolve the concern.

(3) The court appointed minor's counsel is not an employee of the Superior Court of the State of California, County of Inyo, but rather an independent contractor.

(4) In lieu of moving to remove and/or substitute court appointed minor's counsel, should a party wish to file a formal complaint, the same must be in writing, and served on the Presiding Judge of the Court. The Presiding Judge or his or her designee will review the complaint, investigate, and determine whether the complaint is meritorious. In the event the complaint is found to be meritorious, the Presiding Judge may in his or her discretion take such lawful action as the Presiding Judge deems appropriate, just, and proper. (Adopted, effective January 1, 2002; Amended, effective July 1, 2010)

RULE 7.8 FAMILY LAW FACILITATOR SERVICES

As authorized by Family Code Section 10005, and provided funding is available for the same, the Inyo County Family Law Facilitator shall have the following additional duties;

(a) With regard to the issues of child support and issues relating directly to the resolution of child support issues;

(1) Meeting with litigants to mediate such issues;

(2) Drafting stipulations to include all such issues agreed to by the parties;

(3) If the parties are unable to resolve such issues with the assistance of the facilitator, prior to or at the hearing, and at the request of the court, reviewing the paperwork, examining documents, preparing support schedules, and advising the Judge whether or not the matter is ready to proceed with regard to such issues;

(4) Preparing formal orders on such issues, consistent with the court's announced order in cases where both parties are unrepresented, as directed by the court;

(5) Assisting the court with research and other responsibilities with regard to such issues, which will enable the court to be responsive to the litigants needs;

(6) Serving as special master in proceedings with regard to such issues and making findings with regard to such issues to the court, except where the facilitator has served as a mediator in the case; and,

(7) Developing programs for the Bar and community outreach through day and evening programs, video tapes, and other innovative means that will assist unrepresented and financially disadvantaged litigants to gain meaningful access to the Family Court regarding such issues.

(b) Work to enhance and improve services available in Inyo County to children and parents, relating to issues of child support and issues directly related to the resolution of child support issues by working with the local Bar, Department of Child Support Services, Inyo County Child Protective Services, Inyo County Victim-Witness Assistance Program, Inyo County Health and Human Services Department (including Welfare, Behavioral Health Services, Substance (Abuse programs), Inyo County Probation Department, Wild Iris Women's Services, and other community groups and legal service organizations or private practitioners which provide mediation or settlement services, domestic violence treatment services, visitation supervision services, counseling, or other services to children and/or parents related to child support.

(c) Maintain records and statistical data and information pertaining to the services provided under this Rule and as may be required by Federal or State Law, California Rules of Court, or as may be required by the Administrative Office of the Courts, or by the Inyo County Superior Court. (Effective December 1, 1997)

RULE 7.9 ARBITRATION

Pursuant to the provisions of Family Code § 2554, the Court may in its discretion order arbitration of the character, value and division of the community estate, if in the Court's opinion, the total value of the community and quasi-community property in controversy does not exceed \$50,000. (Adopted, effective January 1, 2002)

RULE 7.10 MANDATORY STATUS AND SETTLEMENT CONFERENCES

(a) Upon the filing of a Petition for Dissolution of Marriage or Legal Separation, the Clerk shall issue a notice of setting of a Status Conference. The Petitioner shall serve a copy of the Notice of Status Conference along with the Petition and Summons, and file a proof of service of the same.

(b) Both parties are required to appear at the Status Conference; however, such appearance may be by CourtCall. No pleading need be filed for the Status Conference.

(c) Absent express leave of Court, a mandatory settlement conference shall be held before any dissolution of marriage action is set for trial.

(d) At least five (5) days prior to the date set for mandatory settlement conference, the parties shall serve and file a "Statement of Issues, Contentions, and Proposed Disposition of the Case." Said Statement shall include a full and complete statement of property, income, and expenses. Information contained in a Final Disclosure Statement may be incorporated by reference, with a copy attached. The Statement shall set forth the following information in the following order, as it applies to the party filing, except as hereafter provided:

(1) Statistical Information: Date of marriage, date of separation, length of the marriage, names and dates of birth of the minor children, and any unusual facts shall be stated.

(2) Agreements, Stipulations and Orders: Each party shall set out the terms of all pre-trial agreements and stipulations entered into by the parties, and all orders currently in effect.

(3) Custody and Visitation: Each party shall set forth specific proposals for custody and visitation of the minor children. The report and recommendation, if any, of a court appointed child custody evaluator shall be referenced, and/or incorporated.

(4) Separate Property: Each item of separate property shall be listed, the date it was acquired, the basis upon which it is claimed as separate rather than community property, the current market value, the nature, extent, and terms of payment of any encumbrance against the property, the manner in which title thereto is presently vested, and the record title data.

(5) Community Property: Each of item of community property shall be listed, the date it was acquired, the basis upon which it is claimed as community rather than separate property, the current market value, the nature, extent, and terms of payment of any encumbrance against the property, the manner in which title thereto is presently vested, and the record title data. Each party shall propose disposition of the community assets in the following format:

ASSET	FMV	ENCUM	NET	H	W
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The values shall be totaled and copies of any appraisals shall be attached. The proposal for the division of community property shall contain a statement of the party's position and the facts supporting it.

(6) Debts: All debts and obligations of the parties which are liabilities of the community, and so far as known, debts and obligations which are alleged to be the separate liabilities of the respective spouses shall be listed. The identity of the creditor shall be specified, the purpose for which the debt was incurred, the date upon which the debt was incurred, the balance currently due thereon, the terms of payment, and the security, if any, held by the creditor. The obligations shall be listed in the following format:

CREDITOR	DATE OF SEP BALANCE	CURRENT BALANCE	DATE/AND CURRENT PAID BY WIFE	DATE/AND CURRENT PAID BY HUSBAND
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(7) Funds Held by Others: To the extent that either separate property or community property consists of funds held by others, such as insurance policies, pensions, profit sharing, or other trust or retirement funds, the statement shall fully identify the policy or fund, including policy, serial or account numbers, the present values and basis for calculation, and all terms or conditions imposed upon withdrawal of such funds. If any loans exist against any of these funds, the details regarding those loans should be set forth.

(8) Tracing: If a segregation of community property and separate property interests in a single asset is to be an issue in the case, the statement shall set forth in detail, with dates, values, and dollar amounts, the transactions relevant to the tracing issue, as well as the basis for computation or proration.

(9) Proposal for Property Division: Each party shall set forth a proposed equal division of the community property of the parties, giving due consideration to the liabilities, costs, and attorney's fees.

(10) Reimbursement Credits: All issues of reimbursement shall include a discussion of the applicable law.

(11) Current Income and Expenses: The Statement shall specify and set forth current income and expenses by completing and filing an Income and Expense Declaration in the form prescribed by the California Rules of Court, and as otherwise required by these local rules.

(12) Child Support: Each party shall set forth a proposal for child support in conformity with the provisions of the Family Code and these Rules, and shall provide the computations upon which the party relies.

(13) Spousal Support: Any proposal for spousal support shall include a statement of the appropriate tax consequences, if any, to be considered; a proposal for the duration of support; a statement as to the parties Marital Standard of Living; and, a statement with respect to the factors under Family Code § 4320.

