

Butte County Superior Court Local Rules
Proposed Rule Changes
Effective January 1, 2015

9.2 POLICY: MEDIATION (*Effective 7-1-90, as amended 1-1-01, as amended 7-1-14, as amended 1-1-15*)

It is the policy of this Court that out-of-court resolution of all issues in family disputes is generally preferable to contested hearings. The rules regarding mediation and the rules regarding meet and confer requirements and settlement conferences are to be construed in light of this policy.

All parties to matters involving child custody or visitation shall ~~be interviewed by a mediator~~ **complete the mediation process** prior to any **contested** hearing on the issue of child custody/visitation.

Private sector mediation may be used in lieu of the family mediation services of this Court by agreement of both parties.

When proceedings are for post-judgment modification of child custody or visitation and where both parties no longer reside in the county, the Court may consider transferring the matter to a more appropriate venue on its own motion.

Although the Court does not mandate mediation of family issues other than those related to the child(ren), it is preferred that parties and counsel obtain the services of a private sector mediator for negotiation of all non-child custody and visitation issues which they are unable to otherwise resolve. (*Effective 7-1-90, as amended 1-1-01, as amended 7-1-14, as amended 1-1-15*)

9.3 DUTIES AND OBLIGATIONS OF THE PARTIES (*Effective 7-1-90, as amended 1-1-01, as amended 7-1-04, as amended 7-1-08, as amended 1-1-12, as amended 1-1-15*)

(a) In all proceedings where there is a contested issue regarding the custody of or visitation with a minor child and the parties are unable to reach an agreement prior to their hearing, the Court will order the parties to attend mediation with Butte County Family Court Services or with an agreed mediation service. In the event the parties have not met with a ~~mediator~~ **child custody recommending counselor** prior to the hearing, the Court will normally order the parties to schedule a mediation conference and continue the matter until mediation of those issues can be conducted.

(b) The purpose of mediation proceedings shall be to reduce **any** hostility which may exist between the parties and, **where appropriate**, to develop an agreement or make recommendation assuring the child(ren)'s close and continuing contact with both parents, ~~if appropriate~~. The parties shall make a good faith effort to arrive at an agreement through the mediation process. If no agreement is reached, the mediator, in the role of a child custody recommending counselor, shall submit a written custody and visitation recommendation to the parties, attorneys, and the Court for consideration pursuant to FC §3183(a). The provisions of FC §3025.5 regarding confidentiality are applicable to the submitted report and recommendation.

(c) Mediation may be available on the day prior to the hearing for parties who have traveled exceptional distances to attend. Prior arrangements for such mediation should be made in such cases to avoid unnecessary travel, or delay of the hearing.

(d) Parties who do not have a pending family law action before the Superior Court may request mediation from Butte County Family Court Services or an agreed private mediation service.

(e) In the event parties participate in informal mediation pursuant to 9.3(d) and no agreement is reached, a recommendation will not be made by the ~~mediator~~ **child custody recommending counselor**. *(Effective 7-1-90, as amended 1-1-01, as amended 7-1-04, as amended 7-1-08, as amended 1-1-12, as amended 1-1-15)*

9.4 CONDUCT OF MEDIATION *(Effective 7-1-90, as amended 1-1-02, as amended 7-1-04, as amended 1-1-07, as amended 7-1-08, as amended 1-1-12, as amended 7-1-14, as amended 1-1-15)*

(a) The mediation session(s) with the parties shall be held in private. In all matters in which the mediator who conducted the initial mediation session is asked to testify and in which a recommendation pursuant to FC §3183 was submitted, privilege and confidentiality may not apply. At a contested hearing where the child recommending counselor is called to testify, the counselor may be questioned by the parties and the Court as to the basis for any statement or recommendation contained in his or her report.

(b) If the parties reach agreement during mediation, the mediator shall document in writing the terms of the agreement. A copy of this document shall be submitted to the attorneys and to any unrepresented party prior to the next court hearing.

(c) The ~~mediator~~ **child custody recommending counselor** shall have the authority to exclude counsel from participation in the mediation sessions where, at the discretion of the ~~mediator~~ **child custody recommending counselor**, exclusion of counsel is deemed to be appropriate or necessary. The ~~mediator~~ **child custody recommending counselor** shall have the duty to assess the needs and interests of the child(ren) involved in the controversy and shall be entitled to interview the child(ren) when the ~~mediator~~ **child custody recommending counselor** deems such interview appropriate or necessary. The interview of the child(ren) shall not be confidential. The ~~mediator~~ **child custody recommending counselor** shall summarize the interview in the mediation report. If the child(ren) have appointed counsel in the family law matter, that counsel may be present at the interview with the child(ren) at the discretion of the ~~mediator~~ **child custody recommending counselor**. Counsel for the child(ren) must be notified of any interviews in sufficient time to allow counsel to be present at the interview, should counsel for the child(ren) chose to do so.

(d) Pursuant to CRC §5.215(d)(6), Family Court Services shall offer separate mediations in the event of domestic violence allegations. In all other instances, Family Court Services shall have discretion whether to meet with the parties separately.

(e) Telephonic mediations shall be granted only in exceptional circumstances. Either party may request that the Court allow such mediations. *(Effective 7-1-90, as amended 1-1-02, as amended 7-1-04, as amended 1-1-07, as amended 7-1-08, as amended 1-1-12, as amended 7-1-14, as amended 1-1-15)*

9.5 CONTESTED CUSTODY CASES *(Effective date 7-1-90, as amended 1-1-01, as amended 7-1-04, as amended 7-1-14, as amended 1-1-15)*

(a) PREFERENCE. Any case in which custody or visitation remains in dispute after completion of mediation shall proceed to hearing and shall be entitled to calendar preference pursuant to FC §3023.

(b) TEMPORARY CHILD CUSTODY

1. Prior to the hearing on a Request for Order (RFO) or Noticed Motion, it is the policy of this Court not to issue an Ex Parte order changing the child(ren)'s principal place of residence or to deny the access of any parent to the child(ren), except under the most extraordinary circumstances.

