Plumas County

SUPERIOR COURT RULES

EFFECTIVE REVISED JULY 1, 2009

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RULE 1. GENERAL RULES

1.1 NAME, CITATION AND EFFECTIVE DATE

(a) These rules shall be known as the Plumas County Superior Court Rules and may be cited as PCR. These rules become effective on July 1, 2008, and supersede all other local rules previously adopted by the Plumas County Superior Court.

(b) Construction and Application of Rules. These rules shall be construed and applied in such a manner as to not conflict with the California Rules of Court and shall be liberally construed to serve the proper and efficient administration of justice in the Superior Court of Plumas County. *(Amended Eff. 7/01/08)*

(c) Severability Of Rules. If any of these rules are found to be in conflict with any statute, rule or decision, the rule(s) shall be deemed to conform to said statute, rule or decision, and the remaining rules shall remain in force and effect.

1.2 SANCTIONS FOR VIOLATION OF LOCAL RULES *(Formerly PCR 1.4)*

If a party or an attorney fails, refuses, or neglects to comply with these rules, the California Rules of Court, or any other rules or statutory requirements, the Curt may, after notice and opportunity to be heard, impose any and all sanctions authorized by law.

1.3 WAIVER OF COURT COSTS AND FEES

The application, eligibility and procedure for any party who seeks waiver of Court Costs and Fees are governed by Rule 3.50, et seq. of the California Rules of Court and Government Code 68511.3. *(Eff. 7/1/03)*

1.4 TIMELY APPEARANCE OF COUNSEL AND REQUIRED NOTIFICATION *(Formerly PCR 1.5)*

(a) Except as set forth herein, once an attorney has made a general appearance in any matter, civil or criminal, that attorney shall appear in the department to which the matter has been assigned at or before the time set for any proceeding in that matter.

(b) However, the attorney may appear at or before the start of any calendar to which his or her matter is assigned to notify the court the attorney will be late due to an appearance in another department. Counsel may also seek approval of the court to leave the court prior to the conclusion of the matter assigned to one department in order to appear in matters set in the other department. *(Formerly PCR 1.4 (c)*

(c) An attorney shall not be late for a court appearance or fail to appear at a court appearance except for good cause shown. *(Formerly PCR 1.4(d)*

1.5 GENERAL POLICY RE: COURTROOM DECORUM *(Formerly PCR 1.8)*

(a) Courtroom Decorum 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 of Courtroom Decorum 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 should:

(1) Pursuant to Business and Professions Code §6068(b) "maintain the respect due to the courts of justice and judicial officers."

(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 this section as well as other applicable statutes and 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.

1.6 COURTROOM ATTIRE *(Formerly PCR 1.9)*

(a) 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.

(b) All persons in the courtroom should dress in a manner that is not offensive or distracting to others of usual sensibilities. Counsel shall so instruct parties they represent, witnesses they call and persons accompanying them. No persons shall appear in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court: shorts, tank tops, or any clothing that displays inappropriate words or pictures.

(c) Bailiffs will 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

1.7 PAGERS AND CELLULAR PHONES

Cellular telephones and audible pagers must be turned off before entering courtrooms and may not be used within any of the courtrooms.

1.8 TELEPHONIC APPEARANCES

All counsel are required to be present at any contested hearing; however, counsel may appear telephonically at Case Management Conferences, at trial setting hearings, and for any other hearings where allowed by the Court. ~~If counsel wish to appear telephonically for a contested hearing, permission must first be granted by the Court.~~ Counsel may apply ex parte to the Judicial Secretary for Permission to appear telephonically at a hearing. *(Adopted 7/01/08, Amended 7/01/09)*

Plumas County Courts use CourtCall for telephonic hearings. Counsel are required to contact CourtCall to make arrangements to appear telephonically. The telephone number of CourtCall is 1-888-88COURT. *(Adopted 7/01/08)*

1.9 OFFICIAL COURT REPORTERS *(Formerly PCR1.2)*

(a) ~~**Appointment.**~~ **Assignment.** Each department of the Superior Court shall have an Official Court Reporter assigned ~~appointed by the Judicial Oversight Committee~~. The telephone numbers of the Official Court Reporters are: Department I – (530) 283-6064; Department II – (530) 283-6326. *(Previously amended eff. 7/01/08, Amended Eff. 7/01/09)*

(b) Proceedings Reported. ~~**All Court proceedings will be reported, unless otherwise ordered by the Court, except Case Management conferences.**~~ (1) Official court reporting services will be provided in all felony, misdemeanor, juvenile delinquency and juvenile dependency proceedings. (2) Official reporting services will be also be provided , subject to the availability of an official court reporter for the following proceedings: family law hearings and trials, family support proceedings and trials, unlimited and limited civil trials and law and motion, probate, adoptions and mental health proceedings. (3) Official reporting services may not be available for the following proceedings: small claims cases, traffic infraction and misdemeanor proceedings. (4) Official court reporting services will not be provided for Case Management Conferences. *(Amended Eff. 7/01/09)*

(c) Court Reporting Services Arranged by Parties. If an official reporter is not available for the civil proceedings listed in 1.9(b)(2), the Clerk must notify the parties as soon as possible prior to hearing or trial date. When an official reporter is not available, the parties may arrange for the attendance of a certified shorthand reporter to serve as an official pro tem reporter. If a party arranges and pays for the attendance of a pro tem reporter at a hearing or trial because of the unavailability of an official court reporter, the parties will not be charged the fee for official reporting services required pursuant to Government Code § 68086. *(Adopted Eff. 7/01/09)*

(d) Realtime Services. If any party requests the Official Court Reporter to provide a realtime translation connection to either a personal computer or monitor only, a fee shall be assessed for such service by the individual court reporters. *(Renumbered and Amended Eff. 7/01/09)*

(e) Draft Transcripts in Criminal and Juvenile Matters.

Any person requesting a draft transcript of any proceeding reported by the Official Court Reporter shall first obtain an order from the Superior Court Judge authorizing the production of such transcript. In the event the Court authorizes production of the transcript, an official certified transcript shall also be generated in a timely fashion according to code and shall replace the rough draft transcript. This official certified transcript shall be compensated at the rates set forth in Government Code § 69950 and 69954. Upon receipt of any rough draft transcript, each party or person shall sign a disclaimer regarding the use of this form of the proceedings in accordance with Code of Civil Procedure § 273(b). Rough draft transcripts will not include title pages, indexes, line numbers, or a Court Reporter's Certificate. All of the above provisions apply to any rough draft transcript produced in a computer-readable format, commonly referred to as an ASCII disk. *(Amended eff. 7/01/08, Renumbered Eff. 7/01/09)*

(f) TRANSCRIPTS IN CIVIL MATTERS

Parties and/or attorneys wanting transcripts in civil matter shall contact the court reporter to receive an estimate of the cost for production of a transcript. Upon the receipt of a deposit of an amount determined by the reporter, the transcript will be prepared. *(Adopted 7/01/08, Renumbered 7/01/09)*

(g) FEE FOR REPORTER IN HEARINGS

In accordance with Government Code § 68086(a) a fee will be charged for the services of an official court reporter for a proceeding lasting longer than one hour in family law cases and unlimited civil cases. . *(Adopted 7/01/08, Renumbered 7/01/09)*

1.10 FILINGS BY FACSIMILE

Documents may be submitted to the court for filing using a fax machine. The filing of a document with the payment of a fee is handled by Official Payments, Inc. (800) 322-4945. By calling that number, one may activate the service, and instructions for the filing process will be sent to you.