(14) Attorney Fees: The party requesting an award of attorney fees shall submit a statement of the time spent, amount charged, amount already paid, and the source of funds.

(15) Sanctions: A party requesting attorney fees and sanctions shall indicate the extent to which that conduct frustrates the policy to promote settlement and reduce the cost of litigation by encouraging cooperation.

(e) If the matter is not completely settled and set for trial, the Court may require the parties to serve and file another or amended Statement Of Issues, Contentions, And Proposed Disposition Of The Case prior to trial. (Adopted, effective January 1, 2002; Amended, effective July 1, 2010)

RULE 7.11 DEFAULT OR UNCONTESTED PROCEEDINGS

In default and uncontested proceedings, the Court will review marital settlement agreements and proposed judgments, particularly with respect to child and spousal support. The Court will particularly scrutinize proposed judgments where one or both parties are in Pro Per, and the marriage was of long duration. The Court may in its discretion direct the filing of Income and Expense Declarations or other documentation, and set the matter for further hearing regarding the entry of the judgment. (Adopted, effective January 1, 2002)

RULE 7.12 STIPULATIONS FOR USE OF SPECIAL MASTER IN CHILD CUSTODY CASES

(a) "Special Master" designates the person appointed pursuant to Code of Civil Procedure § 638 in family law custody cases to make decisions about custody-related issues other than decisions involving the substantial modification of legal or physical custody. Use of a Special Master is intended as an alternative to frequent, continuing custody litigation. The Special Master may be a mental health professional or attorney who possesses the minimum qualifications deemed appropriate by the court to serve as a Special Master.

(b) Parties may use a Special Master by agreement and written stipulation and order only. The court will not order parties to use a Special Master. Upon execution of a stipulation appointing a Special Master which stipulation includes a specific time period during which the parties agree to participate with the Special Master, the court will enforce such a stipulation for the time period designated by the parties.

(c) Upon appointment of a Special Master by stipulation of the parties, the Special Master may make decisions which, in the absence of an objection raised by a party by timely

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filing a motion with the court as more specifically set forth in the stipulation appointing the Special Master, will have the effect of a court order.

(d) Any stipulation appointing a Special Master must include the following specific provisions:

- (1) A grievance procedure;
- (2) A term of appointment;
- (3) A definition of the scope of authority of the Special Master;
- (4) A statement of quasi-judicial immunity;
- (5) A hearing process;
- (6) A decision process; and,
- (7) An agreement for payment of fees charged by the Special Master.

(Adopted, effective July 1, 2010)

ARTICLE VIII
PROBATE, GUARDIANSHIP, & CONSERVATORSHIP

RULE 8.1 PROBATE INVESTIGATOR

Contact information for the Court's Probate Investigator can be obtained by contacting the Court's Executive Office at the Courthouse in Independence, CA (Post Office Drawer U Independence, CA 93526), or calling (760) 873-5217. (Adopted, Effective 1-1-02; Amended, effective July 1, 2010)

RULE 8.2 PROBATE REFEREE

Information pertaining to the appointment of a Probate Referee can be obtained by contacting the Court's Probate Clerk at the Courthouse in Independence, CA (Post Office Drawer U Independence, CA 93526), or calling (760) 873-5085. (Adopted, Effective January 1, 2002; Amended, effective July 1, 2010)

RULE 8.3 SETTLEMENT OF MINOR'S CLAIM

The following procedure shall be followed in the settlement of the claim of a minor whether by way of compromise, covenant not to sue, or stipulated judgment ("minor's compromise").

- (a) Requests for approval of minor's compromise shall be heard on the Probate Calendar.
- (b) The presence of the minor, the parent or guardian of the minor and counsel shall be required unless excused by the Court.
- (c) Current medical reports, if the matter is applicable to the physical condition of the minor, giving a diagnosis and prognosis of the minor's condition shall be attached to the petition.
- (d) As prescribed by Probate Code § 3601, the Court shall award "reasonable attorney's fees." In making such an award, the Court shall will consider the factors specified in California case law (See *Niederer v. Ferriera* (1987) 189 CA3d 1485; *Witkin's California Procedure* Volume 1, page 286, § 226). As a general guideline, claims for attorney's fees that exceed 25% of the net proceeds of the minor's compromise must be supported by a strong showing of reasonableness. (Adopted, Effective January 1, 2002)

RULE 8.4 GUARDIANSHIP FUNDS

As parents are required by statute to support their children, the Court will not permit guardianship funds to be used for the minor's maintenance where one or both parents are living except upon a showing of the parent's financial inability or other circumstances which would justify the Court in departing from this rule in the best interests of the minor. In all cases where guardianship funds are to be used for the ordinary expenses of supporting a minor, and where there is a parent living who has the obligation to support of the minor, the guardian must obtain

Court approval prior to the expenditure of funds. A petition for authority to expend funds for support shall be accompanied by a detailed explanation (including financial statements, if necessary) of the parent's inability to support the child. (Adopted, effective January 1, 2002)

RULE 8.5 REQUEST FOR WITHDRAWAL OF FUNDS IN BLOCKED ACCOUNT

(a) All requests or petitions for withdrawal of minor's funds deposited in a blocked account shall be made to the Court. Requests for withdrawal may be presented ex parte and shall be in completed form. A statement shall be presented with the petition verifying the amount of each item of the proposed expenditure.

(b) If the funds requested are for the support and maintenance of the minor and the petitioner is a parent, the parent shall file a declaration showing the parent's financial inability or other circumstances justifying the withdrawal. See Rule 8.4.

(c) No subsequent order for withdrawal will be signed by the Court until the trustee or guardian has complied with the directs of the Court contained in prior withdrawal orders. This means that all supporting vouchers and required certifications and declarations shall be on file with the Clerk. (Adopted, effective January 1, 2002)

RULE 8.6 PUBLIC GUARDIAN FEES

This Court's Standing Order No. 01-003 "Establishing Public Guardian Fees," is incorporated herein by reference as though set forth fully and at length. (See also Rule 2.6 *infra*) (Adopted, effective January 1, 2002)

RULE 8.7 PROTOCOL FOR PROBATE COURT, CHILD PROTECTIVE SERVICES, AND FAMILY COURT WHEN ISSUES OF CHILD ABUSE OR NEGLECT SURFACE IN PROBATE COURT GUARDIANSHIP PROCEEDINGS

Section 1513(c) of the Probate Code requires that if the Probate Guardianship investigator finds that any party to the proposed guardianship alleges the child is a person described by Section 300 of the Welfare and Institutions Code, the case shall be referred to the Inyo County Health & Human Services, Child Protective Services (CPS) to investigate potential dependencies. Guardianships shall not be completed until the investigation required by Sections 328 and 329 of the W & I Code is completed and a report is provided to the Court in which the guardianship proceeding is pending. This investigation and report by CPS on cases referred by the Probate Court shall be completed whether or not a Temporary Guardianship has been ordered. CPS shall coordinate with the Probate Investigator to obtain all case related information regarding any investigation related to the proposed or Temporary Guardianship, including the suitability of the temporary guardians.