2. Any application to change the child(ren)'s living situation or to deny access of any person, who has legal right to custody or access to the child(ren), to the child(ren) prior to a full hearing shall include the following:

A. reference to the terms of any existing court orders bearing on custody or visitation of the child(ren) (if any);

B. the current time-sharing schedule or agreement (if any), and how long the schedule has been in effect;

C. any changes in the child(ren)'s place of residence in the past 120 days and the circumstances, including the dates and reasons for all such changes;

D. what time-sharing program is proposed;

E. the reasons for any proposed changes in the child(ren)'s living situation; and

F. other relevant information.

~~3. The mediator is authorized to make a full or partial recommendation if a full agreement is not reached during the mediation conference.~~

~~4. The mediator may, at his or her sole discretion, and without either consent of the parties or order of the Court, recommend that an investigation be ordered pursuant to FC §3111, or that other action be taken to assist the parties to effect a resolution of the controversy prior to any hearing on the issues. The mediator may, in appropriate cases, recommend that mutual restraining orders be issued, that a temporary custody and/or visitation order be entered, and/or that counsel be appointed to represent the involved child(ren).~~ *(Effective date 7-1-90, as amended 1-1-01, as amended 7-1-04, as amended 7-1-14, as amended 1-1-15)*

9.8 CALENDAR: MOTIONS FOR MODIFICATION (*Effective date 1-1-91, as amended 7-1-04, as amended 1-1-15*)

A motion for modification of either custody or visitation shall be calendared on the Family Law ~~Order to Show Cause~~ **Request for Order** calendar. (*Effective date 1-1-91, as amended 7-1-04, as amended 1-1-15*)

9.11 ~~SPECIAL PROBLEMS~~ **MISCELLANEOUS** (*Effective 7-1-90, as amended 1-1-04, as amended 7-1-04, as amended 7-1-08, as amended 7-1-14, amended and retitled 1-1-15*)

(a) UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT CASES.

1. Cases involving the UCCJEA (FC §3400 et seq.) generally appear initially on the Family Law ~~Order to Show Cause~~ **Request for Order** calendar.
2. Counsel should provide written points and authorities and declarations or affidavits in support of their jurisdictional contentions at the time of hearing. These declarations or affidavits shall contain a history of any other state's involvement with the case. The parties shall provide to the Court properly certified copies of any foreign decrees. Each party shall file a Declaration under the Uniform Child Custody and Jurisdiction Act, Judicial Council Form FL105/GC120.

(b) HEARINGS.

1. The parties shall keep Butte County Family Court Services staff informed as to dates of any contested hearing that may require the ~~mediator~~ **child custody recommending counselor** to testify so that they may plan their schedules accordingly. Normally a confirming letter will suffice for notice. ~~Mediators~~ **Child custody recommending counselors** should not be subpoenaed, but will be available to testify upon the request of the parties, counsel or the court.
2. ~~The Court will decide whether and on what conditions it will interview any minor child(ren). The Court may consult with the attorneys, parties or evaluators in reaching this decision. Child(ren) who are the subject(s) of the custody/visitation dispute shall not be in the courtroom without the Court's prior knowledge and consent. A child's wish to address the Court regarding custody and/or visitation shall be approached pursuant to Family Code §3042 and California Rule of Court 5.250.~~

(c) APPOINTMENT OF COUNSEL FOR CHILD(REN).

1. In any proceeding covered by these rules, the Court, if it would be in the best interests of the minor child(ren), may appoint private counsel to represent the interests of the child(ren) pursuant to FC §3150 et seq.
2. Nothing shall prohibit the child custody recommending counselor from recommending that minor's counsel be appointed for the child(ren).

(d) **PARTIAL AGREEMENTS.**

The child custody recommending counselor is authorized to make a full or partial recommendation if a full agreement is not reached during the mediation conference.

(e) CHILD CUSTODY RECOMMENDING COUNSELOR'S DISCRETION

The child custody recommending counselor may, at his or her sole discretion, and without either consent of the parties or order of the Court, recommend that an investigation be ordered pursuant to FC §3111, or that other action be taken to assist the parties to effect a resolution of the controversy prior to any hearing on the issues. The mediator may, in appropriate cases, recommend that restraining orders be issued and/or that counsel be appointed to represent the involved child(ren). (Effective 7-1-90, as amended 1-1-04, as amended 7-1-04, as amended 7-1-08, as amended 7-1-14, amended and retitled 1-1-15)

9.12 MEDIATION PURSUANT TO FC §3170 (Effective 7-1-90, as amended 1-1-04, as amended 7-1-08, as amended 1-1-11, as amended 1-1-12, as amended 1-1-13, as amended 7-1-14, as amended 1-1-15)

(a) In all matters involving initial mediation of child custody disputes pursuant to FC §3170:

1. The assigned ~~mediator~~ **child custody recommending counselor** shall have the absolute duty to disclose to both parties any prior or current, personal or professional, contact said mediator may have had with either party or members of their immediate families, and the particulars thereof, as well as any prior or current, personal or social, relationship with the attorney representing either party, if any. The assigned ~~mediator~~ **child custody recommending counselor** shall also disclose to both parties any other factors which might tend to affect said mediator's professional objectivity. After such disclosures, but prior to the commencement of the mediation session, the parties to the mediation shall be given the opportunity to request a different mediator, and any requests in this regard shall be honored. Only one preemptory challenge per party to the assigned ~~mediator~~ **child custody recommending counselor** shall be permitted.

2. In the event all professional employees of Family Court Services are disqualified or disqualify themselves pursuant to this rule, the parties shall select a private mediator or evaluator immediately, and such disqualification(s) shall be reported to the Court prior to the time set for hearing. Should the parties be unable to select a private mediator or evaluator, the Court shall make such selection of such private mediator or evaluator. Costs or fees shall be paid as may be determined by the Court.

(b) In those matters in which a written recommendation pursuant to FC §3183 has been ordered, such recommendation shall be prepared by the ~~Mediation Services staff member~~ **child custody recommending counselor who most recently conducted mediation with the parties.**

(c) In those matters referred to the Family Court Services for a child custody investigation, report, and recommendation pursuant to FC §3111, such report and recommendation shall be completed by a different individual than the one who has conducted mediation between the parties within the previous twelve (12) months. This provision may be waived by the parties to the action subject to approval of counsel, if any. Such waiver, if entered, shall be either in written form, or stipulated in open court.

(d) Notwithstanding the above provisions, any professional staff member of the Family Court Services may, at any time, recuse him or herself from a given mediation, child custody evaluation, or recommendation if [s]he believes that professional objectivity has been compromised. [FC §3163]

(e) Complaints concerning Family Court Services professional personnel shall be dealt with as follows:

1. Parents, parties and/or attorneys desiring to file a complaint regarding the mediation process or an individual mediator/child custody recommending counselor may submit a written complaint to the Family & Children's Services Director utilizing the Complaint Form. This form is available in the Court Clerk's and Self-Help Assistance & Referral Program (S.H.A.R.P.) Offices. Complaints pertaining to the Family & Children's Services Director may be submitted to the Court Executive Officer.