If materials are faxed to the court, which do not require a filing fee, they should be faxed to (530) 283-6415.

~~1.11 SERVICE ON ATTORNEYS~~

~~By longstanding county tradition, documents are deemed to be effectively legally served on attorneys with office in Quincy by placement in the attorney's mailbox located in the Court Clerk's office.~~
~~For counsel with office outside of Quincy, documents will be served by mail.~~
~~(repealed effective 7/01/09)~~

RULE 2. CIVIL LAW AND MOTION MATTERS

2.1 APPLICABILITY

This Rule applies to all civil Law and Motion proceedings. *(Eff. 7/1/03)*

2.2 FORM OF PLEADINGS PRESENTED FOR FILING

All documents presented for filing must comply with California Rules of Court, in particular California Rules of Court §§ 3.1110 through 3.1115.

(a) Format of Pleadings. The format for any papers filed with the Plumas Superior Court small conform to the California Rules of Court § 3.1110.

(b) Length of Pleadings. The length of any motion or other document filed with the Plumas Superior Court shall conform to the limits set forth in § 3.1113(d) of the California Rules of Court. A party may apply to file a longer pleading pursuant to California Rules of Court § 3.1113(d), and the Court will freely grant such applications in the interest of justice. *(Eff. 7/1/03)*

(c) Proposed Order. At the time a Motion is filed in a civil case, it shall be accompanied by a Proposed Order. If there is opposition to the Motion, a Proposed Order on behalf of the opposing party shall accompany the Opposition Memorandum.

2.3 DEADLINE FOR FILING PLEADINGS

Unless otherwise ordered by the Court or specifically provided for by law, all moving and supporting papers shall be served and filed pursuant to the provisions of § 3.1300 of the California Rules of Court and Civil Code of Procedures 1005.

The parties may stipulate for additional time and the Court, upon application and good cause appearing, may extend the time for filing pleadings as allowed by law. *(Eff. 7/1/03)*

2.4 CALENDAR MATTERS

(a) Law And Motion. Civil Law and Motion matters are heard in Department 2 generally on the second and fourth Mondays of the month and shall be calendared as follows:

- Probate matters are heard at 9:00 a.m.
- Family Law matters are heard at 10:30 a.m.
- Restraining orders and civil harassment orders are heard at 3:00 p.m.
- All other Civil Law and Motion matters are heard at 9:30 a.m.

When the second or fourth Monday of the month is a holiday, the Law and Motion calendar shall be set on Wednesday of the same week.

If counsel believe that the matter to be heard will take more than 20 minutes, counsel should contact the Judicial Secretary so that a setting for a longer hearing can be scheduled. *(As Amended, Eff. 7/01/08)*

(b) Case Management Conferences. Case management conferences are heard generally on the second and fourth Mondays of the month. Case Management Conferences in which at least one party is appearing telephonically will be scheduled at 2 p.m.; if no one is appearing telephonically, the conference will be scheduled for 1:30 p.m. *(As Amended, Eff. 7/01/08)*

(c) Schedule. The Clerk shall post a general schedule showing the days and times for holding each type of Law and Motion hearing. (California Rules of Court § 3.1304(a).

(d) Taking Matters Off Calendar. In order to avoid unnecessary or untimely attention to motions that go off calendar, counsel must advise the Court of such changes at the earliest possible time. *(As Amended, Eff. 1/1/05)*

2.5 CONTINUANCES (CIVIL LAW AND MOTION ONLY)

Requests to Continue. Attorneys wishing to continue a hearing may submit a signed stipulation and order together with the filing fee. If the attorneys are not able to agree on a continuance they may stipulate to put the matter on the Case Management Conference calendar for resetting. Arrangements for a new hearing date, or to put the matter on the Case Management Conference calendar, should be made with the Judicial Secretary at (530) 283-6297. A stipulation by the parties only to continue the hearing without a new hearing date is not sufficient. *(As Amended, Eff. 7/01/08, Previously Amended 1/1/05)*

No more than one continuance shall be permitted by stipulation of the parties without a court order. *(Adopted 7/01/08)*

2.6 APPLICATION FOR ORDER SHORTENING TIME AND EX PARTE ORDERS

(a) Good Cause. All applications for *ex parte* orders, including orders shortening time, shall be supported by an affidavit or declaration showing good cause for the order, and, where applicable, shall comply with California Rules of Court §§ 3.1200 et seq.

(b) Application For *Ex Parte* Orders. An application for an order shall not be made *ex parte* unless it appears by affidavit or declaration:

(1) That, within a reasonable time before the application, the party or counsel informed the opposing party or opposing party's counsel when and where the application would be made; or,

(2) That the party in good faith attempted to inform the opposing party or the opposing party's counsel but was unable to do so, specifying the efforts made to inform them; or,

(3) That, for reasons specified, the party should not be required to inform the opposing party or the opposing party's counsel. *(Eff. 7/1/03)*

2.7 TENTATIVE RULINGS *(Amended 7/01/09)*

On the afternoon of the Thursday before a Civil Law and Motion Calendar, the Court will record telephonically, and also post on the court web site a tentative ruling on each matter on the calendar. The tentative rulings will be available by telephoning a tape-recorded message at (530) ~~283-3314~~ 816-0422 or by signing onto the website at **www.plumascourt.ca.gov** and clicking "Tentative Rulings" after 4:00 p.m. on the day the rulings are posted.

The tentative ruling shall become the ruling of the court unless a party desiring to be heard informs the judicial secretary that such party will appear at the hearing and has notified the other side of its intention to appear and argue the matter.

The tentative rulings recorded message and web site information may indicate that the Court requests appearances. In such a case, limited arguments will be entertained with the time for hearing not to exceed 20 minutes.

2.8 FILING PAPERS IN LAW AND MOTION *(Adopted 7/01/08)*

The Court recommends that all parties filing moving papers and opposition papers submit an extra copy of the papers to the clerk at the time of filing. The clerk will deliver this extra courtesy copy to the assigned Judge.

2.9 MOTIONS FOR SUMMARY JUDGMENT OR SUMMARY ADJUDICATION OF ISSUES *(Formerly PCR 2.7)*

All motions for summary judgment or summary adjudication of issue must conform to the requirements of Code of Civil Procedures 437c and §§ 3.1350, 3.1352, and 3.1354 of the California Rules of Court. Motions for summary judgment and opposition papers shall be submitted with an extra copy that the clerk will deliver to the assigned Judge. *(Amended, Eff. 7/01/08, Previously Amended Eff. 7/1/03)*

2.10 DEMURRERS *(Adopted 7/01/08)*

All demurrers, and papers in opposition thereto, shall be submitted with an extra copy that the clerk will deliver to the assigned Judge.

2.11 DISCOVERY *(Formerly PCR 2.8)*

General Policy. The policy of the law is one of liberality in allowing discovery. Doubt will be resolved in favor of permitting discovery. It is also the policy of this Court that discovery be conducted in the most expeditious and least expensive manner. To that end, the Court will entertain motions for protective orders seeking relief from oppressive discovery and may grant monetary and other sanctions against evasive, uncooperative and dilatory counsel who make or oppose motions without substantial justification. Similarly, the Court will expect counsel to attempt to resolve any differences prior to filing any motions and, if a motion is filed, prior to the hearing. *(Eff. 7/1/03)*

2.12 ATTORNEY FEES IN CIVIL ACTIONS OR PROCEEDINGS *(Formerly PCR 2.9)*

(a) Promissory Notes and Contracts Providing For Fees. In actions on promissory notes and contracts providing for payment of attorney fees, whenever a prevailing party is entitled to recovery of reasonable fees, then the following schedule will be considered by the Court in awarding such fees:

(1) **Default Action***:* Exclusive of costs and interest.