(a) General Referral to the Child Abuse Hotline

In the event the Probate Court Guardianship Investigator or Probate Court Judge determines that the child appears to fall within Section 300 but neither parent in the case objects to the

guardianship nor asks to have any of the children returned to his or her custody, and that placement in the home of the temporary guardians would not cause any of the children to meet any of the descriptions contained in section 300 of the Welfare and Institutions Code (W&I) which may cause them to be judged dependent children of the court, the 1513(c) requirement shall be fulfilled by having the Probate Guardianship Investigator make a mandatory suspected child abuse/neglect report as required by Penal Code Sections 11164—11174.3. CPS shall report the results of any investigation required by Sections 328 and 329 of the W & I Code to the Probate Guardianship Investigator within 21 calendar days of referral. It is recognized that the investigation and report may be abbreviated in nature.

(b) File an Affidavit Pursuant to WIC Sections 329, 331

In the event the Probate Court Guardianship Investigator or Probate Court Judge determines that the child appears to fall within Section 300 and one or both parents in the case objects to the guardianship or asks to have any of the children returned to his or her custody OR that placement in the home of the temporary guardians may cause any of the children to meet any of the descriptions contained in section 300 W&I, then:

(1) The Probate Court Guardianship Investigator or Probate Court Judge shall (a) call CPS to report the specific allegations and status of the guardianship petition; and (b) refer the matter to CPS using a Welfare and Institutions Code section 329 Application to Commence Juvenile Court Proceedings for the investigation required by Probate Code section 1513(c). CPS and the Probate Guardianship Investigator shall confer and exchange information for the purpose of determining the most appropriate course of action.

(2) The CPS investigation shall, in the event it is determined it is not appropriate to file a 300 W&I petition, provide a report to the Probate Court Guardianship investigator which shall include, but not be limited to, the following information: a) a summary of the investigatory action; b) an explanation of why the filing of a dependency petition is neither necessary or appropriate; c) a recommendation regarding whether or not guardianship is warranted and the reasons accounting for the recommendation; d) any other information resulting from the investigation which may be helpful to the Probate Court in assessing the appropriateness of the proposed or temporary guardians and the needs of the children and family. The investigation and report shall be completed and submitted to the Probate Court and Probate Investigator within eight weeks of the date of referral by the Probate Court.

(3) In the event CPS files a 300 W&I petition in the case, CPS shall immediately notify the Probate Investigator who shall immediately notify the Probate Court Judge, and further investigatory action by the Probate Investigator as well as further Probate Court action with regard to guardianship shall be temporarily suspended. CPS shall immediately notify by phone and in writing the Probate Investigator of the results of the Juvenile Court proceedings including, but not limited to: a) the sustaining or dismissal of the 300 W& I petition; b) Juvenile Dependency Court exit orders. In the event the 300 W&I petition is sustained, all Probate Court and Probate Investigatory action shall be suspended for the duration of dependency status. In the event the W&I petition is dismissed, CPS shall immediately notify the Probate Investigator by phone

and in writing, and shall forward a copy of any existing Court reports, and if no Court report exists, a case summary and exit status of the children. In the event Dependency is established and later dismissed, CPS shall forward a copy of the Juvenile Dependency Court exit orders to the Probate Investigator.

(c) Make Child Abuse Referral With Finding of Immediate Danger

If the judge believes that the child's situation is grave enough to warrant an immediate response by CPS, and the judge is considering whether to order the child into protective custody, the court can make a finding based upon the evidence presented that there is *reason to believe that the child is a person described by WIC § 300 AND either (a) the child has an immediate need for medical care, or (b) the child is in immediate danger of physical or sexual abuse, or (c) the child's physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety.* See WIC §§ 305, 340. CPS will provide an immediate response to any referral that contains this legal finding. In the alternative, CPS will immediately notify Probate Court staff that no emergency response social worker is available to respond. The Probate Court can then decide whether to order the child into protective custody as described in 1-d below. The court should set a further hearing in 18 days for the Probate Investigator to report on the results of the CPS investigation.

(d) Order Law Enforcement to Place Child Into Protective Custody

The judge can exercise the court's inherent authority to order law enforcement to place a child into protective custody and deliver the child to the county child welfare agency for investigation. The court should only do so upon making a finding, based upon evidence presented to the court, that there is reason to believe that the child is a person described by WIC § 300 AND either (a) the minor has an immediate need for medical care, or (b) the minor is in immediate danger of physical or sexual abuse, or (c) the child's physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. (WIC §§ 305, 340)

(e) See also Rule 9.3 herein below.

(Adopted, effective July 1, 2010)

RULE 8.8 MEDIATION IN GUARDIANSHIP CASES

In any case involving the guardianship of the person of a minor child, the Court may require the parties to participate in mediation as the court deems appropriate, including, but not limited to, the parties compliance with the provisions of Rule 7.4 herein above. (Adopted, effective July 1, 2010)

ARTICLE IX
JUVENILE AND DEPENDENCY

RULE 9.1 STANDING ORDERS PERTAINING TO JUVENILE AND DEPENDENCY CASES

The following Standing Orders of this Court are incorporated herein by reference, as though set forth fully and at length:

- (a) "Inyo County Protocol For The Administration Of Psychotropic Medication," Standing Order No. SO AD 01-001;
- (b) "Order Pertaining To The Disclosure Of Juvenile Information," Standing Order No. 01-005;
- (c) "Inyo County Juvenile Protocol Pursuant To Welfare & Institutions Code § 241.1," Standing Order No. 01- 006;
- (d) "Order Presuming Tribe's Direct and Legitimate Interest in Juvenile Delinquency Proceedings Involving Designated Native American Youth (WIC § 676(a))," Standing Order No. SISOAD-09-031;
- (e) "Order Presuming Toiyabe Family Services' Direct and Legitimate Interest in Juvenile Delinquency Proceedings Involving Designated Native American Youth (WIC § 676(a))," Standing Order No. SISOAD-09-032; and,
- (f) "Standing Order Adopting Protocol For The Application Of ICWA In Juvenile Delinquency Cases," Standing Order No. SISOAD-09-033.

Copies of the aforesaid Standing Orders are available in the Office of the Clerk, located in the Courthouse (P.O. Drawer U) Independence, CA 93526, and may be available on the Court's website. (Adopted, effective January 1, 2002; Amended, effective July 1, 2010)

RULE 9.2 APPLICATION OF PSYCHOTROPIC MEDICATION PROTOCOL TO JUVENILE AS WELL AS DEPENDENCY CASES

Pursuant to the provisions of *California Rules of Court*, Rule 1432.5(i), this Court's protocol for the administration of psychotropic medication (see this Court's Standing Order No. SO AD 01-001) shall be applicable to all children declared a ward of this Court under sections 601 or 602 of the California Welfare & Institutions Code who are removed from the custody their parent or guardian, as well as to all children declared a dependent child of this Court under section 300 of the California Welfare & Institutions Code and removed from the custody of their parents or guardian. (See also Rule 2.6 *infra*)(Adopted, effective January 1, 2002)

RULE 9.3 JUVENILE DEPENDENCY, JUVENILE DELINQUENCY, FAMILY, DOMESTIC VIOLENCE, AND PROBATE COURTS EXCHANGE OF INFORMATION

This rule addresses the exchange of information between Child Custody Evaluators (CCE) appointed by this Court pursuant to the provisions of Family Code § 3110 *et seq.*; Court Appointed Recommending (Non-confidential) Family Law Mediators (CRM) appointed pursuant to Family Code § 3183(a); Counsel appointed by this Court pursuant to the provisions of Family Code §§ 3150 *et seq.* to represent the child or children in a Family Law, Paternity, or Domestic Violence cases (CAC); Inyo County Juvenile Probation Department staff (JPD), Inyo County Child Protective Services staff (CPS), and this Court's Probate Court Investigator (PCI). The disclosure of information concerning children and their parents and caretakers by any of these agencies to each other is generally prohibited by law, unless specifically authorized by court rule or order. Nevertheless, a limited exchange of information about children or their parents or caretakers will serve the best interests of the child who is before the Court and the administration of justice. See also Rule 8.7 herein above.