2. Written acknowledgement that the Court has received the complaint will be sent to the complainant. Within twenty (20) court days an appropriate investigation of the matter will be conducted. If warranted, the person identified in the complaint will be given notice of the complaint and an opportunity to respond. At the conclusion of the investigation a written notice of the final action shall be sent to the complainant.

(f) After the child custody/parenting time issues raised by the last filed **OSC/NOM Request for Order** have been mediated and resolved by court order, should there be a subsequent court proceeding involving court ordered mediation, either party may at the time of the assignment of the mediator, request a different mediator/child custody recommending counselor without a showing of good cause. *(Effective 7-1-90, as amended 1-1-04, as amended 7-1-08, as amended 1-1-11, as amended 1-1-12, as amended 1-1-13, as amended 7-1-14, as amended 1-1-15)*

14.3 ATTORNEY COST REIMBURSEMENT EXCEPT IN JUVENILE DEPENDENCY, FAMILY CODE §3150 APPOINTMENTS AND CAPITAL CRIMINAL CASES *(Effective 7-1-09, as amended 1-1-15)*

(a) Unless an order of the Court is obtained authorizing the expenses referenced above, including investigative services and/or expert witness fees, counsel incur any and all expenses at their own risk. Expenses that depart from the current Butte County **or Butte County Superior Court** protocol and guidelines except for extraordinary circumstances shown will not be authorized.

(b) Expenses reasonably and necessarily incurred by counsel, including costs for investigative services and/ or expert witness(es) are eligible to be reimbursed. Prior authorization of the court and proper documentation that costs were incurred are required prior to reimbursement.

(c) For copies of court documents, the attorney is eligible to be reimbursed at the same rate the Clerk of the Court's office charges to make copies.

(d) For any other copies, the attorney is eligible to be reimbursed at a rate of 10 cents per page. Attorney time to make the copies is not reimbursable.

- (e) Reimbursement for items such as parking fees, mileage from offices to the courthouse, local telephone calls or pro rata office expenses will not be allowed.
- (f) Prior to incurring investigative, or other expert fees and/or other costs, the form of order presented for authorization must be accompanied by a declaration in support thereof, and shall contain the following language:

“The cost(s) and expense(s) of such service(s) or examination(s) shall not exceed _____ (which is the dollar amount indicated by the Court on each Ex Parte Appointment Order). The Court finds that the cost(s) for expert service(s) is/are a legitimate expense of the County of Butte and will be paid by the County of Butte upon written certification by the Butte County Superior Court that the expenses have been incurred.” *(Effective 7-1-09, as amended 1-1-15)*

14.6 JUVENILE DEPENDENCY AND FAMILY CODE §3150 APPOINTMENTS CASES *(Effective 7-1-09, as amended 1-1-14, as amended 1-1-15)*

- (a) For Juvenile Dependency conflict counsel, and Family Code §3150 appointments, reimbursement for attorney fees shall be authorized in accordance with LR 14.2. Other reasonably necessary expenses, ~~including investigative and other expert services~~, shall be authorized in accordance with LR 14.3(a) through LR 14.3(e).
- (b) Prior to incurring investigative, or other expert fees and/or other costs, the form of order presented for authorization must be accompanied by a declaration in support thereof.
- (c) The declaration in support of investigative and/or expert witness fees and costs will be (1) authored by the expert or investigator attesting to the nature of work to be done, the number of hours expected, anticipated costs, hourly rate(s) depending on the nature of the work and (2) have a resume or curriculum vitae attached along with (3) a statement by the attorney detailing they have made the inquiry as detailed in the declaration and describing the relevance of the information or services sought.
- (d) For purposes of this local rule: “investigator” includes an individual or company providing services in support of the relevant needs of the attorney on behalf of their client; “expert” includes an individual the attorney intends to proffer in court as an expert in a particular subject.
- (e) Authorization of reimbursement for costs as detailed in this local rule does not amount to a finding by the Court that testimony or evidence of the investigator or expert will be admitted in court, nor constitute a finding that an individual qualifies as an expert under the law.

(f) The declaration shall contain the following language: “The cost(s) and expense(s) of such service(s) or examination(s) shall not exceed \$_____ (the dollar amount the attorney is requesting the Court authorize on each Ex Parte Appointment Order).”

(g) The request for reimbursement must **be submitted by the attorney and** include a proposed form of order that includes the following language: “The Court finds that the cost(s) for expert or investigative service(s), as detailed in the declaration, is/are a legitimate expense of the Superior Court of California, County of Butte and **such costs** will be ~~paid-reimbursed to the attorney~~ by the Court upon written certification **of the attorney** that the expenses have been incurred.”

(h) A request for reimbursement **of costs incurred** shall be paid **to the attorney** upon **the attorney’s** presentation of an itemized billing attached to or listed on a completed Butte County Superior Court Claim for Professional Services, with attached receipts for expenses and a copy of the court order that previously authorized the expenditure. The claim must specify the case number, an hourly rate consistent with that expressed in the declaration or ordered by the Court, whichever is less, the number of hours billed, and shall not exceed the total amount previously authorized by the Court. The attorney shall then present the claim to the Court's Administrative Office for processing for payment. *(Effective 7-1-09, as amended 1-1-14, as amended 1-1-15)*

16.1 OBTAINING A HEARING DATE *(Effective date 7-1-90, as amended 7-1-03, as amended 7-1-04, as amended 7-1-08, as amended 1-1-12, as amended 7-1-12, as amended 7-1-14, as amended 1-1-15)*

All ~~Motions and Orders to Show Cause~~ **Request for Order and Motions** filed under the Family Code, including discovery matters, shall be heard on the Family Law Calendars. Rule 16 governs all ~~Family Law Orders to Show Cause~~ **Request for Orders** and other family law and motion matters.

(a) Parties or counsel seeking to calendar Request for Order hearings or other issues requiring a hearing must contact the Clerk at (530) 532-7008 to determine available hearing dates and obtain a reservation before filing the moving papers. Nothing in LR § 16.1 shall be construed to alter notice or other procedural requirements applicable to such motions.