- Twenty-five percent (25%) of the first two thousand dollars ($2,000) awarded as damages with a minimum fee of three hundred dollars ($300);
- Twenty percent (20%) of the next four thousand dollars ($4,000);
- Fifteen percent (15% of the next four thousand dollars ($4,000);
- Ten percent (10%) of the next ten thousand dollars ($10,000);
- Five percent (5%) of the next thirty thousand dollars ($30,000); and
- Two percent (2%) of amounts in excess of the first fifty thousand dollars.
- The Court, in its discretion, will fix fees for recoveries in excess of one hundred fifty thousand dollars ($150,000).

(2) **Contested Action:** The same amount as computed under subpart 2.9A(1) above, increased by reasonable 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.

(b) Attorney Fees When Defendant Is The Prevailing Party. When the defendant is the prevailing party, the fees will be reasonable compensation (computed on an hourly or per-day basis) for research, general preparation, trial, or other services rendered, as may be allowed by the Court.

(c) Clerk's Calculation of Reasonable Attorney Fees. When a prevailing party is entitled to the recovery of reasonable attorney fees in an otherwise appropriate clerk's judgment, the clerk will include attorney fees computed pursuant to the fee schedule included in this Rule.

(d) Determination of Attorney Fees In Excess Of Schedule. When a party claims attorney fees in excess of those allowed by this Rule, then an application for attorney fees must be made to the Court; the application must be supported by declarations setting forth the factual basis for the claimed fees. The fees will be fixed thereupon by the Court. *(Adopted, Eff. 1/1/05)*

RULE 3. CASE MANAGEMENT

3.1 CASE MANAGEMENT CONFERENCE

The goal of the Court is to dispose of the cases subject to the Trial Court Delay Reduction Act within the standards for disposition adopted by the Judicial Council.

In order to achieve timely resolution of general civil actions, the Court will actively manage and supervise the pace of litigation from the date of the filing of the action to its final disposition.

Upon the initial filing of a civil action or proceeding, other than juvenile, probate, family law, domestic violence, or civil harassment, the Clerk shall set the matter for a first case management conference on the case management calendar closest to, but not less than 180 days from the date of filing. The clerk shall issue a notice of case management conference with the summons. The plaintiff shall serve a copy of the notice of case management conference along with the summons and complaint. *(Eff. 7/1/03, Amended Eff. 7/01/08)*

3.2 EXEMPTION FROM TRIAL DELAY REDUCTION

A request to exempt a case from the Delay Reduction Rules shall be by written motion, supported by declaration showing good cause. A stipulation does not establish good cause. *(Eff. 7/1/03)*

3.3 PERIODS OF CASE PROGRESSION

In order to dispose of cases within the legislative standards, the Court adopts the following time periods for progression of all cases:

(a) Service of the complaint within 60 days of filing.

(b) Service of responsive pleading within 30 days after service of the complaint.

(c) Discovery to commence at the earliest practicable date.

(d) First case management conference to be held approximately 180 days after filing of a complaint.

(e) All discovery, other than depositions of expert witnesses, to be completed by 240 days after filing of the complaint.

(f) Stipulated extensions of time as provided in Government Code 68616 shall be in writing and filed with the Clerk. Any other extensions shall only be after a written motion, supported by a declaration of good cause. *(Eff. 7/1/03)*

3.4 CASE MANAGEMENT STATEMENT

All parties taking part in a case management conference must submit a completed Case Management Statement before the case management conference pursuant to California Rules of Court § 3.725, using Judicial Council form CM-110. The Case Management Statement shall be filed with the Court no later than 15 calendar days before the date set for the case management conferenct, and the statement shall be served on all other parties in the case. *(Amended Eff. 7/01/08, Previously Amended, Eff. 1/1/05)*

3.5 PARTICIPATION IN CONFERENCE

Counsel for each party, and each party not represented by counsel, shall attend the Case Management Conference, either in person or telephonically. *(Amended Eff. 7/1/08, Previously Amended Eff. 7/1/03)*

3.6 SANCTIONS

The Court may impose any and all sanctions allowed by law upon any party or counsel who fails to participate in the Case Management Conference or who otherwise impedes the Trial Delay Reduction Rules. See also PCR 1.2. *(Amended Eff. 8/01/08, Previously Amended Eff. 7/1/03)*

ALTERNATIVE DISPUTE RESOLUTION (ADR)

3.7 MEDIATION/ARBITRATION

(a) The Court supports ADR, and this Court will make every effort to see that every case has the opportunity to go to mediation, arbitration or a settlement conference. *(Amended, Eff. 7/01/08)*

(b) Counsel for the parties will be given the opportunity to select a private mediator of their choice.

(c) The Clerk's office maintains an ADR resource file with the names, curriculum vitae and charges of local mediators and arbitrators as well as other ADR material.

(d) The Court recognizes that not all litigants or their counsel reside in Plumas County, and it may be more expeditious and economical to retain a private mediator or arbitrator from another area more convenient to the parties or their counsel.

(e) The case will be placed back on the Case Management calendar to confirm the identity of the mediator/arbitrator and the date and time of the mediation/arbitration.

(f) Subsequent to the date scheduled for the mediation/arbitration, there will be a follow-up Case Management Conference to confirm that the mediation/arbitration went forward.

(g) If the mediation/arbitration results in the resolution of the dispute, counsel will not be required to appear at the follow-up Case Management Conference but are to notify the Court of the resolution of the dispute. *(Eff. 7/1/03)*

3.8 SETTLEMENT CONFERENCES

(a) The Court will schedule a mandatory settlement conference for all cases.

(b) All parties, as well as their agents with authority to settle, will attend the mandatory settlement conference.

(c) Failure of a party to attend, or failure of an agent with authority to attend a settlement conference, may result in sanctions imposed by the Court.

(d) No telephone appearance will be allowed without prior approval by the Court, and will only be allowed under extraordinary circumstances.

(e) The parties shall submit a settlement brief not to exceed 5 pages no later than 5 p.m. on Friday before one week prior to the settlement conference. A copy of the settlement brief shall be served upon the opposing counsel. The Court's copy of the settlement brief may be faxed to the Settlement Judge at (530) 283-6415. *(Amended Eff. 7/01/08)*

RULE 4. CIVIL TRIALS

4.1 TRIAL SETTINGS

Except for trials governed by the Family Law provisions (See: PC Rule 6), all matters shall generally be set for trial at the first Case Management Conference. *(Amended Eff. 7/01/08)*

The trial date shall be determined by the Court, with due consideration for the convenience of the parties. *(Eff. 7/1/03)*

4.2 READINESS CONFERENCE

At the time the matter is set for trial, the Court will also set a Mandatory Settlement Conference and a Readiness Conference. The Readiness Conference shall take place at least two weeks before the trial date. *(Amended Eff. 7/01/08)*

At the Readiness Conference, counsel for the parties shall be prepared to:

(a) Submit a Statement of the Case to be read by the Judge to the jury;

(b) Submit questions that counsel wishes the Court to ask prospective jurors on voir dire;

(c) Lodge depositions intended to be used as well as advising the Court concerning recitation from depositions;

(d) Produce exhibits (except for impeaching exhibits) for marking for identification;

(e) Argue Motions in Limine. *(Eff. 7/1/03)*

(f) Submit Proposed jury instructions. *(Amended Eff. 7/01/08)*

4.3 MOTIONS IN LIMINE

All Motions in Limine will be heard at the time of the Readiness Conference. Such motions must be served at least 10 days before the Readiness Conference. Any Response to a Motion in Limine must be served at least 5 days before the Readiness Conference. *(Eff. 7/1/03)*

4.4. TRIAL BRIEF

Five calendar days before the trial, each party shall serve and file a trial brief, which shall set forth the following matters.