The Court hereby finds that the best interests of children appearing before the Juvenile, Family, Domestic Violence, and Probate Courts, the public interest in avoiding duplication of effort by the Courts and by the investigative agencies serving the Juvenile, Family, Domestic Violence, and Probate Courts and the value of having relevant information gathered by a court or court-serving agency outweighs the confidentiality interests reflected in Penal Code §§ 11167 and 11167.5, Welfare & Institutions Code §§ 827 and 10850, Family Code § 1818, and Probate Code § 1513, and therefore good cause exists for the following rule:

(a) Abuse/Neglect: CCE, CRM, PCI, and JPD may disclose to CPS staff who are investigating a suspected child abuse or neglect case, or involved in the investigation of a Welfare & Institutions Code § 241.1 protocol, the following information:

(1) Whether the child, his/her parents, guardians, or caretakers are or have been the subject of a custody, delinquency or probate investigation, the findings and status of that investigation, the recommendations made or anticipated to be made to the Court by CCE, CRM, PCI, or JPD, and any Court orders in existence with respect to the child, parents, guardians, or caretakers.

(2) Any statement made by the child or the child's parents, guardians, or caretakers which might bear upon the issue of the child's best interests in the pending child abuse or neglect case. In addition, CCE, CRM, PCI, or JPD staff may give to CPS staff who are investigating or supervising a suspected child abuse case a copy of any court orders.

(3) CPS may include this information in court reports and keep such information in their case files.

(b) Custody disputes: JPD, PCI, or CPS staff may disclose to the CCE and CRM mediating, investigating and/or evaluating a child custody dispute, JPD appointed to investigate a child custody dispute, and to the CAC, the following information:

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(1) Whether the child or his/her parents or caretaker are or have been the subject of a child abuse, neglect, probate or delinquency investigation, the findings and status of that investigation, the recommendations made or anticipated to be made to the Court by CPS, PCI, or JPD and any court orders in existence with respect to the child, parent, or caretaker. The identity of the reporting party of a suspected child abuse or neglect report shall not be disclosed, unless the reporting party is one of the parents.

(2) Any statements made by the child or the child's parents, guardians or caretakers which might bear upon the issue of the child's best interests in the pending Family Court or Domestic Violence matter. In addition, JPD, PCI, or CPS may give to the CCE, CRM, JPD, and CAC, who are mediating or investigating a child custody dispute a copy of any orders.

(3) CCE and CRM may include this information in court reports and keep such information in their confidential case files.

(c) Delinquency: CCE, CRM, PCI or CPS may disclose to JPD staff who are investigating a delinquency case, or involved in the investigation of a Welfare & Institutions Code § 241.1 protocol, the following information:

(1) Whether the child or his/her parents, guardian, or caretaker have been the subject of a child abuse, neglect, custody, or probate investigation, the findings and status of that investigation, the recommendations made or anticipated to be made to the Court by CCE, CRM, CPS, or PCI, and any Court orders in existence with respect to the child, parent, guardian, or caretaker.

(2) Any statements made by the child's parents, guardians, or caretakers which might bear upon the issue of disposition in the delinquency proceeding. In addition, CCE, CRM, CPS, and PCI may give to JPD staff who are investigating or supervising a delinquency matter a copy of any court orders.

(3) JPD may include this information in court reports and keep such information in their confidential case files.

(d) Probate: CCE, CRM, CPS, and JPD may disclose to PCI who are investigating a probate guardianship or conservatorship matter the following information:

(1) Whether the child or his/her parents, guardians, or caretakers have been the subject of a child abuse, neglect, custody, or delinquency investigation; the findings and status of that investigation; the recommendations made or anticipated to be made to the Court by CPS, CCE, CRM, or JPD; and any court orders in existence with respect to the child, parents, guardians, or caretakers.

(2) Any statements made by the child or the child's parents, guardians, or caretakers which might bear upon the issue of the child's best interests in the pending probate guardianship or conservatorship matter. In addition, CCE, CRM, CPS, and JPD may give to PCI who is investigating or supervising a probate guardianship or conservatorship matter a copy of any court orders.

(3) PCI may include this information in court reports and keep such information in their confidential case files.

(Adopted, effective January 1, 2002; Amended, effective July 1, 2010)

RULE 9.4 DEPENDENCY COUNSEL-QUALIFICATIONS

(a) Every party in a dependency hearing shall be entitled to competent counsel as defined in California Rule of Court 5.660(b). All attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules. These rules are applicable to attorneys representing public agencies, attorneys employed by public agencies, attorneys appointed by the court to represent any party in a juvenile dependency proceeding, and attorneys who are privately retained to represent a party to a juvenile dependency proceeding.

(b) Effective January 1, 2002, all attorneys who represent parties in juvenile court proceedings shall meet the minimum standards of training and/or experience set forth in these rules.

(c) Each attorney of record for a party to a dependency matter pending before the court on January 1, 2002, who believes that he or she meets the minimum standards of competency shall complete and submit to the Court, on or before February 1, 2002, a Certification of Competency as defined by these rules.

(d) Any attorney appearing before the Court in a dependency case pending on January 1, 2002, who does not meet the minimum standards of training or experience shall notify the Court to that effect and shall have until May 1, 2002 to complete the minimum number of hours of training required to fulfill the requirements of these rules. If the attorney fails to complete such training, the court may ~~shall~~ order, except in cases where a party is represented by retained counsel that certified counsel be substituted for the attorney who fails to complete the required training. In the case of retained counsel, the Court shall notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute private counsel shall be solely within the discretion of the party so notified.

(e) After January 1, 2002, any attorney appearing in a dependency matter for the first time, or who otherwise appears without being in full compliance with the provisions of this rule, shall complete and submit a Certification of Competency to the Court within ten (10) days of his or her first appearance in a dependency matter.

(f) Said Certification of Competency shall be in the form of a declaration, setting forth the attorney's California State Bar number, certifying that the attorney is an active member of the California State Bar in good standing, certifying that the attorney has met the minimum standards for dependency practice as set forth in California Rules of Court, Rule 5.660 and this local rule, and detailing the attorney's completion of the minimum requirements for training, education, and/or experience.

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

(h) Each attorney appearing in a dependency matter before the juvenile court shall not seek certification of competency and shall not be certified by the Court as competent until the

attorney has completed the following minimum training and educational requirement. Prior to certification, the attorney shall have either:

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

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

(i) In order to retain his or her certification to practice before the juvenile court in dependency matters, each attorney who has been previously certified by the Court shall submit a new Certificate of Competency to the Court on or before the January 31st of the third year after the year in which the attorney is first certified and then every third year thereafter. The attorney shall attach to the renewal Certification of Competency evidence that he or she has completed at least eight (8) hours of continuing training or education directly related to dependency proceedings since the attorney was last certified. Evidence of completion of the required number of hours of training or education may include a copy of a certificate of attendance issued by a California MCLE provider. Attendance at a program sponsored or approved by the Judicial Council of California may also fulfill this requirement.

