Superior Court of California,
County of Butte

Local Court Rules
Effective January 1, 2013

The Superior Court of California, County of Butte has adopted the following Local Rules of Court:

Local Rule	Title	Effective Date
1	General Rules	July 1, 1990
2	Law and Motion Matters	July 1, 1989
3	Administration of Civil Litigation	July 1, 1992
4	Administration of Civil Litigation, Limited Cases	July 1, 1997
6	Alternative Dispute Resolution	January 1, 2006
9	Custody/Visitation Mediation	July 1, 1990
12	Probate Rules	July 1, 1998
13	Documents Presented for Filing	July 1, 1989
14	Fees for Court Appointed Attorneys	January 1, 1991
15	Family-Centered Case Resolution Process	January 1, 2013
16	Family Law	July 1, 1990
17	Juvenile Court Rules	July 1, 1996
18	Court Appointed Special Advocate (CASA)	January 1, 2001
19	Domestic Violence Coordination Rules	July 1, 2004
25	Appellate Division Rules	July 1, 2008
50	Administrative Rules - General Rules	July 1, 1996

APPLICABILITY OF RULES. Pursuant to the passage of Proposition 220 on June 2, 1998 and the unanimous vote to unify by the Butte County Judges, the courts in Butte County are a unified Superior Court. Unless otherwise noted, rules are applicable to all cases including cases of limited jurisdiction.

The Uniform Local Superior Court Rules of the Third Appellate District (Third Appellate District Rules) are no longer in effect in the Butte County Superior Court.

To the extent any previously adopted "policy" of the Butte County Superior Court is in conflict with Butte County Local Rules 1, 2, 3, 4, 5, 7, 9, 12, 13, 14, 15, 16, 17, 18, 19, 25 or 50, the new local rule supersedes the previous policy. Local court rules adopted previously are hereby superseded by these rules.

Copies of the Superior Court of California, County of Butte Local Rules of Court and subsequent amendments have been filed with the Judicial Council and the Clerk of the Court in accordance with Government Code Section 68071 and California Rule of Court 10.613. Copies of the rules may be purchased from the Clerk of the Court at One Court Street, Oroville, CA 95965.

DATED: November 9, 2012 KIMBERLY FLENER, Court Executive Officer

LOCAL RULE 1 GENERAL RULES *(Effective Date: 7/1/90, as amended 7 -1-03, as amended 7 -1-04, as amended 1-1-06, as amended 7-1-06, as amended 7-1-08, as amended 1-1-09, as amended 7-1-09, as amended 7-1-11, as amended 1-1-12, as amended 7-1-12, as amended 1-1-13)* 14

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LOCAL RULE 1 GENERAL RULES *(Effective Date: 7/1/90, as amended 7 -1-03, as amended 7 -1-04, as amended 1-1-06, as amended 7-1-06, as amended 7-1-08, as amended 1-1-09, as amended 7-1-09, as amended 7-1-11, as amended 1-1-12, as amended 7-1-12, as amended 1-1-13)*

1.1 RESERVED *(Effective 7/1/90)*

1.2 FILING OF MOTIONS IN LIMINE *(Effective 7/1/90, as amended 7-1-00)*

Any and all motions in limine in connection with any anticipated civil trial shall be presented for filing at the Trial Readiness Conference. *(Effective 7/1/90, as amended 7-1-00)*

1.3 SMALL CLAIMS VENUE *(Effective 7-1-03)*

Small claims cases may be filed at: Butte County Courthouse in Oroville or Chico Courthouse. *(Effective 7-1-0, as amended 7-1-123)*

1.4 RESERVED *(Effective 7/1/90, as amended 1-1-00)*

1.5 RESERVED *(Effective 7/1/90, as amended 1-1-00)*

1.6 ATTORNEY OF RECORD *(Effective 7/1/90, as amended 1-1-00, as amended 7-1-12)*

Proof of service on an attorney will not be accepted for filing unless the attorney is of record in the Court's file - either by filing an appearance, a document on behalf of a party, or a notice that [s]he is counsel for a party authorized to accept service. *(Effective 7/1/90, as amended 1-1-00, as amended 7-1-12)*

1.7 COURT REPORTER'S PER DIEM FEE *(Effective 7/1/90, as amended 1-1-99)*

The fee paid by the Superior Court of California, County of Butte to pro tempore court reporters hired by the Court for reporting testimony and proceedings shall be periodically reviewed and determined by the Presiding Judge. *(Effective 7/1/90, as amended 1-1-99)*

1.8 REQUESTING A COURT REPORTER *(Effective 7/1/90, as amended 7-1-03, as amended 7-1-04, as amended 7-1-11, as amended 7-1-12)*

a) Notice is hereby given that the Superior Court of California, County of Butte only provide a court reporter for those proceedings set forth in GC §70045.8.

(b) In accordance with GC §§68086(a)(1)(A) and CRC 2.956, notice is hereby given that whenever any party desires to have any proceeding other than those set forth in GC §70045.8 reported, such party shall provide and pay for their own court reporter.

(c) Fees for court reporters pursuant to the provisions of GC §68086(a)(1), in civil cases, are available on the Court's website: www.buttecourt.ca.gov. *(Effective 7/1/90, as amended 7-1-03, as amended 7-1-04, as amended 7-1-11, as amended 7-1-12)*

1.9 TRIAL READINESS *(Effective 7/1/90, as amended 7-1-02, as amended 7-1-04, as amended 1-1-06, as amended 7-1-06, as amended 1-1-09, as amended 1-1-12, as amended 7-1-12, as amended 1-1-13)*

(a)When a case is ready for trial (at-issue), a *Memorandum to Set Case for Trial* (form GR.010) shall be filed in the following cases only: Civil Harassment, Extraordinary Writs, and Asset Forfeiture cases under Health and Safety Code (H&S) §11470.