(a) A concise statement of the claimed facts supporting each party's claims or defenses.
(b) A statement of admitted or undisputed facts.
(c) A concise statement of issues of law supported by a memorandum of authorities.

(d) The names and addresses of the witnesses for each party's case-in-chief.
(e) Any other appropriate comment, suggestion, or information for the assistance of the Court in the trial of the case.

RULE 5. CRIMINAL RULES

5.1 ARRAIGNMENT

Unless otherwise ordered by the Court, at the defendant's first appearance for arraignment, defendant will be expected to enter a plea to the information, complaint or indictment. Entry of a plea will not constitute a waiver of the defendant's right to demur to the accusatory pleading or otherwise attack it as provided by law. *(Eff. 7/1/03)*

5.2 SETTINGS

Unless otherwise ordered by the Court, at the arraignment the Court shall set the dates for:

(a) the trial, giving priorities as required by law;

(b) a Readiness Conference to be held 1 to 14 days prior to the trial date;

(c) the filing and service of motions and responses and any hearing thereon. All pretrial motions will be set for hearing on or before the date set for the Readiness Conference. *(Eff. 7/1/03)*

5.3 PRETRIAL MOTIONS

(a) All statutory and Rules of Court procedure control, and the Court hereby incorporates by reference the requirements of California Rules of Court, Rule 4.111, pertaining to the making and timing of pretrial motions and opposition thereto, in Superior Court.

(b) In the event that the moving papers are not timely filed for the assigned hearing date without good cause demonstrated, the motion may be deemed waived by the moving party.

(c) If any authority other than California cases, statutes, constitutional provisions or State or local rules is cited in any motion or memorandum of points and authorities, a copy shall be attached to the papers in which the authorities are cited and tabbed as exhibits. If a California case is cited before the time it is published in the Advance Sheets of the Official Reports, a copy of that case shall also be attached and tabbed. *(Eff. 7/1/03)*

5.4 CRIMINAL DISCOVERY

Discovery in criminal actions is reciprocal in nature and is governed by Penal Code §§ 1054 *et seq*. There shall be a standing order in each criminal action requiring all parties and their attorneys to comply with Penal Code §§ 1054 *et seq.* The order is deemed to have been made and communicated to all counsel at the time of arraignment.

Before a party may seek Court enforcement of any of the disclosures required by law, the party shall make an informal request of opposing counsel for the desired materials and information in the manner required by Penal Code § 1054.5(b). Failure to make such request shall be grounds for denial of a discovery motion. Informal requests should be presented to opposing counsel in writing.

Motions for discovery shall be focused upon specific items which remain in dispute after presentation of informal requests. "Boilerplate" discovery motions are disfavored. Counsel shall meet and confer in a good faith effort to resolve or narrow the disputed issues before the hearing of any discovery motion. *(Eff. 7/1/03)*

5.5 CONTINUANCE OF CASES SET FOR TRIAL

Motions to continue the trial of a criminal case are disfavored and shall be denied unless the moving party, pursuant to Penal Code § 1050, establishes that the interests of justice require a continuance. *(Eff. 7/1/03)*

5.6 PROPOSED PATTERN JURY INSTRUCTIONS

In criminal jury trials, the instruction forms contained in the latest edition of the ~~California Jury Instructions – Criminal CALJIC)~~ Judicial Council of California, Criminal Jury Instructions—Criminal (CALCRIM) —shall be used whenever applicable.

Proposed pattern jury instructions that have been modified by a party shall specify in parentheses or other appropriate manner the respect in which the instructions have been modified.

Any proposed instruction not taken from ~~(CALJIC)~~ (CALCRIM) shall indicate the source or authority of the proposed instruction. *(Effective 7/01/03, Amended 7/01/09)*

RULE 6. FAMILY LAW

6.1 GENERAL INFORMATION

These Rules apply to all matters related to the Family Law Act, the Uniform Parentage Act, the Domestic Violence Prevention Act, and the Uniform Child Custody Jurisdiction Act. *(Eff. 7/1/03)*

6.2 DOCUMENTS PRESENTED FOR FILING

All documents presented to the Court for filing shall be in conformance with the California Rules of Court and with Rule 2 of these Plumas County Local Rules. Judicial Council forms shall be used for all filings for which such forms have been adopted. *(Adopted Eff. 7/01/08)*

6.3 CHILD CUSTODY AND VISITATION / ORDERS PENDING HEARING

(a) Visitation Policy. It is the policy of the Court that the child(ren)'s previously established living situation should not be radically altered during the pendency of custody and visitation disputes. Only under extraordinary circumstances will the Court deny access of one parent to the child(ren) or change any child(ren)'s principal place of residence pending a hearing on the matter. Therefore, any application to change the child(ren)'s living situation prior to a Court hearing shall include the following:

- The current Court Order (if any);
- The current child-sharing schedule or agreement (if any);
- Any change in the child(ren)'s place of residence in the previous 120 days and the circumstances surrounding those changes;
- The proposed time-sharing plan;
- Reasons for any proposed changes in the child(ren)'s living situation; and
- Any other relevant information.

(b) Supervised Visitation. In some cases, the Court will order visitation supervised by Plumas County Family Court Services. The Court will regularly evaluate the costs of such supervision programs and will order the parent whose visit is supervised to pay for such supervision costs unless good cause is shown. This parent must make payment arrangements with the County Treasurer's office. If the parent falls more than $250 behind in payments toward the cost of supervised visitation, then the visitations will cease until the arrearages are brought back to $250 or less. *(As Amended, Eff. 1/1/05)*

6.4 MEDIATION

Parents who are not in agreement regarding custody and visitation in the matter before the Court will be required to attend mediation in an effort to resolve the dispute. Generally, this will happen before any Court orders are made; the Court may make temporary orders where necessary, pending further order of the Court to be made at a scheduled hearing. The purpose of mediation is to develop a custody and time-sharing agreement which is in the child(ren)'s best interest.

Prior to participating in mediation, each parent will be required to attaned an orientation session designed to help the parents focus on the needs of the children and the court process which will lead to the issuance of orders for custody and visitation.

Parents are entitled to two two-hour mediations without charge in any twelve-month period unless they are enrolled in the Restart Program, in which case they are entitled to additional mediations without charge. Parents who continue to be unable to resolve their parenting disputes after two mediations in a twelve-month period may have continued mediation at a rate of $50.00 per hour or the then-current rate charged by Family Court Services. *(As Amended Eff. 7/01/08)*

(a) Scheduling of Mediation. When an Order to Show Cause or a Motion is field requesting orders regarding custody and/or visitation, the parties will be required to attend mediation. They shall contact Plumas Family Court Services for assignment of a mediator and to make an appointment for the mediation, and an appointment for orientations prior to the mediation. The telephone number is (530) 283-4792. *(As Amended, Eff. 7/01/08)*

Where a protective order as defined in Family Code § 6218 is in effect, or when there is a history of domestic violence, or when either party requests separate sessions, the mediator shall meet with the parties separately and at separate times.

(b) Challenge of Mediator. In accordance with Family Code. § 3163, if a person wishes to challenge or change the mediator assigned to the case, he/she should do so by contacting Plumas Family Court Services, which will make a determination regarding the request. *(As Amended, Eff. 7/01/08)*

(c) Who May Attend Mediation. Generally, the only persons in attendance at a mediation session are the two parents and the mediator. However, the mediator has discretion to allow other person(s) to participate in the mediation process.