(1) The attorney's continuing training or education shall be in the areas set forth above in subdivision (h)1 of this rule, or in other areas related to juvenile dependency practice including, but not limited to, special education, effects of domestic violence on children, mental health, health care, substance abuse, immigration issues, the rules of evidence, adoption practice, parentage issues, the Uniform Child Custody Jurisdiction and Enforcement Act, the Parental Kidnapping Prevention Act, state and federal public assistance programs, the Indian Child Welfare Act, client interviewing and counsel techniques, case investigation and settlement negotiations, mediation, basic motion practice and the rules of civil procedure.

(2) If the attorney fails to submit the required evidence or fails to complete the required minimum hours of continuing training or education, the Court may ~~shall~~ order, except in cases where a party is represented by retained counsel, that certified counsel be substituted for the attorney who fails to complete the required training. In the case of retained counsel, the Court may ~~shall~~ notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute counsel shall be solely within the discretion of the party so notified. (Adopted, effective January 1, 2002; Amended, effective July 1, 2010)

RULE 9.5 STANDARDS OF DEPENDENCY REPRESENTATION

(a) All attorneys appearing in dependency proceedings shall thoroughly investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge of and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the Court with respect to matters which are beyond the expertise of the attorney and/or the Court; and obtaining such other facts, evidence, or information as may be necessary to effectively present the client's position to the Court. To the extent reasonably possible, the attorney shall determine the client's interests and the positions the client wishes to take in the matter. The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity of a hearing, and of the necessity for adhering to court and/or statutorily mandated time limits.

(b) Counsel for the child in a dependency proceeding is charged with representation of the child's interests, and as provided below, said representation may include causes of action and other interests to be advanced or protected by administrative or judicial proceedings outside, as well as inside the juvenile court system.

(1) Absent exceptional circumstances, the attorney for the child shall have reasonable personal contact with the child regardless of age, and shall interview any child four years or older so the attorney may effectively represent to the Court how the child's wishes and interests may best be addressed. If the child is placed out of the home, in addition to interviewing the child, the attorney shall also interview the child's caretaker.

(2) The attorney for the child shall conduct reasonable investigation of any causes of action or interests of the child beyond the scope of the dependency proceeding, and shall immediately advise the juvenile court in writing of information regarding any interest or right of the child to be protected or pursued in other judicial or administrative forums, recommending what action, if any, should be taken by counsel on behalf of the child (including possible joinder of public agencies in the dependency action), and requesting authorization and/or direction from the Court.

(3) Upon receipt of the information, recommendation, and request by counsel, the Court shall do one or all of the following:

a. Refer the matter to the appropriate agency for further investigation, and require a report to the Court and counsel within a reasonable time;

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

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

d. Take any other action the Court deems reasonable and necessary to protect the interests and rights of the child.

(c) The Presiding Judge in consultation with the Presiding Judge of the Juvenile Court will regularly review the caseload of counsel appointed by the Court to represent parties in dependency cases. Prior to accepting any appointment to represent a party in a dependency action, Counsel shall disclose to the Court any concern Counsel might have with respect to the effect, if any, accepting such appointment might have on Counsel's ability to provide effective and competent representation to his or her clients, and/or the party to the dependency action to whom Counsel is about to be appointed. (Adopted, effective January 1, 2002)

RULE 9.6 PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS INDEPENDENCY PROCEEDINGS

(a) Any party to a dependency action may lodge a written complaint with the Presiding Judge concerning the performance of his or her appointed attorney in a dependency court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the Child Protective Services Worker, a relative, foster parent, or caretaker.

(b) As mandated by California Rules of Court, Rule 1438(d) each appointed attorney in a dependency action shall give written notice to his or her adult client of the procedure for lodging complaints with the Court concerning the performance of appointed counsel. The notice shall be given to the client within ten (10) days of the attorney's appointment to represent that client. Evidence that a copy of said notice was given or mailed to the client shall be provided to the Court within ten (10) days of a request therefore from the Court. In the case of a minor client, the notice shall be mailed or given to the current caretaker of the child. If the minor is twelve (12) years of age or older, a copy of the notice shall also be sent or given to the minor.

(c) The Presiding Judge shall review a complaint within ten (10) days of receipt. If the Presiding Judge determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated state or local rules, the Presiding Judge shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint and shall give the attorney twenty (20) days from the date of the notice to respond to the complaint in writing.

(d) After a response has been filed by the attorney or the time for submission of a response has passed, the Presiding Judge shall review the complaint and response, and take such action as the Presiding Judge deems just and appropriate. The Presiding Judge may request additional information from the complainant and/or the attorney prior to making a determination on the complaint, and the Presiding Judge may order a Marsden or other type of hearing to be held before making a determination on the complaint. The Presiding Judge may designate another judge, commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer and to report to the Presiding Judge. Any such hearing shall be reported, and shall not be open to the public.

(e) The Presiding Judge shall notify the complainant and the attorney in writing of his or her determination. If the Presiding Judge determines that the attorney has acted contrary to state or local rules of court, or finds that the attorney acted incompetently, the Presiding Judge may remove the attorney from representing party affected and appoint other counsel, privately or publicly reprove the attorney, require the attorney to successfully complete a specific program of

continuing education, impose reasonable monetary sanctions against the attorney as the Presiding Judge may deem appropriate, refer the matter to the California State Bar for further action, and/or notify the Court's Executive Officer and/or County Administrator responsible for contracting for public defender/attorney services in dependency cases of the Court's findings and determinations.

(f) Whether or not an initial hearing was held, if the Court makes a finding that an attorney has violated a state or local rule or otherwise acted incompetently, the attorney may request a review hearing. Said request for a review hearing shall be made in writing to the Presiding Judge within fifteen (15) days of the Presiding Judge issuing his or her written determination. If the attorney requests a review hearing, the attorney shall serve a copy of the request on the complaining party. The review hearing shall be held as soon as practicable after the attorney's request therefore, except the complainant and the attorney shall each be given at least ten (10) days notice of the hearing. The review hearing shall be held before the Presiding Judge or another judge of this Court as the Presiding Judge may designate. The review hearing shall be reported and shall not be open to the public. At the review hearing, each party shall have the right to present arguments with respect to the Presiding Judge's determination. Such arguments shall be based on the information or evidence before the court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the Presiding Judge made his or her initial determination with respect to the complaint. The attorney may however present additional evidence with respect to the appropriateness of discipline imposed, and/or action taken with respect to the attorney. If the attorney does offer additional evidence with respect to the discipline imposed or action taken, the complainant may then also offer evidence related to said discipline and/or action. Within ten (10) days after the review hearing, the Presiding Judge or Judge conducting the review hearing, shall issue a written determination upholding, reversing, or amending the original determination. The review hearing decision shall be the final determination of the Court with respect to the matter. A copy of the review hearing decision shall be provided to both the complainant and the attorney. (Adopted, effective January 1, 2002)

RULE 9.7 COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)

(a) The presiding judge of the juvenile court may create and/or appoint a special advocate program, which shall adhere to the requirements set forth in California Rules of Court, rule 5.655.