(b) The Court will not review a file for a Request for Order hearing unless one of the parties has advised the Court of the need to do so by sending a facsimile letter request to the Court at (530) 538-9361 between 9:30 a.m. and 1:30 p.m. two court days before the scheduled hearing. A copy of the request must be sent to opposing counsel, if represented. *(Effective date 7-1-90, as amended 7-1-03, as amended 7-1-04, as amended 7-1-08, as amended 1-1-12, as amended 7-1-12, as amended 7-1-14, as amended 1-1-15)*

16.11 DISCOVERY *(Effective date 7-1-90, renumbered 1-1-04, as amended 1-1-15)*

(a) GENERAL POLICY. Counsel are encouraged to participate in informal discovery in order to conserve the financial resources of the parties. In appropriate cases, upon request from

either party or upon its own motion, the Court may adopt a discovery plan that is tailored to the issues of the case and to the financial resources of the parties.

(b) **DEPOSITION RULE.** To encourage full preparation by counsel for hearings concerning temporary relief as well as at the trial of the case on the merits and to conserve the financial resources whenever possible, it is the policy of the Court to interpret the one deposition rule found in ~~CCP §2025 (t)~~ **CCP §2025.610(a)** as permitting the taking of a bifurcated deposition in family law cases. Where deposing counsel so desires, a party may be required to appear for a deposition concerning those issues raised by an application for temporary relief (e.g. temporary support, injunctive orders, etc.) and that party may be required thereafter to submit to the resumption of his/her deposition on issues concerning the ultimate merits of the case. Similarly, where issues in the case are bifurcated, (e.g., a separate trial on custody), the deposition of a party may be similarly bifurcated and limited to those issues then pending before the Court if deposing counsel so elects. Whenever deposing counsel elects to conduct a deposition of a party in a bifurcated fashion, [s]he shall make such intention known in the Notice of Deposition and at the beginning of the deposition by stating same on the record.

(c) **DISCOVERY DISPUTES.** Discovery disputes shall be resolved pursuant to LR §2.14. *(Effective date 7-1-90, renumbered 1-1-04, as amended 1-1-15)*

16.15 TRIAL, SHORT AND LONG CAUSE EVIDENTIARY HEARINGS *(Effective date 7-1-90, as amended 7-1-01, renumbered 1-1-04, as amended 7-1-04, as amended 7/1/05, as amended 1-1-07, as amended 7-1-07, as amended 7-1-08, as amended 1-1-09, as amended 1-1-12, as amended 7-1-12, as amended 7-1-14, as amended 1-1-15)*

A. INTRODUCTION

1. “Family Law Matters” for purposes of Local Rule §16.15 includes family law, uniform parentage, domestic violence and guardianship of the person.
2. Evidentiary hearings on family law matters with time requirements of 20 minutes or less will be heard on the Request for Order Calendar. Evidentiary hearings with time requirements in excess of 20 minutes will be set on TRAC (Trial Readiness and Assignment Calendar) from the Request for Order Calendar.
3. Family Law Trials will be set for trial from the TRAC. A matter is placed on the TRAC by filing an *At-Issue Memorandum* (form FL.090). A matter will normally be placed on a TRAC within 90 days of the filing of the *At-Issue Memorandum* and will be set for trial within the four weeks following the TRAC.
4. Short Cause Hearing, Long Cause Hearing and Trial defined:
 - (a) Short cause hearings – 20 minutes or less on the Request for Order Calendar allowed at the discretion of the judge on the Tuesday and Wednesday calendars. If no responsive declaration is filed and proof of service is on file showing timely service the court will consider not allowing a response at the hearing and/or awarding immediate attorney’s fees to the moving party.

(b) Long cause hearings – hearings longer than 20 minutes allowed at the discretion of the judge from the short cause hearing calendar. These are NOT trials and result in temporary orders, pending final resolution of the matter.

These evidentiary long cause matters are heard on the declarations filed in the moving and responding papers and testimony pursuant to FC §217. The parties are permitted to testify without advance written notice. Reasonable cross-examination of a party declarant may be permitted without advance notice.

The parties are required to file, within one day of the TRAC calendar, a Statement of Issues and Contentions or the party will be restricted to the four walls of the pleadings filed by both parties and the Statement of Issues and Contentions filed by opposing party.

Hearing briefs shall be filed two (2) court days prior to the hearing date. Exhibit lists shall be exchanged no later than two (2) days before the long cause hearing.

(c) Trials (of any length) – cases where At-Issue Memorandums have been filed with the Statement of Issues and Contentions with attached documents with the court and opposing party or counsel, if represented.

5. The purpose of the following rules is to ensure that family law matters are not set for trial or long cause hearing until adequate case and trial preparations have been completed.

B. PRELIMINARY TRIAL PAPERS (Not Applicable to Long Cause Hearings)

1. All of the following papers, which shall be known collectively as Preliminary Trial Papers, shall be served and filed with, or no more than 30 days prior to, the At-Issue Memorandum:

- a. Fully completed current Income and Expense Declaration.
(See LR §16.12.)
- b. Declaration Regarding Service of Final Declaration of Disclosure [Judicial Council Form ~~1292.05~~ **FL-141**].
- c. UCCJEA Declaration Form
- d. Statement of Issues, Contentions, and Proposed Disposition, with a full and complete statement of the factual basis in support of each contention. The statement shall cover all issues to be raised at trial, including, where appropriate:
 - (1) Child custody, visitation, and timesharing; including what orders are issued and what the actual current timeshare and custody arrangements are and for how long they have been in effect.
 - (2) Child support, including a computer-generated or other calculation of support;
 - (3) Spousal support;

(4) Characterization of property as separate or community, the nature, extent, and terms of payment of any encumbrance against the property, and the manner in which title has been vested since the acquisition of the property;

(5) A proposed method for disposition of tangible personal property (i.e., household items and tools), such as by agreement of the parties, sealed bid, "piece-of-cake" (or "two pile"), appraisal and alternate selection, or sale;

(6) Regarding funds held by others, such as insurance policies or retirement benefits, the basis for calculation of the present value, if applicable, all terms or conditions imposed upon the withdrawal of the funds, and details regarding any outstanding loans against any of the funds;

(7) Terms of payment of any debts or obligations and any security held by the creditor;

(8) Any claims against the community or the other party, including Epstein credits for post-separation payments of community debts, Watts charges for use of community assets, reimbursement for post-separation payments of the other party's separate obligations, Family Code section 2640 reimbursement for separate property contributions to the acquisition or improvement of community property;

(9) Calculation of any community property interest in separate property (Moore-Marsden);

(10) In tracing an asset that is contended to be part community and part separate, the statement shall describe the asset, its date of acquisition, its value, the dates and amounts of payments upon the purchase of the asset or nature and extent of the transaction which resulted in its acquisition, and a statement of the segregation of the total value of the asset as to its community and separate property values;

(11) Witness List (of all non-impeachment witnesses) including name, address, telephone, statement of issue expected to testify to;

(12) Expert witness name, business address, telephone, statement of issue upon which the expert is expected to offer testimony statement of qualifications of expert and copy of the expert's curriculum vitae; Any written report of the expert shall be provided no later than 45 days prior to trial;

If the expert is retained less than 45 days before the trial, then the above information shall be provided as soon as is possible but in no event later than 30 days before trial.