When visitation issues arise between persons other than the parents (such as grandparents or step-parents), the persons attending mediation shall be determined by the mediator.

(d) Conduct of Mediation. Mediation proceedings shall be held in private and are confidential. All verbal communications from the parties to the mediator shall be

deemed to be confidential information, not to be discussed unless such information impacts issues of safety to the parties or the children.

(e) Mediator's Report. The mediator will write a report to the Court, giving copies to the parties and their attorneys, if they are represented by counsel. If the report delineates terms of an agreement, the parties will be asked to sign the report after they have reviewed it with their attorneys. *(As Amended, Eff. 7/01/08)*

If the parties are unable to agree regarding custody/visitation, the mediator will not make a recommendation to the Court regarding custody/visitation. However, the Court may request that the mediator summarize the respective positions of the parties at a subsequent contested hearing.

(f) *Ex Parte* Communications. The mediator will not initiate *ex parte* communication with the Judge regarding a particular case except where there are questions regarding procedure in that case. If the mediator finds it necessary to discuss substantive issues with the Judge, the mediator shall so inform each of the parties of the communication. *(Eff. 7/1/03)*

6.5 CONTESTED CASES

Following mediation, if there are still unresolved issues regarding custody and visitation, the Court may schedule a hearing. The Court may order a custody evaluation before hearing the case. At the time that the Court orders the custody evaluation, the Court may make temporary orders pending the completion of a custody evaluation. . The parties will be ordered to pay for the cost of the custody evaluation. *(As Amended Eff. 7/01/08, Prev. Amended Eff. 7/1/03)*

The Court may close the courtroom to allow only parties and necessary persons in certain custody and visitation proceedings where it would not be in the best interest of the children to have their issues heard in public.

6.6 CUSTODY EVALUATION

If a custody evaluation is ordered by the Court, the Clerk will inform Plumas Family Court Services for assignment of a child custody evaluator. The parties or their attorneys will be informed of the assignment of the evaluator by written notice. *(Amended, Eff. 7/01/08)*

(a) Challenge of Evaluator. If a person wishes to challenge the assignment of the child custody evaluator, he/she should do so by filing a notice of the challenge with the Court. If such a challenge of the evaluator is made, it must be filed within 10 calendar days of receiving the notice of assignment of evaluator from Plumas Family Court Services. *(Amended, Eff. 7/01/08)*

(b) Evaluation Process. The child custody evaluator will contact the parties directly to request information to begin the process. The parties will respond promptly; any delay in response may create delays in completing the evaluation and thus delay resolution of the custody dispute.

(c) *Ex Parte* Communications. The child custody evaluator will not conduct *ex parte* communication with the Judge regarding a particular case except where there are questions regarding procedure in that case. If any substantive issues are discussed with the Judge, the evaluator shall so inform each of the parties of the communication.

(d) Evaluation Report. A Court date will be set to receive the report of the child custody evaluator. The report will be sent to the Court, the parties, and their attorneys prior to that date. The parties may stipulate to accept the recommendations of the child custody evaluator, or the Court may set the matter for a contested hearing.

(e) Payment for Custody Evaluation. Both parties will be referred to the County Treasurer's office to set up payment arrangements for the custody evaluation. The court will periodically review the costs incurred in performing custody evaluations and will set the custody evaluation fee accordingly. If a party should fail to set up payment arrangements, or should fail to make periodic payments for the custody evaluation, then the custody evaluator may unilaterally cancel the custody evaluation. In such event, the custody hearing will go forward without the custody evaluation, and the court may take into consideration a party's non-compliance with the payment arrangements. *(As Amended Effective 7/01/08, Prev. Amended, Eff. 1/1/05)*

6.7 CHILD AND SPOUSAL SUPPORT/INCOME AND EXPENSE DECLARATION

A current Income and Expense Declaration must be filed by each party where support is at issue. If current facts are temporary, both the actual current facts and estimated prospective facts may be shown if properly identified. If attorney's fees and/or costs are requested, the paragraph pertaining to attorney's fees must be completed.

Wage earners must attach legible copies of their paycheck stubs for the most recent two months. In the event no paycheck stubs are available, other appropriate documentation must be attached. Self-employed parties shall bring their most recent profit and loss statements, balance sheets, quarterly sales tax reports, the last filed tax return, or similar documentation evidencing income from all sources. *(Amended Eff. 7/01/08, Prev. Amended Eff. 7/1/03)*

6.8 TAX RETURN

The parties may be asked to provide legible copies of their last three state and federal income tax returns, including all attachments. *(Amended Eff. 7/01/08, Prev. Amended Eff. 7/1/03)*

6.9 SUPPORT MODIFICATIONS

Every motion to modify support shall set forth the date of the prior order and the amount of the prior order.

At a hearing on modification of spousal support, the supported spouse shall be prepared to give evidence of his or her compliance with Family Code § 4330 by demonstrating progress toward becoming self-sufficient. *(As Amended Eff. 7/01/08, Previously Amended Eff. 7/1/03)*

6.10 MEET AND CONFER REQUIREMENTS; EXCHANGE OF DOCUMENTS

Prior to any hearing, counsel and the parties must meet and confer in good faith, in an effort to resolve all issues. While conferring, or prior thereto, litigants must exchange all documentary evidence that is to be relied on for proof of any material fact. Failure to meet and confer or to exchange documents in a timely manner may result in the matter being dropped from the calendar or continued. At the hearing, the attorneys for the parties must advise the Court as to what issues have been settled by agreement and what issues remain contested.

6.11 AT-ISSUE MEMORANDUM

A family law case may be put on the case management calendar for trial setting by filing an At Issue Form. The form may be found on the Court's website. *(Adopted 7/01/08)*

6.12 FAMILY LAW COMMISSIONER *(Formerly PCR 6.13)*

The Family Law Commissioner shall hear all Title IV-D support cases, support enforcement, and other family law matters as assigned. The Title IV-D cases will be heard on Wednesdays at 9:30 a.m.; other cases will be on Wednesdays at times as scheduled by the court. *(Amended Eff. 7/01/08, Previously Amended Eff. 7/1/03)*

6.13 ORDERS AFTER HEARING *(Previously PCR 6.17)*

Orders After Hearing. Counsel should come to a hearing with a written Order After Hearing (OAH), prepared to present it to the Court at the conclusion of the hearing. If the Court makes decisions that require the further drafting of the OAH, the Court shall designate one counsel to prepare the written OAH. This draft OAH should be submitted to the other counsel/party for approval as to form and forwarded to the Court. Faxed OAH's are acceptable. All OAH's must be submitted to the Court within 14 days following the hearing; failure to do so may result in the imposition of sanctions. If opposing counsel does not respond to the request for approval as to form within five days, the proposed OAH may be submitted directly the Court with an attached declaration indicating counsel's attempts at notifying opposing counsel. *(As Amended Eff. 7/01/08, Previously Amended, Eff. 1/1/05)*

6.14 DEFAULT OR UNCONTESTED JUDGMENTS *(Formerly PCR 6.18)*

(a) Judgment by Default / Notice and Acknowledgment of Receipt. Unless the Court orders otherwise, a default will not be entered based on a Notice of Acknowledgment of Receipt signed by a person other than the party to whom it is directed.

(b) Child Support, Spousal Support or Attorney's Fees Awards. No award of child support, spousal support or attorney's fees will be granted unless there is either an attached written agreement between the parties settling those issues or there is sufficient information on which the Court may base an order, including a fully completed and executed Income and Expense Declaration (with information on both parties where available.