(b) A CASA volunteer shall have the right to be present and be heard at all hearings, and shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings. A CASA volunteer shall not be deemed to be a "party," as described in Title 3 of Part II of the Code of Civil Procedure. However, the court, in its discretion, shall have the authority to grant the CASA Advocate amicus curiae status, which includes the right to appear with counsel.

(c) CASA reports shall be filed with the court at least two days prior to the hearing. The CASA program shall also provide a copy of the report to all counsel and any de facto parent at least two days before the hearing.

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(d) Should the Juvenile Court dismiss the dependency action and create family law orders pursuant to Welfare & Institutions Code § 362.4, the CASA volunteer's appointment may be continued in the family law proceedings. If ordered, the Juvenile Court order shall set forth the nature, extent and duration of the CASA volunteer's duties in the family law proceeding.

(e) A CASA volunteer may resign from an individual case or the CASA program or may be removed from an individual case in accordance with California Rules of Court, rule 5.655(h).

(f) In order to involuntarily terminate a CASA volunteer from the CASA program, the CASA program director shall file a written application with the Presiding Judge of the Juvenile Court requesting termination of the volunteer, along with a proof of service showing service of the application on the volunteer. The volunteer may file a response to the application within ten (10) days of receipt of the application. The response must be filed with the Presiding Judge of the Juvenile Court and served on the CASA program director. The Presiding Judge of the Juvenile Court shall either rule on the application after a review of the application and response, if any, or set a hearing on the application.

(g) A CASA volunteer may file a grievance regarding the CASA program with the Presiding Judge of the Juvenile Court if the volunteer has exhausted the CASA program's grievance process and certifies that fact in the grievance filed with the Presiding Judge of the Juvenile Court. The Presiding Judge of the Juvenile Court shall investigate the grievance as he/she deems appropriate, respond in writing to the CASA volunteer and CASA Executive Director regarding the results of the investigation, and take any action the Presiding Judge of the Juvenile Court deems appropriate. (Adopted, effective July 1, 2010)

RULE 9.8 APPOINTMENT OF COUNSEL

(a) Immediately upon the filing of a petition pursuant to Welfare and Institutions Code § 602, whether in a detention or non-detention case, the Public Defender shall be deemed to be appointed to represent the minor in all proceedings thereafter, until relieved by the court.

(b) Immediately upon the filing of a petition pursuant to Welfare & Institutions Code § 300, whether or not the child or children have been removed, the Inyo County contract Public Defenders shall be deemed to be appointed to represent the minor child or children, and each of the parents/guardians in all proceedings thereafter, until relieved by the court. The appointment of the specific Public Defender for the respective parties shall be as provided under Inyo County Public Defender contracts in effect at the time of the filing of the petition.

(c) The automatic appointment of the Public Defender as provided above in this rule, shall be deemed to be vacated where retained counsel appears at the arraignment (initial hearing) or detention hearing for the minor, child, children, and/or parent/guardian. (Adopted, effective July 1, 2010)

RULE 9.9 DEPENDENCY MEDIATION

Pursuant to applicable laws and rules of court, including, but not limited to, Welfare & Institutions Code § 350, and *California Rules of Court*, rule 5.518, the Presiding Judge of the

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Juvenile Court may develop and implement protocols for voluntary and/or mandatory confidential mediation in dependency (WIC § 300) cases. (Adopted, effective July 1, 2010)

ARTICLE X
CRIMINAL

RULE 10.1 SETTING OF POST-PRELIMINARY EXAMINATION ARRAIGNMENT AND SETTLEMENT CONFERENCES

(a) Upon making a holding order, the Judge presiding over the preliminary examination will generally set the matter for arraignment and settlement conference within fifteen (15) days of the conclusion of the preliminary examination. The combined arraignment and settlement conference hearing will be set in Dept. 1 of this Court, generally on a Thursday morning immediately preceding a Friday adult law and motion calendar, and will generally be set before the Judge who presided over the preliminary examination.

(b) Absent a showing of good cause, the District Attorney's Office shall have communicated in writing their settlement position to defense counsel, or if unrepresented to the Defendant, prior to the settlement conference.

(c) Notwithstanding the execution of a Penal Code § 977 waiver, the Court will order each Defendant to personally appear at their felony settlement conferences, unless good cause exists for conducting the conference in the Defendant's absence. (Adopted, effective January 1, 2002)

RULE 10.2 PRE-TRIAL MOTIONS

(a) Absent a showing of good cause, in limine motions shall be noticed and heard at, or prior to the pre-trial conference. Motions to suppress evidence pursuant to the provisions of Penal Code § 1538.5 shall be noticed and heard as provided by statute, and should be heard prior to the pre-trial conference. Unless otherwise provided by law, absent a showing of good cause, pre-trial motions should be properly noticed and heard prior to the pre-trial conference. Said pre-trial motions include, but are not necessarily limited to the following: Severance motions, Motions to bifurcate, Castro motions to impeach defendant with prior convictions pursuant to Evidence Code § 788, motions to suppress admission or confession on Miranda or voluntariness grounds, motions to suppress identification, Aranda/Bruton motions, motion for courtroom demonstrations, motions for permission to view the scene, and/or motions to exclude evidence pursuant to the provisions to Evidence Code § 352.

(b) Motions for continuances shall be noticed and heard at the earliest possible time, and absent a showing of good cause, shall not be heard after the pre-trial conference. (Adopted, Effective January 1, 2002)

RULE 10.3 PRE-TRIAL CONFERENCES

(a) Notwithstanding the execution of a Penal Code § 977 waiver, the Court will order each Defendant to personally appear at their felony pre-trial conferences, unless good cause exists for conducting the conference in the Defendant's absence.

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(b) At least two days prior to any scheduled misdemeanor or felony pre-trial conference, all parties shall have served and filed the following:

- (1) Witness List;
- (2) Exhibit List;
- (3) Preliminary Requests for *CALCRIM* and Special Jury Instructions;
- (4) A statement identifying any complex legal or evidentiary issues, the parties' respective positions, anticipated factual support, with a supporting memorandum of points and authorities;
- (5) Proposed prospective juror questionnaires and proposed questions, if any, for the Court to ask prospective jurors during voir dire examination;
- (6) Any unresolved in limine motions, including motions to exclude witnesses; and,
- (7) The prosecution shall present proposed Verdict forms, including any special findings.

(c) At the Pre-Trial Conference the parties shall be prepared to discuss and/or engage in the following:

- (1) To engage in good faith in final settlement negotiations;
- (2) Discuss possible amendment of the Information for the limited purpose of reading the charges to prospective jurors;
- (3) Participate in a pre-voir dire conference;
- (4) Number of peremptory challenges and order of exercise of peremptory challenges;
- (5) Number of alternate jurors;
- (6) Pre-instruction of the jury, and preliminary discussion of closing *CALCRIM* and special jury instructions;
- (7) Order of examination in multi-party cases;
- (8) Discussion of any complex evidentiary or legal issues;
- (9) Pre-marking of exhibits;
- (10) Stipulations;
- (11) Any issues triable by the Court as opposed to the jury;
- (12) Any revision in the estimate of the length of trial; and,
- (13) Scheduling problems including those of Witnesses and Counsel.