- (13) Exhibit List (of all non-impeachment exhibits). The actual exhibits shall be exchanged at least five (5) days prior to trial; they will be served at the same time as the trial brief;
- (14) Statement of unusual items and copies of appraisals performed of these items (oriental rugs, sterling silver, unusual jewelry, collections (ex: dolls, antique tools, handcrafted items)) or a statement that the parties have agreed to a particular value or to a particular appraiser;
- (15) Statement that statistical facts are undisputed, or if contested, what the differences are and the basis for the party's contentions;
- (16) Statement of the educational debts incurred for which reimbursement is sought and the conditions under which it was incurred, the amounts repaid to date, if any, and the degree earned, if any
- (17) Statement of the circumstances around any domestic violence restraining orders issued, domestic violence allegations and what supporting documentation is expected to be presented at trial;
- (18) Statement of the circumstances around any alleged habitual drug or alcohol use, if a custody matter, and what supporting documentation is expected to be presented at trial;
- (19) Spousal support – all of the factors in FC §4320 et seq should be addressed individually;
- (20) Attorney's fees and costs; the stated attorney's fees shall include a declaration by the attorney ("Cueva declaration") as well as copies of all billing statements for which a contribution to fees and costs is sought. For any expert for which costs are sought, a declaration and copy of their billing statements shall also be served;
- (21) A statement that all discovery has been completed;
- (22) A statement concerning what current orders are in effect (if any), and when they were issued;
- (23) Any claim for breach of fiduciary duty;
- (24) Any other issue to be presented to the Court;
- (25) A copy of completed Schedule of Assets & Debts (JC Form FL142) previously exchanged;

e. The written statement of any expert witness, prepared as a separate document, encaptioned "Declaration in Lieu of Testimony," made by affidavit or declaration under penalty of perjury, and including the expert's address and telephone number. The statement shall be received into evidence unless the opposing party, within 30 days, serves and files a written demand that the witness be produced in person to testify at the hearing. Any portion of the statement that

would be inadmissible if the witness were testifying in person is subject to an objection and motion to strike at trial.

f. It is the policy of the Court that:

1. Vehicles will normally be valued at mid-range Kelly blue book;
2. Furniture, furnishings and tools are valued at “garage sale” type prices;
3. Personal clothing is normally awarded without value to the party who wears said clothing.

2. An At-Issue Memorandum that is not accompanied by all of the foregoing will be returned and the case will not be set on the TRAC.

3. Any party who believes that the case is not ready to be set for trial may within ten (10) days of mailing or personal service of the At-Issue Memorandum, file a Notice of Motion in Opposition to Trial Setting.

4. The responding party shall serve and file his or her Preliminary Trial Papers no later than 30 days after service of the At-Issue Memorandum. This period may be extended to 60 days by filing and serving a statement that the additional time is needed to prepare the Preliminary Trial Papers. This statement shall specify why the additional time is needed, and shall be served and filed within 10 days of the service of the At-Issue Memorandum. Any statement filed in bad faith or solely for the purpose of delay shall be cause for sanctions.

(a) Any misuse of the At-Issue process which attempts to prevent normal discovery by the opposing party, may be sanctioned or fees may be awarded.

5. No less than 30 days before the TRAC, each party shall serve and file a list of any experts the party expects to call at trial, including the name, address, and telephone number of the expert, a brief narrative statement of the qualifications of the expert, and a brief narrative statement of the general substance of the testimony that the expert is expected to give. Within 15 days of service of the expert witness list, either party may file a supplemental list of expert witnesses containing all of the same information.

C. VOLUNTARY SETTLEMENT CONFERENCES

This Court adopts the policy that good faith efforts to settle family law trials are an essential part of the judicial process and that good faith efforts to settle shall be encouraged. Therefore the Court offers Voluntary Settlement Conferences as a mechanism for such good faith efforts.

1. Authority to Settle

a. All parties and their attorneys, specifically the attorney(s) who is/are to try the case, are required to attend the settlement conference and must have full authority to make decisions and negotiate concerning the case for which the settlement conference is scheduled. Failure to have authority or to be present are subject to sanctions by the Court.

b. The attorneys and parties must be familiar with all pertinent facts and evidence regarding the matters at issue for the trial.

2. Requesting a Voluntary Settlement Conference

a. At the time a party files an At-Issue or Counter-At-Issue Memorandum the party may attach to the At-Issue or Counter-At-Issue Memorandum a “Request for Voluntary Settlement Conference.” All documents required to be filed for trial with the At-Issue or Counter-At-Issue Memorandum are required to be filed and to be complete.

b. The Clerk may set the matter for the next TRAC which is at least ten days or more after the filing of the At-Issue or Counter-At-Issue Memorandum. Both parties or their attorneys shall attend that TRAC and shall be given preference to be set first on the Voluntary Settlement Conference schedule. Both parties must agree to a voluntary settlement conference. It shall be deemed that there is no objection to the request for a voluntary settlement conference if no objection is filed within ten days after the At-Issue or Counter-At-Issue Memorandum containing the request is filed with the court.

3. Voluntary Settlement Conference Officers

a. The Voluntary Settlement Conference shall be conducted by family law attorneys who shall be appointed by the Court to serve as Superior Court Settlement Officers. The date, time and location of the settlement conference shall be determined by the Court.

b. Voluntary Settlement Conferences shall be conducted by a panel of two Settlement Conference officers; one shall be designated as Senior Settlement Conference Officer.

c. To be designated Senior Settlement Conference Officer, the attorney must be in good standing with the State Bar of California for at least ten years and either be a certified family law specialist or have a practice which consists of at least 75% family law. The attorney’s primary office must be in Butte County. All other Settlement Conference Officers must be attorneys who are in good standing with the State Bar of California for at least three years and have a practice which consists of at least 35% family law. The attorney’s primary office must be in Butte County.