(c) Community and/or Separate Property. No division of community property (assets or debts) or confirmation of separate property will be ordered unless there is either an attached written agreement between the parties settling those issues, or there is a completed Property Declaration attached to and served with the Request to Enter Default.

(d) Visitation. Where the judgment is taken by default, if there is no attached written agreement of parties concerning custody and visitation, and either supervised visitation or a denial of visitation is requested, an attached factual Declaration under penalty of perjury shall be submitted with the judgment and shall set forth the following:

(1) Where the party is seeking to deny visitation between the child(ren) and the defaulting party: The specific reasons visitation should be denied; the last time there was visitation between the child(ren) and the defaulting party; and whether the whereabouts of the defaulting party is known, and, if so, his or her address.

(2) Where the party is seeking supervised visitation between the child(ren) and the defaulting party: The reasons such visitation should occur; the person or agency to do the supervision; and how the supervision is to be paid for.

(3) Other information: The declaration shall inform the Court when the parties separated, who has been the primary caretaker of the child(ren) during the last 6 months and the extent of contact between the child(ren) and the non-caretaker parent during that time.

The declaration shall be mailed to the defaulting party with the Request to Enter Default, and proof of mailing shall be filed with the Court. *(Eff. 7/1/03)*

(e) Notarized signature. If a stipulated judgment is submitted for entry in a Dissolution which is proceeding by default, the defaulting spouse's signature on the judgment must be notarized, in accordance with Family Code § 2338.5(a). (*As Amended Eff. 7/01/08)*

6.15 WAIVER OF FINAL DECLARATION OF DISCLOSURE *(Fomerly PCR 6.19)*

If a stipulated judgment is submitted for final dissolution of divorce without a hearing, and if that stipulation includes a waiver of service of the final declaration of disclosure, that stipulated waiver must be signed under penalty of perjury in accordance with Family Code § 2105(d). *(As Amended, Eff. 7/01/08)*

6.16 SETTLEMENT CONFERENCE *(Formerly PCR 6.20)*

(a) Settlement Conference. All contested dissolutions will be set for a settlement conference. The parties and the attorneys shall attend the conference.

(b) Settlement Conference Statement/Time Requirements. At least one week prior to, each party or their attorney shall prepare, file and serve on the other party or the opposing attorney, a Settlement Conference Statement with contents as indicated below.

Caption. The caption shall contain the times and dates of the settlement conference and the Trial.

Income and Expense Declaration. A current signed and dated Income and Expense Declaration shall be prepared on the Judicial Council form. Copies of current pay stubs or other income verification shall be attached.

Community Property (assets and liabilities). A current signed and dated Schedule of Assets and Debts shall be prepared on Judicial Council forms. The Settlement Conference Statement shall indicate the claimed values of the assets and the proposal for division. The Statement should also include a proposed division of the community property debts.

Separate Property. Where one party claims that an asset is his or her separate property, and if the other party has not stipulated to that fact, the Statement should include a description of the assets, the date of acquisition, the encumbrance at the time of acquisition, the present encumbrance and a statement as to how the title is held.

Support. Each party shall set forth specific proposals regarding child and/or spousal support.

Statement of Facts and Legal Arguments. On any contested legal issue, the Statement should include a recitation of the relevant facts and a brief discussion of the relevant law. *(Eff. 7/1/03)*

6.17 CONDUCT OF TRIAL *(Formerly PCR 6.22)*

The trial will be conducted in accordance with rules and procedures for all other civil trials. *(Eff. 7/1/03)*

RULE 7. JUVENILE LAW

DEPENDENCY PROCEEDINGS

7.1 ADOPTION OF COMPETENCY STANDARD

This rule, Rule 7 of the Local Rules of Plumas County Superior Court, is adopted to comply with Division 3 of the California Rules of Court. *(As Amended, Eff. 7/01/08, Previously Amended, Eff. 1/1/05)*

7.2 GENERAL COMPETENCY REQUIREMENT

(a) 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 and attorneys appointed by the Court to represent any party in a juvenile dependency proceeding.

(b) Every party in a dependency proceeding who is represented by counsel is entitled to competent counsel. [CRC § 5.660(b)] "Competent counsel" means a state bar member in good standing who is trained in the juvenile dependency law, and who demonstrates adequate forensic skills, knowledge and comprehension of the substantive law of juvenile dependency, the purposes and goals of dependency proceedings, and the procedures for filing extraordinary writ petitions. [CRC § 5.660(b)(1)]

(c) Attorneys are expected to meet regularly with clients, including children; contact social workers and other professionals associated with the client's case; work with other counsel and the Court to resolve disputed issues without hearing; and adhere to mandated timelines. The child's attorney is not, however, required to assume the responsibilities of a social worker or to perform services for the child unrelated to legal representation. [CRC § 5.660(b)(4)]

(d) All attorneys retained, assigned or appointed are required to adhere to the timelines and the procedures stated elsewhere in these rules or as provided by Statute of California Court Rules of Court for settlements, discovery, protocols and other issues related to contested matters. *(Eff. 7/1/03)*

7.3 MINIMUM STANDARDS OF EDUCATION AND TRAINING; WORKLOADS

(a) Each attorney appointed in a dependency matter before the Juvenile Court shall complete the following minimum educational and training requirements:

(1) Eight hours of education and training in juvenile dependency law, covering such areas as child abuse and neglect; child development; domestic violence; or,

(2) Previous experience in dependency proceedings as determined by the presiding Juvenile Judge in which the attorney has demonstrated competence. A Certificate of Competency may be obtained from the Court Clerk. (Appendix B)

(b) A Certificate of Competency shall be completed by the attorney of record for the dependency matter and submitted to the Court within 20 days of his or her first appearance in a dependency matter.

(c) Failure to submit a Certificate of Competency will cause the Court to notify the attorney that his or her right to practice in dependency proceedings is revoked. The attorney shall have 30 days from mailing of the notice to submit a Certificate of Competency. If the attorney, after such notice, fails to submit a Certificate of Competency, the Court shall issue an order prohibiting the attorney from practicing in dependency proceedings.

(d) The attorney for a child must have a caseload that allows the attorney to perform the duties required by Welfare and Institutions Code § 317(e) and the California Rules of Court. *(Eff. 7/1/03)*

7.4 APPOINTMENTS

(a) The Court will only appoint counsel who have been certified by the Court to represent parents or children in the Juvenile Dependency Court.

(b) Billing shall be forwarded to the Court with appropriate documentation for approval. *(Eff. 7/1/03)*

7.5 STANDARDS OF REPRESENTATION

Attorneys appearing in juvenile dependency proceedings shall meet the following minimum standards of representation:

(a) The attorney shall thoroughly and completely 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. The attorney shall contact social workers and other professionals associated with the case to ascertain that allegations and/or reports are supported by accurate facts and reliable information.

(b) The attorney is not required to meet, either directly or though an agent (*e.g.* an investigator), with a client who is incarcerated or committed out of Plumas County. If the attorney believes, however, that such contact is essential to representing the interests of the client, application may be made to the Court. The attorney shall advise the client of the possible course of action and the risks and benefits of each. This shall include advising the client of the risk and benefits of resolving disputed matters

without the necessity of a hearing and of the necessity for adhering to Court-mandated timelines. *(Eff. 7/1/03)*

7.6 PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

(a) Any party to a Juvenile Court proceeding may lodge a written complaint with the Court concerning the performance of his or her appointed attorney in a Juvenile 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 social worker, a caretaker relative or a foster parent.