(Adopted, effective January 1, 2002)

ARTICLE XI
APPELLATE DIVISION

RULE 11.1 APPELLATE DIVISION ASSIGNMENTS

Each year the Chief Justice of California, as Chair of the Judicial Council of California appoints three Superior Court judges to sit as the Appellate Division for the Superior Court of California, County of Inyo. Historically, the Appellate Division has consisted of a Superior Court judge from Inyo, Mono, and Alpine counties, with the assigned judge from Inyo County serving as the Presiding Judge of the Appellate Division. Information concerning the current assignment of judges to the Appellate Division can be obtained from the Judicial Council of California, or from the Appellate Clerk in the Executive Offices of the Superior Court of California, County of Inyo P.O. Drawer U, Independence, CA 93526, or by calling (760) 872-2859. (Adopted, effective January 1, 2002; As Amended, effective July 1, 2010)

RULE 11.2 ORAL ARGUMENT

Appeals to the Appellate Division of the Superior Court of California, County of Inyo shall be submitted on the briefs without oral argument, unless oral argument is requested by any party or ordered on the Court's own motion. Requests for oral argument shall be in writing, served and filed within ten (10) days of the filing of Appellant's Reply Brief. (Adopted, effective January 1, 2002)

APPENDIX I

Alternative Dispute Resolution Forms

ADR-001	Stipulation to Participate in Mediation
ADR-002	Mediation Party List
ADR-003	Notice of Mediator Assignment
ADR-004	Notice of Mediator Acceptance or Recusal
ADR-005	Request for Disqualification of Mediator
ADR-006	Notice of Mediation Session
ADR-007	Confidentiality Agreement
ADR-008	Stipulation Settlement

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<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO</p>	<p><i>FOR COURT USE ONLY</i></p>
<p>PLAINTIFF/PETITIONER:</p> <p>DEFENDANT/RESPONDENT:</p>	
<p>STIPULATION TO PARTICIPATE IN MEDIATION</p>	<p>CASE NUMBER:</p>

The undersigned parties hereby stipulate and agree to participate in the Inyo County Superior Court Mediation Program.

We understand that there may be a charge for services provided by mediators. We understand that participating in the mediation process does not extend the time periods specified in California Rules of Court Rule 3.720 et seq.

ADR-002 attached with additional parties to this stipulation.

PLAINTIFF(S)

 (SIGNATURE OF PLAINTIFF'S ATTORNEY) Date

PRINT NAME:
 PHONE:
 FAX:

 (SIGNATURE OF PLAINTIFF'S ATTORNEY) Date

PRINT NAME:
 PHONE:
 FAX:

DEFENDANT(S)

 (SIGNATURE OF DEFENDANT'S ATTORNEY) Date

PRINT NAME:
 PHONE:
 FAX:

 (SIGNATURE OF DEFENDANT'S ATTORNEY) Date

PRINT NAME:
 PHONE:
 FAX:

STIPULATION TO PARTICIPATE IN MEDIATION

Local Rules of Court - Inyo County Superior Court (Rev. 7-1-2010)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO	
PLAINTIFF/PETITIONER:	
DEFENDANT/RESPONDENT:	
ATTACHMENT – ADDITIONAL PARTIES STIPULATION TO PARTICIPATE IN MEDIATION	CASE NUMBER:

The undersigned parties hereby stipulate and agree to participate in the Inyo County Superior Court Mediation Program.

We understand that there may be a charge for services provided by mediators. We understand that participating in the mediation process does not extend the time periods specified in California Rules of Court Rule 3.720 et seq.

PLAINTIFF(S)

(SIGNATURE OF PLAINTIFF'S ATTORNEY) Date _____

PRINT NAME:
PHONE:
FAX:

(SIGNATURE OF PLAINTIFF'S ATTORNEY) Date _____

PRINT NAME:
PHONE:
FAX:

(SIGNATURE OF PLAINTIFF'S ATTORNEY) Date _____

PRINT NAME:
PHONE:
FAX:

(SIGNATURE OF PLAINTIFF'S ATTORNEY) Date _____

PRINT NAME:
PHONE:
FAX:

DEFENDANT(S)

(SIGNATURE OF DEFENDANT'S ATTORNEY) Date _____

PRINT NAME:
PHONE:
FAX:

(SIGNATURE OF DEFENDANT'S ATTORNEY) Date _____

PRINT NAME:
PHONE:
FAX:

(SIGNATURE OF DEFENDANT'S ATTORNEY) Date _____

PRINT NAME:
PHONE:
FAX:

(SIGNATURE OF DEFENDANT'S ATTORNEY) Date _____

PRINT NAME:
PHONE:
FAX:

Local Rules of Court - Inyo County Superior Court (Rev. 7-1-2010)

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO</p>	<p><i>FOR COURT USE ONLY</i></p>
<p>PLAINTIFF/PETITIONER:</p> <p>DEFENDANT/RESPONDENT:</p>	
<p>NOTICE OF MEDIATOR ASSIGNMENT</p>	<p>CASE NUMBER:</p>

To: _____ (Mediator)

On _____

1. You were selected to preside as the mediator in the above-mentioned case.
2. You are instructed to notify the Alternative Dispute Resolution (ADR) Administrator within seven (7) calendar days of the date of this notice if unable to serve as the mediator in this case because of a conflict or any other valid reason.
3. The mediation session must be concluded no later than _____, and the Statement of Agreement or Nonagreement ADR-100 filed with the ADR Administrator no later than the (10) calendar days thereafter. These dates can only be extended by prior approval of the ADR Administrator.

Date: _____

 Judge of the Superior Court

NOTICE OF ASSIGNMENT OF MEDIATOR

Local Rules of Court - Inyo County Superior Court (Rev. 7-1-2010)

MEDIATOR NAME, ADDRESS, TELEPHONE, FAX AND EMAIL:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
NOTICE OF MEDIATOR ACCEPTANCE OR RECUSAL	CASE NUMBER:

I was selected/assigned as the mediator in this case on (date) _____

- I accept my selection/assignment as the mediator in this case (signed below).

- I am unable to accept this selection/assignment because I (or in the case of # 1, 3, 4, 5, or 6, an immediate family member):
 - 1. Have personal knowledge of disputed evidentiary facts.
 - 2. Have served as a lawyer in this case or in another case involving the same issues or served as a lawyer for or gave advice to a party in this case.
 - 3. Have a financial interest in the subject matter in this case or with a party to the dispute.
 - 4. Am a party to this case, or an officer, director, or trustee of a party.
 - 5. Have a familial relationship with an attorney in this case.
 - 6. Am in private practice of law with a lawyer in this case.
 - 7. Believe my recusal would further the interests of justice.
 - 8. Substantially doubt my capacity to be impartial, or a person aware of the facts might reasonably entertain a doubt that I would be able to be impartial.
 - 9. Have a permanent or temporary physical impairment preventing me from properly conducting the mediation process.
 - 10. Am prevented from properly hearing the matter due to scheduling conflicts.
 - 11. Believe my participation would jeopardize the integrity of the court or the mediation process.
 - 12. Other: _____

(TYPE OR PRINT NAME OF MEDIATOR)

(SIGNATURE OF MEDIATOR) (DATE)

NOTICE OF MEDIATOR ACCEPTANCE OR RECUSAL

Local Rules of Court - Inyo County Superior Court (Rev. 7-1-2010)

NAME, ADDRESS, TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
REQUEST AND DECLARATION FOR DISQUALIFICATION OF MEDIATOR	CASE NUMBER:

INSTRUCTIONS:

1. Complete this form.
2. Attach a verified statement of the facts constituting the grounds for disqualification. Mere conclusions are insufficient.
3. Present at the earliest opportunity after discovery of the facts constituting grounds for disqualification.
4. Serve copies of the statement on each party or his or her attorney who has appeared and on the mediator.
5. Submit copy to the ADR Administrator.