4. Settlement Conference Statements and Supporting Documents

a. Not less than five (5) days prior to the scheduled settlement conference, each party shall lodge (not file) with the Court and serve on all parties and their attorneys of record a Settlement Conference Statement. The Settlement Conference Statement shall be in writing and shall describe the case and all relevant legal and factual issues and contentions. The Settlement Conference

Statement is to be sufficiently detailed to enable the court Settlement Officer to conduct a meaningful settlement conference.

b. The attorneys for each party or each party representing himself or herself shall bring to the settlement conference all pertinent documents for examination by the Settlement Conference Officers.

5. Notice to Court Upon Reaching Settlement

Should any case set for voluntary settlement conference settle or otherwise terminate before the date of any voluntary settlement conference, the attorneys for the parties, or the parties representing himself or herself, shall immediately notify the clerk pursuant to CRC §3.1385.

D. FINAL TRIAL PAPERS (Not Applicable to Long Cause Hearings)

1. At least five (5) court days before the trial, each party shall serve and file all of the following, which shall be known collectively as Final Trial Papers.

- (a) A statement summarizing undisputed issues and disputed issues, with an updated estimate of trial time;
- (b) Current Income and Expense Declaration;
- (c) Updated Statement of Assets and Debts, if appropriate;
- (d) Supplemental Statement of Issues, Contentions, and Proposed Disposition, detailing any changes or additions since the initial Statement of Issues. No party shall be allowed to raise at trial any issue not adequately disclosed in that party's initial or supplemental Statement of Issues.
- (e) A statement identifying each witness the party reasonably anticipates it is likely to call at trial; however, this does not apply to rebuttal witnesses. Only witnesses so listed will be permitted to testify at trial, except for good cause shown. The statement shall specify the name, address, and telephone number of each witness, a general statement of the issues that will be addressed by the testimony of the witness, and a time estimate for the direct examination of the witness.
- (f) A list of exhibits, rather than the exhibits themselves, shall be filed with the Court. Parties shall exchange legible copies of all exhibits the party reasonably anticipates will be introduced at trial. Only disclosed exhibits will be permitted to be offered at trial, except for good cause shown. The parties are encouraged to have their exhibits premarked. The exhibits are to be exchanged between the parties, not just a list of exhibits, unless the parties stipulate that the exhibit list is sufficient, with only the exhibit list going to the Court.
- (g) A complete set of attorney's bills and statements to date, if attorney's fees are in issue.

2. The filing party shall serve the Final Trial Papers on the other parties in a manner to assure actual delivery to the other parties no later than five (5) court days before the trial (mailing 5 days before trial is not compliance).

3. A Trial Brief setting forth the applicable law is required. All Trial Briefs shall be filed and served in a manner to assure actual delivery to the other parties and to the court no later than five court days before trial.

4. Meet and Confer Statement: Each party (or their attorney, if represented) is required to file a declaration that they in fact met and conferred in an attempt to settle any and all issues prior to trial. The statement shall be filed and served on the opposing party five (5) court days prior to trial. If the meet and confer effort resolves issues, the parties shall so note in their Supplemental Statement of Issues and Contentions.

E. CONTINUANCE

1. Except as set forth below, no case shall be continued from the TRAC except upon an affirmative showing of good cause, such as unavoidable unavailability of a party, attorney, or essential witness.

2. At the request of both parties, the Court may continue a case from the TRAC one time to a subsequent TRAC for purposes of potential settlement in any of the following ways:

a. Referral of a matter with a time estimate in excess of one day for a mandatory settlement conference.

b. Referral of other matters for a voluntary settlement conference, by stipulation of all parties.

c. A joint request by all parties based upon their representation that they will conduct an informal settlement procedure (such as a meeting of all parties and attorneys) and that they believe there is a reasonable likelihood that some or all of the issues will be resolve.

d. Attendance by all parties and counsel at a settlement conference or informal settlement meeting is mandatory. Failure to attend and be prepared for any settlement conference or meeting may constitute sufficient cause for imposition of sanctions pursuant to California law, including, but not limited to, CCP §575.2 and CRC §2.30.

3. Should parties wish a continuance from the TRAC calendar other than to pursue a settlement (See #2 above) they must provide a written stipulation to that effect to the court at least five (5) days prior to the TRAC calendar. If only one party wishes a matter continued, that party has the burden of showing good cause why the matter should be continued which the Court in its discretion may grant or deny. Continuances are looked upon with disfavor.

F. RESERVED

G. CONTINUANCES FROM REQUEST FOR ORDER CALENDAR

Requests for continuances are looked on with disfavor unless good cause shown and will not be granted unless good faith attempts to contact the opposing party have been made prior to the day of the hearing. Parties are encouraged to stipulate in writing to a continuance at least five (5) days prior to the hearing which is to be continued.

H. SANCTIONS FOR NON-COMPLIANCE WITH LOCAL RULES. Failure to fully comply with the foregoing rules, in the absence of good cause, may result in the other party being granted a continuance and may subject the offending party, or his or her attorney, or both, to sanctions pursuant to California law including but not limited to CRC § 2.30 and CCP § 575.2.

I. RESERVED *(Effective date 7-1-90, as amended 7-1-01, renumbered 1-1-04, as amended 7-1-04, as amended 7-1-05, as amended 1-1-07, as amended 7-1-07, as amended 7-1-08, as amended 1-1-09, as amended 1-1-12, as amended 7-1-12, as amended 7-1-14, as amended 1-1-15)*

16.18 DEFAULT OR UNCONTESTED JUDGMENT *(Effective 7-1-90, as amended 1-1-04, renumbered 1-1-04, as amended 7-1-04, as amended 7-1-08, as amended 1-1-10, as amended 7-1-12, as amended 7-1-14, as amended 1-1-15)*

A. GENERAL POLICY

B. JUDGMENT BY DEFAULT

C. ~~REQUIRED~~ DOCUMENTS

D. CHILD CUSTODY AND VISITATION

E. CHILD SUPPORT

F. SPOUSAL OR PARTNER SUPPORT

G. REAL PROPERTY

H. RESTORATION OF NAME

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J. PREPARATION OF JUDGMENT AND ORDER ~~AND ORDER~~ **AND SUBMISSION OF PROPOSED ORDER AFTER HEARING**

K. RESTRAINING ORDERS

L. FINALITY OF JUDGMENT OF DISSOLUTION

M. NUNC PRO TUNC JUDGMENTS

N. FEE WAIVERS

O. RELIEF INCONSISTENT WITH PETITION

A. GENERAL POLICY

1. Where a Judgment of Dissolution, Nullity or Legal Separation of spouses in a marriage or partners in a domestic partnership is sought to be obtained by written agreement of the parties after a response has been filed (uncontested), or by default, the affidavit provisions of the Family Code may be used.