(b) Upon receipt of a written complaint, the Court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint, and shall give the attorney 15 days from the date of the notice to respond to the complaint in writing.

(c) After response has been filed by the attorney, or the time for the submission of a response has passed, the Court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to rules or policies or has acted incompetently. The Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

(d) If, after reviewing the complaint, the response, and any additional information, the Court finds that the attorney acted contrary to the rules or policies of the Court or incompetently, the Court shall take appropriate action.

(e) The Court shall notify the attorney and complaining party, either in writing or by oral ruling at a closed hearing, of its determination of the complaint. The Court's determination will be final. *(Eff. 7/1/03)*

7.7 PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD

(a) At any time during the pendency of a juvenile dependency proceeding, any interested person may notify the Court that a minor who is the subject of the proceeding may have an interest or right which needs to be protected or pursued in another judicial or administrative forum.

(b) Notice to the Court may be given by the filing of Judicial Council form JV-180 or by filing of a declaration. The person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued; the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected; and the nature of the proceedings being contemplated or conducted there.

(c) If the Court determines that further action on behalf of the child is required, the Court shall:

(1) Authorize the minor's attorney to pursue the matter on the child's behalf;

(2) Appoint an attorney for the child if the child is unrepresented;

(3) Notice a joinder hearing pursuant to W & I § 632 compelling the responsible agency to report to the Court with respect to whether it has carried out its statutory duties with respect to the child;

(4) Appoint a guardian *ad litem* for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);

(5) Take any other action the Court may deem necessary or appropriate to protect the welfare, interest and rights of the child. *(Eff. 7/1/03)*

7.8 DISCOVERY

(a) The discovery provisions of CRC § 5.546 are hereby adopted and incorporated.

(b) Pre-hearing discovery shall be conducted informally. Except as protected by privilege, all relevant material shall be disclosed in a timely fashion to all parties involved in the litigation.

(c) **Formal Discovery.** Only after all informal means have been exhausted may a party petition the Court for discovery. Any noticed motion shall state the relevancy and materiality of the information sought and the reasons informal discovery was not adequate to secure such information. The motion shall be served on all parties at least 5 judicial days before the hearing date. The date for the hearing shall be obtained from the clerk.

(d) **Civil Discovery.** In order to coordinate the logistics of discovery in dependency cases, there shall be no depositions, interrogatories, subpoenas of juvenile records or any other similar types of civil discovery without approval of a Judge of the Juvenile Court upon noticed motion.

(e) **Case Records and Reports (CRC § 5.546).** In contested proceedings, the social worker's narratives and other relevant case records shall be made available to all counsel at least 10 calendar days before the hearing and any updated records 2 calendar days before the hearing. In all other cases, such documents shall be made available at least 2 calendar days prior to the hearing.

(f) Upon timely request, parents, guardians and *de facto* parents shall disclose to all other parties such non-privileged material and information within the parent's, guardian's, or *de facto* parent's control that is relevant. *(Eff. 7/1/03)*

7.9 PRESENTATION OF EVIDENCE

Social study reports prepared by Children's Services shall be made available to all counsel before the hearing in accordance with the following time limitations unless otherwise ordered by the Court:

(a) Jurisdictional and/or dispositional reports are due at least 48 hours before the hearing.

(b) Review of dependency status and status review reports are due at least 10 calendar days before the hearing.

(c) All other reports shall be due a reasonable number of days before the hearing but in no event less than 48 hours before the hearing.

(d) All proposed modifications to the petition shall be exchanged 48 hours prior to the jurisdiction hearing.

(e) If any discovery, reports or proposed modifications have not been made available to all counsel, then any affected party or the Court may request a continuance of the hearing to the extent permitted by law.

(f) The names of any experts to be called by any party and copies of their reports (if not part of a social study report prepared by Children's Services) shall be provided to all counsel at least 10 days before the hearing unless a shorter time is ordered by the Court.

(g) Reports prepared by and CASA advocate shall be made available to all counsel a reasonable number of days before the hearing but in no event less than 48 hours before the hearing. *(Eff. 7/1/03)*

7.10 SETTLEMENT CONFERENCES

(a) A settlement conference shall be calendared and held prior to every contested hearing unless deemed unnecessary by the judicial officer setting the contested hearing.

(b) The attorneys and all parties shall be present at the settlement conference unless excused by the Court. All excused parties shall be readily available either in person or by telephone at the direction of their attorneys. A representative of Children's Services with authority to settle cases shall be present at the settlement conference. *(Eff. 7/1/03)*

7.11 TIMELINES

Attorneys for parties are required to adhere to the statutory timelines for all hearings. Time waivers will be accepted and continuances granted only on a showing of good cause.

(a) Detention Hearings. Detention Hearings shall be heard no later than the end of the next Court day after a petition has been filed. (W & I § 315; CRC § 5.667)

(b) Jurisdiction Hearing. If the child is not detained, the hearing on the petition shall be begun within 30 calendar days from the date the petition was filed. If the child is detained, the hearing on the petition shall be begun within 15 Court days from the date of the detention order. (W & I § 334; CRC § 5.680)

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

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

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

(f) Eighteen-Month Review. If the child is not returned at the 12-month review, the Court shall conduct a review no later than 18 months from the date of the original detention. (W & I §§ 366.21, 366.22; CRC § 5.720)

(g) Notice Of Intent To File Writ Petition. A Notice of Intent to file a petition for extraordinary writ shall be filed within 7 days of the date of the order setting a hearing under W & I § 366.26, with an extension of 5 days if the party received Notice of the Order only by mail. (CRC § 8.454)

(h) Petition For Writ. A petition seeking writ review of orders setting a hearing under W&I Code shall be served and filed within 10 days after the filing of the record in the reviewing Court. (CRC §§ 8.454, 8.456)

(i) Response To Writ Petition. Any response to a writ petition shall be served and filed within 10 days after the filing of the writ petition or within 10 days of receiving a request for a response from the reviewing Court. (§8.456)

(j) Selection Hearing. Selection hearing for permanent plan shall begin within 120 days of the review at which reunification services are terminated and a hearing under W & I § 366.26 ordered. (W & I §§ 366.31, 399.22; CRC§§ 5.715, 5.720)

(k) Notice Of Appeal. A Notice of Appeal shall be filed within 60 days after the rendition of the judgment. (CRC § 8.400) *(Eff. 7/1/03)*

INFRACTION PROCEEDINGS

When juveniles are issued citations for infractions, they will be ordered to appear in traffic court. If the Probation Office or the District Attorney's office determines that a petition should be filed on the juvenile in the Juvenile Court, then the parents of the juvenile will be notified prior to the traffic court date. The parents will be directed to the next session of the Juvenile Court.

7.12 OFFENSES INCLUDED

Infractions include those offenses defined in Penal Code §§ 19.6 and 19.8.

7.13 APPEARANCE

The Juvenile Court will require the appearance of the juvenile and at least one parent. For good cause shown, the parent's appearance and/or the juvenile's appearance may be excused.

7.14 CONFIDENTIALITY

Pursuant to Welfare and Institutions Code § 603.5, such infraction proceedings are excluded from the rules of confidentiality usually applicable to juvenile matters.

RULE 8. COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)

8.1 ADOPTION OF COURT APPOINTED SPECIAL ADVOCATE PROGRAM.

The Court hereby adopts the guidelines for the Court Appointed Special Advocate Programs (CASA) set forth in Welfare and Institutions Code Sections 100-109 and California Rule of Court 1424, as well as the policy and procedures manual of the Plumas County Court Appointed Special Advocate Program, as a Local Rule of Court applicable to CASA, and the guidelines are incorporated herein by reference.