I HEREBY DECLARE THAT: _____ (mediator's name) was selected/assigned as the mediator in this case on _____. I have demanded that the mediator disqualify himself/herself. The mediator has failed to do so. I object to the mediation process before this person on grounds that the person (or in the case of #1, 3, 4, 5, or 6, an immediate family member):

- 1. Has personal knowledge of disputed evidentiary facts.
- 2. Has served as a lawyer in this case or in another case involving the same issues or served as a lawyer for or gave advice to a party in this case.
- 3. Has a financial interest in the subject matter in this case or with a party to the dispute.
- 4. Is a party to this case, or an officer, director, or trustee of a party.
- 5. Has a familial relationship with an attorney in this case.
- 6. Is in private practice of law with a lawyer in this case.
- 7. Has a permanent or temporary physical impairment preventing him/her from properly conducting the mediation process.

Or that I:

- 8. Believe his/her recusal would further the interests of justice.
- 9. Substantially doubt his/her capacity to be impartial, or a person aware of the facts might reasonably entertain a doubt that he/she would be able to be impartial.
- 10. Believe his/her participation would jeopardize the integrity of the court or the mediation process.
- Other (specify): _____

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

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT) (DATE)

REQUEST AND DECLARATION FOR DISQUALIFICATION OF MEDIATOR

Form for Optional Use
Inyo County Superior Court
ADR-005 [New July 1, 2010]

Code of Civil Procedure §170.3
California Rules of Court rule 3.855

Local Rules of Court - Inyo County Superior Court (Rev. 7-1-2010)

Short Title	Case Number
-------------	-------------

PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to this action. I am a resident of or employed in the county where the mailing occurred. My residence or business address is noted below. I served this **Request for Disqualification of Mediator** on the date noted below upon each party or counsel and the mediator by depositing in the United States mail at _____, California, one copy of the original herein in a separate sealed envelope to each address as shown below in the attached mailing list with postage thereon fully prepaid.

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

Dated: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

(ADDRESS OF DECLARANT)

RESPONSE TO REQUEST FOR DISQUALIFICATION OF MEDIATOR

I consent to the disqualification.

I do not consent to the disqualification.

Dated: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to this action. I am a resident of or employed in the county where the mailing occurred. My residence or business address is noted below. I served this **Response to Request for Disqualification of Mediator** on the date noted below upon each party or counsel by depositing in the United States mail at _____, California, one copy of the original herein in a separate sealed envelope to each address as shown below in the attached mailing list with postage thereon fully prepaid.

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

Dated: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

(ADDRESS OF DECLARANT)

REQUEST AND DECLARATION FOR DISQUALIFICATION OF MEDIATOR

Local Rules of Court - Inyo County Superior Court (Rev. 7-1-2010)

NAME, ADDRESS, TELEPHONE, FAX AND EMAIL:	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
NOTICE OF MEDIATION SESSION	CASE NUMBER:

(DO NOT FILE WITH THE COURT)
This form must be served on all parties or counsel of record and ADR Administrator.

The above matter has been scheduled for a Mediation Session as follows:

Date: _____

Time: _____ a.m. p.m.

Location: _____

Please bring with you: _____

Dated: _____

 (SIGNATURE OF ADR ADMINISTRATOR OR COUNSEL)

 Printed Name and Title

NOTICE OF MEDIATION SESSION

Local Rules of Court - Inyo County Superior Court (Rev. 7-1-2010)

MEDIATOR NAME, ADDRESS, TELEPHONE, FAX AND EMAIL:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO	
PLAINTIFF/PETITIONER:	
DEFENDANT/RESPONDENT:	
CONFIDENTIALITY AGREEMENT MEDIATION SESSION	CASE NUMBER:

(DO NOT FILE WITH THE COURT; send to ADR Administrator, P.O. Drawer U, Independence, CA 93526)

The participants in the mediation proceeding of this case agree that:

1. No written or oral communication made by any party, attorney, mediator, or other participant in any mediation session in this case may be used for any purpose in any pending or future proceeding unless all parties, including the mediator, so agree. Disclosure of information that otherwise is privileged will not alter its privileged character.
2. The parties will not subpoena the mediator or any documents submitted to the mediator during or in connection with the mediation process. The mediator will not testify voluntarily on behalf of a party.
3. This agreement will not preclude a report of information to the ADR Administrator or an inquiry by the Administrator regarding complaints against a mediator.
4. This agreement does not affect the admissibility of a written settlement agreement reached as a result of this mediation proceeding in an action to enforce that settlement.

Dated: _____

Mediator

Party

Party

Attorney

Attorney

Party

Party

Attorney

Attorney

Other Participant

Other Participant

Title

Title

Representing (*specify party*)

Representing (*specify party*)

Additional pages attached (*number*) _____

CONFIDENTIALITY AGREEMENT – MEDIATION SESSION

Local Rules of Court - Inyo County Superior Court (Rev. 7-1-2010)

NAME, ADDRESS, TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
STIPULATION RE SETTLEMENT	CASE NUMBER:

IT IS HEREBY STIPULATED, BY AND BETWEEN THE PARTIES, THAT this matter is deemed settled pursuant to the following terms and conditions:

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

STIPULATION RE SETTLEMENT

Local Rules of Court - Inyo County Superior Court (Rev. 7-1-2010)

2. The _____ agrees to accept said sum as payment in full of all (his/her/their) claims, known or unknown, arising from the events described in the complaint with the knowledge that (he/she/they) will be barred from proceeding against _____ in the future regardless of what might happen.

3. Each party will bear its own court costs and attorney fees.

4. Parties shall execute mutual releases of all claims.

5. The parties agree that they have reached a full and final settlement of all claims arising from the events described in the complaint. This agreement is binding and it contains the material terms of the agreement between the parties. Pursuant to Evidence Code section 1123, the parties acknowledge that this agreement is exempt from the confidentiality provisions of Evidence Code section 1152 et seq., and is admissible in evidence to enforce the settlement.

6. The parties agree the Court may dismiss the case without prejudice. The Court is requested to retain jurisdiction and this settlement may be enforced pursuant to California Code of Civil Procedure section 664.6.

Additional pages attached (number) _____.

Dated _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR PLAINTIFF)

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR DEFENDANT)

(TYPE OR PRINT NAME)

(SIGNATURE OF _____)

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR _____)

(TYPE OR PRINT NAME)

(SIGNATURE OF _____)

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR _____)

STIPULATION RE SETTLEMENT

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