NOTE: Judgments of Nullity of Marriage or Nullity of a Domestic Partnership require a Court hearing.

2. Generally uncontested and default family law Judgments shall be obtained by declaration. However, a hearing may be set upon request of a party or by a Court order.

3. Any written agreement between the parties which is submitted to the Court as part of a Judgment shall have the signatures of both parties notarized by separate notaries.

B. JUDGMENT BY DEFAULT

1. Unless the Court orders otherwise, a default will not be entered based on notice and acknowledgement of receipt signed by a person other than the party to whom it is directed.

C. ~~REQUIRED~~ DOCUMENTS

1. A ~~Family Law Judgment Checklist: *Dissolution/Legal Separation (Judicial Council form FL-182)*~~ (~~form FL-040~~) or *Family Law Parentage Judgment Checklist* (local form FL.050) ~~must~~ **should** be completed and filed with any proposed default or uncontested Judgment that is submitted to the Clerk's Office pursuant to Family Code §2336. All documents described in those checklists ~~must~~ **should** also be submitted.

D. CHILD CUSTODY AND VISITATION

1. If Petitioner is asking for a default Judgment in a dissolution, legal separation, or nullity of a marriage or domestic partnership, or in a parentage or custody and support case, and has a child with the other parent and one or more of the following apply:

a. does not already have a custody and visitation order,

b. did not file a Child Custody and Visitation Application Attachment (Judicial Council Form FL-311) or a specific proposed order with the Petition,

c. does not already have a Marital Settlement Agreement or Stipulated Judgment,

then the Petitioner shall complete, file and serve by mail or in person a *Declaration for Default Custody and Visitation Orders* (form FL.030) at least fifteen (15) calendar days before the Judgment is submitted.

2. A copy of the filed Declaration and proof of service (Judicial Council Form FL-330/FL-335) shall be submitted to the Court with any proposed Judgment.

3. If Petitioner is obtaining the Judgment by default hearing, the Petitioner does not have to file and serve the *Declaration for Default Custody and Visitation Orders* (form FL.030) but must be prepared to talk about the factors requested in the Declaration at the default Court hearing.

E. CHILD SUPPORT

1. Where Judgment is obtained by default and there is no attached written agreement concerning child support, an attached Declaration shall state the effective date of the order sought, the amount of support sought per child and in total, the gross and net income of each party, the name and birth date of each child, and the amount of support for each child as calculated according to California child support guidelines. A computerized printout of the guideline calculations, including the findings page, may be substituted for the support portion of this Declaration.

2. Where a child support order is sought and the party to whom support is to be paid is receiving public assistance or the Department of Child Support Services (DCSS) is enforcing existing child support orders, that fact shall be set out in the Judgment and the issue shall be reserved for enforcement by DCSS. The party shall further list the court case number on the DCSS action.

F. SPOUSAL OR PARTNER SUPPORT

1. The issue of spousal or partner support for each party must be addressed in the Judgment. A support amount may be requested, spousal or partner support may be terminated, or the issue of spousal or partner support may be reserved.

2. If a request is made for:

a. establishing by default a permanent spousal or partner support for Petitioner or Respondent, or

b. terminating by default spousal or partner support for the Respondent, in a "marriage of long duration" (as defined in Family Code §4336(b)).

and there is no attached written agreement concerning spousal or partner support, Petitioner shall file and serve by mail a Declaration at least fifteen (15) calendar days before filing the Judgment stating the following:

1. The effective date of the order sought

2. The proposed duration of support sought
3. The amount of support sought
4. The gross and net income of both parties
5. Information regarding relevant factors under Family Code §4320

The Proof of Service by mail form (Judicial Council Form FL-335) for service of this Declaration shall be filed with the Court before filing the proposed Judgment.

This section does not apply to requests for termination of permanent spousal support in marriages not of long duration under Family Code §4336(b).

G. REAL PROPERTY

All real property referred to in a Judgment shall be described by its complete common address and/or legal description.

H. RESTORATION OF NAME

Restoration of a party's former name shall be ordered in a Judgment only upon that party's written request or request in open Court.

I. FORMAT OF JUDGMENT

1. All orders concerning child custody, child visitation, child support, spousal support and attorney fees, as applicable, shall be set forth in the body of the judgment. As to these specific matters, reference to an attached written agreement of the parties is not acceptable.

2. The division of the community estate and confirmation of separate property, as applicable, may be set forth either in the body of the judgment or in an attached agreement incorporated in the judgment by reference.

3. Any jointly agreed-upon judgment or marital settlement agreement shall have the signatures of both parties notarized by a separate notary and the notary seal attached by those separate notaries.

J. ~~PREPARATION OF JUDGMENT AND ORDER~~ ***PREPARATION OF PROPOSED ORDER AFTER HEARING***

1. ~~The party directed by the court to prepare a Judgment or Order After Hearing shall do so within fifteen (15) days of being so directed and shall submit the proposed Judgment or Order to all other parties for approval as to form. If the non-preparing parties do not approve the form of order or propose modifications within 10 days of being~~

~~served with the proposed Judgment or Order, the preparing party shall submit the Judgment or Order directly to the court with a letter detailing compliance with this rule. ***The preparation and submission of the proposed Order After Hearing shall be pursuant to California Rule of Court 3.1312.***~~

~~2. If the party who is directed to prepare the Judgment or Order fails to do so, any other party may prepare the Judgment or Order and shall be awarded reasonable attorney's fees for preparing the Judgment or Order and for obtaining the award of attorney's fees.~~

~~3. Any party may by letter notify the court of a dispute over the form of Judgment or Order, or of the need for an award of attorney's fees for preparing a Judgment or Order that another party was directed to prepare and the court may, by minute order, set the matter for hearing.~~

~~4. The signature of the judicial officer shall not follow any attached agreement of the parties, but shall be set forth on the judgment following the orders of the Court.~~

K. RESTRAINING ORDERS. All restraining orders in a judgment issued pursuant to FC §§2045(a) and 6322 must be followed by the date of expiration of such order.

L. FINALITY OF JUDGMENT OF DISSOLUTION

1. No Judgment for the dissolution of marriage shall be final until six (6) months have expired from date of service of summons and petition or date of appearance of respondent. The Judgment shall specify the date on which the Judgment is finally effective for the purpose of terminating the marriage relationship of the parties. (FC §§2338 and 2339).