The Court may appoint Special Advocates to represent the interests of dependent children. In order to qualify for appointment, the Special Advocate must be trained by, and function under, the auspices of CASA, formed and operating under the guidelines established by the National Court Appointed Special Advocate Association (Welfare and Institutions Code § 1356.5)

CASA shall report regularly to the Presiding Judge of the Juvenile Court with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocate Association and the California State Guidelines for Child Advocates. *(Eff. 7/1/03)*

8.2 SPECIAL ADVOCATES

Special Advocates serve at the pleasure of the Court having jurisdiction over the proceeding in which the Special Advocate has been appointed.

(a) Functions of Special Advocates. In general, a Special Advocate's functions are:

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

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

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

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

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

(6) To communicate and coordinate efforts with the case manager (probation officer or social worker) to the fullest extent possible;

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

(8) To represent the interests of the child in other judicial or administrative proceedings.

(b) Sworn Officer of the Court. A Special Advocate is an officer of the Court and is bound by these rules. Each Special Advocate must be sworn in by a Judge or Court Commissioner before beginning his or her duties and shall subscribe to a written oath.

(c) Specific Duties. In its initial Order of Appointment, and thereafter in subsequent orders as appropriate, the Court may set forth the Special Advocate's duties in each case, including interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, consideration of visitation rights for the child's grandparents and other relatives, and reporting back directly to the Court in accordance with the functions set forth in § (a). *(Eff. 7/1/03)*

8.3 RELEASE OF INFORMATION TO SPECIAL ADVOCATES

(a) To Accomplish Appointment. To accomplish the appointment of a Special Advocate, the Judge or Commissioner making the appointment shall sign an order granting the Special Advocate the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child to the same extent as any other officer appointed to investigate proceedings on behalf of the Court.

(b) Access to Records. A Special Advocate shall have the same legal right to records relating to the child he or she is appointed to represent as any case manager (social worker or probation officer) with regard to records pertaining to the child held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The Special Advocate shall present his or her identification as a Court-appointed Special Advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the Special Advocate to have access to any records relating to the child.

(c) Report of Child Abuse. A Special Advocate is a mandated child abuse reporter with respect to the case to which he or she was appointed.

(d) Communication. There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the Special Advocate, case manager, child's attorney, attorneys for the parents, relatives, foster parents, and any therapist for the child. *(Eff. 7/1/03)*

8.4 RIGHT TO TIMELY NOTICE

The moving party shall provide the Special Advocate timely notice of any motions concerning a child for whom a Special Advocate has been appointed. *(Eff. 7/1/03)*

8.5 CALENDAR PRIORITY

In light of the fact that a Special Advocate renders a volunteer service to children and the Court, matters on which they appear should be granted priority on the Court's calendar whenever possible. *(Eff. 7/1/03)*

8.6 VISITATION THROUGHOUT DEPENDENCY

A special advocate shall regularly visit the child to whose case he or she has been appointed. The advocate shall monitor the case as appropriate until dependency is dismissed. *(Eff. 7/1/03)*

8.7 FAMILY LAW ADVOCACY

Should the Court dismiss dependency and create family law orders pursuant to Welfare and Institutions Code § 362.4, the Special Advocate's appointment may be continued in the family law proceeding, in which case the Court, by specific Order, shall set forth the nature, extent and duration of the Special Advocate's duties in the family law proceeding. *(Eff. 7/1/03)*

8.8 RIGHT TO APPEAR

A Special Advocate shall have the right to be present and be heard at all Court hearings and shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings. A Special Advocate 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, at its discretion, has the authority to grant the Special Advocate *amicus curiae* status, which includes the right to appear with counsel. *(Eff. 7/1/03)*

8.9 DISTRIBUTION OF CASA REPORTS

(a) CASA reports shall be submitted to the Court at least 5 Court days prior to the hearing.

(b) CASA shall serve a copy of the report on the parties to the case including, but not limited to: attorney for the Department of Social Services; Attending case Social Worker; Child's Attorney; Parents' attorney; Child (via Foster Family Agency); ICWA Representative (if applicable); and, *de facto* Parents. *(As Amended Eff. 7/01/08)*

(c) CASA shall serve a copy of the report on the parties entitled to receive a copy of the report at lease 2 Court days prior to the hearing. *(Eff. 7/1/03)*

8.10 RESIGNATION OR REMOVAL OF SPECIAL ADVOCATE

A Special Advocate may resign from an individual case or the CASA program or may be removed from an individual case in accordance with California Court Rules of Court, Rule § 5.655(j). *(Eff. 7/1/03)*

RULE 9: DOMESTIC VIOLENCE COORDINATION RULES

9.1 COURT COMMUNICATION

Until the court has an operational case management system capable of automatically coordinating domestic violence orders, whenever possible the Court's criminal, family 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**.** *(As Amended Eff. 7/01/08, Adopted, Eff. 1/1/07)*

9.2 AVOIDING CONFLICTING ORDERS

The family court or the juvenile court shall not issue a protective order or custody order in conflict with n order of the criminal court. In the event such an order issues inadvertently, the orders of the criminal law proceeding shall control. *(Adopted Eff. 7/01/08)*

9.3 MODIFICATION OF CRIMINAL ORDERS

A court issuing a criminal court protective order may, after consultation with 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. *(Adopted Eff. 7/01/08)*

9.4 COEXISTING CRIMINAL AND FAMILY OR JUVENILE ORDERS

A family or juvenile order may coexist with a criminal court protective order, subject to the following: *(Adopted Eff. 7/01/08)*

(a) Any order that permits contact between the restrained person and his or her children shall provide for the safe exchange of the children and shall not contain language either printed or handwritten that violates a "no contact order" issued by a criminal court. *(Adopted Eff. 7/01/08)*

(b) Safety of all parties shall be the courts' paramount concern. The family or juvenile court order shall specify the time, day, place, and manner of transfer of the child, as provided in § 3100 of the Family Code. *(Adopted Eff. 7/01/08)*

RULE 10: MISCELLANEOUS (Formerly PCR 9)

10.1 GUARDIANSHIP INVESTIGATIONS *(Formerly PCR 9.2)*

Upon the filing of a Petition for guardianship, the Court shall order the appropriate level of guardianship investigation. Petitioner shall be required to pay for the guardianship investigation at a cost determined by the court, unless there has been approval of a fee waiver. *(As amended 7/01/08, Adopted, Eff. 1/1/07)*

10.2 APPELLATE DIVISION *(Formerly PCR 9.3)*

All appeals to the Plumas County Superior Court Appellate Division will be processed pursuant to Rule 10 of the Lassen County Superior Court local rules. *(Adopted, Eff. 1/1/07)*

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Plumas County Superior Court

SUPERIOR COURT OF PLUMAS COUNTY

CERTIFICATION OF ATTORNEY COMPETENCY
(Juvenile Dependency Proceeding)

I, _____,
Attorney's Name Office Address Telephone Number

am an attorney licensed to practice in the State of California. My State Bar Number is _____.

I hereby certify that I meet the minimum standards for practice before a Juvenile Court set forth in California Rules of Court, Rule 1438, and PCR 7.3, and that I have completed the minimum requirements for training, education and/or experience as set forth below.

Training and Education:

Course Title	Date Completed	Hours	Provider

Summary of Juvenile Dependency Experience:

Dated: _____ _____
Signature

APPROVED

Dated: _____ _____
Superior Court Judge