2. Upon noticed motion and good cause shown, or stipulation of the parties, the Court may retain jurisdiction over the date of termination of the marital status, or order the marital status terminated at a future specified date (FC §2340).

M. NUNC PRO TUNC JUDGMENTS. To be entered nunc pro tunc, a Judgment must comply with FC §2346.

N. FEE WAIVERS AT TIME OF ENTRY OF A JUDGMENT

Pursuant to Government Code section 68637, subsections (d) and (e), all fee waivers will be subject to review by a judicial officer at the time a Judgment is submitted for signature and entry. At such time, the judicial officer may specify at his/her discretion that a Judgment not be entered except upon payment of all outstanding fees or upon the granting of a new fee waiver upon submission of a new application. Nothing in this rule

limits the Court's ability to review fee waivers during the proceeding per Government Code section 68636.

O. RELIEF INCONSISTENT WITH PETITION

Except by written agreement or as may be permitted by law, the Court will not grant relief that is inconsistent with the relief requested in the Petition. The Court on its own motion may require the party to appear to justify the relief requested. *(Effective 7-1-90, as amended 1-1-04, renumbered 1-1-04, as amended 7-1-04, as amended 7-1-08, as amended 1-1-10, as amended 7-1-12, as amended 7-1-14, as amended 1-1-15)*

16.25 PETITIONS TO TERMINATE PARENTAL RIGHTS AND FREE A MINOR FROM PARENTAL CUSTODY AND CONTROL *(Effective 1-1-15)*

Any party or attorney seeking to file a petition to terminate parental rights and free a minor from the custody or control of a parent, pursuant to California Family Code section 7881 et seq., must present to the court clerk appropriate forms of order at the time the petition is filed. Petitions presented without appropriate forms of order will not be filed.

A party or attorney is encouraged to use a standard form of order, including any forms available through the Butte County Superior Court website. (Effective 1-1-15)

16.26 ADOPTIONS *(Effective 1-1-15)*

Any party, agency, or attorney seeking an order of adoption must present to the court clerk an Adoption Request (Judicial Council Form ADOPT-200), Adoption Agreement (Judicial Council Form ADOPT-210) and an Adoption Order (Judicial Council Form ADOPT-215) before a hearing for an order of adoption will be calendared. These forms are also available in the Court Clerk's Office and Self-Help Assistance & Referral Program Office.

A party or attorney is encouraged to use standard forms of order available through the Judicial Council website; including following the instructions on How to Adopt a Child in California (Judicial Council Form ADOPT-050). (Effective 1-1-15)

17.9 JUVENILE COURT-APPOINTED ATTORNEY COMPLAINT PROCESS *(Effective 7-1-96, as amended 1-1-02, as amended 1-1-10, as amended 1-1-11, as amended 1-1-12, as amended 1-1-15)*

~~(A) Complaints concerning the Court Appointed Juvenile Attorneys shall be dealt with as follows:~~

- ~~1. Any party to a juvenile court proceeding may lodge a written complaint with the Presiding Judge of the Juvenile 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. Complaints may be submitted utilizing the Court's Complaint Form. This form is available in the Court Clerk's and Self Help Assistance & Referral Program (S.H.A.R.P) Offices.~~

- ~~2. Written acknowledgement that the Court has received the complaint will be sent to the complainant. Within twenty (20) court days an appropriate investigation of the matter will be conducted. If warranted, the attorney will be given notice of the complaint and an opportunity to respond. At the conclusion of the investigation a written notice of the final action shall be sent to the complainant.~~

The process for complaints or questions by a party regarding the performance of their appointed attorney is established by this court as follows:

A. For a party currently represented by court appointed counsel in an open case:

A request to be heard on the complaint or question must be raised as a Marsden based request by any of the following procedures:

- 1. Written request to the Juvenile Court Presiding Judge; or*
- 2. Written request to add the case on to the Juvenile Court's calendar for a Marsden based hearing; or*
- 3. Oral request in court while on the record.*

B. A request under 17.9(A) applies when the party intends to ask the court to have their court appointed attorney relieved and to have a new attorney appointed, for reasons having to do with the competency of the appointed attorney, or to complain about the nature of the relationship between the party and their court appointed counsel.

C. Notice of the request for a hearing under 17.9(A) must be provided by the requesting party or it will be provided by the court when the hearing is set.

D. The hearing itself will be with the counsel who is the subject of the complaint and the complaining party, and will be on the record, and in accord with the principles set forth in People v Marsden (1970) 2 Cal.3rd 118 and its progeny.

E. At the hearing under 17.9(A), the court will not entertain receipt of evidence about the merits of the case itself. To that end, the court may assign the hearing to another judge. The Marsden hearing is an informal hearing in which the court ascertains the nature of the party's allegations regarding the defects in counsel's representation and decides whether the allegations have sufficient substance to warrant counsel's replacement.

F. This local rule constitutes a standing order that the information provided by the complaining party and / or the responding attorney is not discoverable and to not be disseminated unless

necessary for action on the complaint or to protect a constitutional or statutory right and pursuant to a court order beforehand.

G. *The Juvenile Court Financial Statement Form will be amended to include an advisement to the party of this local rule. (California Rule of Court 5.660(e).)*

H. *A party who has a complaint that does not fall within 17.9(A), can otherwise submit a written complaint about their court appointed counsel to the Juvenile Division Presiding Judge if:*

- 1. The complaint does not address the merits or facts in an open case, and***
- 2. The issues in the complaint are not the subject of a Writ or Appeal, and***
- 3. The complaint includes a description of the relief requested.***

J. *A written complaint under 17.9(H) will be addressed either directly, or through assignment, by the Juvenile Division Presiding Judge, with a response in either event no later than 90 days from receipt of the complaint.*

K. *A copy of any written complaint will be provided to counsel subject to the complaint and said counsel will have an opportunity to respond. Counsel can request a hearing in lieu of a written response with notice to the complaining party.*

L. *If it is determined that an appointed attorney has acted improperly or contrary to the rules or policies of the court, the court will determine what appropriate action to take and act accordingly.*

M. *Complaints of formerly appointed counsel proceed through 17.9(H) only.*

(Effective 7-1-96, as amended 1-1-02, as amended 1-1-10, as amended 1-1-11, as amended 1-1-12, as amended 1-1-15)

Amend fax numbers for Family, Juvenile and Civil to reflect new fax numbers

Amend Form FL.010 to remove Order Shortening Time box

Amend Form PR.10 to add City and State to 3a.

Amend forms to include new courthouse address: 1775 Concord Avenue, Chico, CA 95928