(b) The memorandum to set case for trial shall contain the information as set forth in *Memorandum to Set Case for Trial* (form GR.010).

(c) For any court trial which is to take in excess of two hours for presentation by all sides, the parties are required to file a trial memorandum setting forth their respective positions, together with citations to all legal authority upon which the parties intend to rely. Such trial memoranda, a list of exhibits, and a list of witnesses are to be filed no later than noon on the Wednesday immediately preceding the trial. A copy is to be submitted for the judge's use; three-hole punched on the left side and any attachments tabbed on the right side. The original, which is filed with the Court, shall be two-hole punched at the top and tabbed on the bottom.

(d) For all jury trials, the court will conduct a Trial Ready Conference (TRC) in advance of the first day of trial. The *Trial Readiness Conference Statement* (form GR.020) is available on the court's website: www.buttecourt.ca.gov. The court will, at the time of setting the trial date, set a date for the TRC. At least five (5) full court days prior to the TRC, counsel are to file and provide copy to opposing counsel a *Trial Readiness Conference Statement* (form GR.020). A copy is to be submitted for the judge's use; three-hole punched on the left side and any attachments tabbed on the right side.

(e) Parties are encouraged to obtain a stipulation containing the information as set forth in *Procedural Stipulations for Jury Trial* (form GR.040). *(Effective 7/1/90, as amended 7-1-02, as amended 7-1-04, as amended 1-1-06, as amended 7-1-06, as amended 1-1-09, as amended 7-1-12, as amended 1-1-13)*

1.10 TELEPHONIC APPEARANCES *(Effective 7-1-02, as amended 7-1-08)*

(a) Telephonic appearances are generally authorized pursuant to CRC 3.670(c).
(b) The Court designates Court Call as the conference call provider to be used for telephonic appearances. (Court Call can be contacted at 1-888-882-6878). *(Effective 7-1-02, as amended 7-1-08)*

1.11 REQUESTING AND USE OF AUDIO/VISUAL PRESENTATION EQUIPMENT *(Effective 7-1-09, as amended 7-1-12)*

(a) To coordinate external requests for the use of audio/visual presentation equipment in Butte County Superior Court, the following procedure shall apply at all court facilities.

1. Parties who require the use of the Court's audio/visual presentation equipment shall complete a *Request/Notification for Courtroom Audio/Visual Presentation Equipment* (form GR.030) and submit the completed form to Court Administration no later than five (5) court days before the date the equipment is to be utilized. In the event the court date is set less than five (5) court days before the hearing, the request must be made at the time the hearing is set or by the close of business on that day.

2. Parties who require the use of non-court provided equipment must complete a *Request/Notification for Courtroom Audio/Visual Presentation Equipment* (form GR.030) and submit the completed form to Court Administration no later than five (5) court days before the date the equipment is to be utilized. The party shall confirm with Court Administration that the equipment is working properly and is compatible with any court equipment that might also be used a minimum of five (5) court days before it is scheduled to be used. It is not the responsibility of Butte County Superior Court staff or Sheriff's Deputies to assist in operating or setting up of non-court provided equipment. If a party is unable to operate, connect, or set up non-court provided equipment in a reasonable period of time, as determined by the judicial officer presiding over the matter, the matter will proceed without use of the equipment.

3. The Court has limited audio/visual presentation equipment. In the event there are concurrent requests to use specific equipment, the equipment will be provided on a first-come, first-served basis unless other priority is determined by the Presiding Judge. *(Effective 7-1-09, as amended 7-1-12)*

LOCAL RULE 2 LAW AND MOTION *(Effective 7-1-89, as amended 7-1-03, as amended 7-1-04, as amended 7-1-05, as amended 7-1-10, as amended 7-1-12)*

2.1 APPLICABILITY *(Effective 7-1-89, as amended 7-1-02)*

This Rule 2 applies to all civil law and motion proceedings**.** *(Effective 7-1-89, as amended 7-1-02)*

2.2 PAPERS PRESENTED FOR FILING *(Effective 7-1-89, as amended 1-1-03, as amended 7-1-04, as amended 1-1-07)*

All documents presented for filing must comply with California Rules of Court (CRC), in particular CRC §§2.100, 3.1110 through 3.1115**,** and Local Rule (LR) §13.
(a) JUDGMENT. Each judgment or order submitted to the Court shall be self-contained; that is, it may not incorporate by reference any instrument or document that is not made a physical part of the judgment or order itself.
(b) The moving party on any motion, petition, or demurrer is to provide a form of order, ruling, or judgment consistent with the relief requested in the moving papers. *(Effective 7-1-89, as amended 1-1-0, as amended 7-1-04, as amended 1-1-07)*

2.3 JUDICIAL NOTICE *(Effective 7-1-89, as amended 7-1-02, as amended 7-1-12)*

Any request for judicial notice shall be made in a separately captioned document, listing the specific items of which notice is requested. Copies of those items shall be attached to the request as exhibits and shall be tabbed, indexed, and paginated. When judicial notice of a Butte County court file is requested, the request shall be filed with the Clerk of the Court no less than seven (7) court days before the hearing. The request shall contain the title, case number and jurisdiction of the requested Butte County court file. Where the file sought to be noticed is that of an action outside of Butte County, certified copies of the file's contents will be acceptable in lieu of the original file. The certified copies shall be filed with the court no less than seven (7) court days before the hearing. *(Effective 7-1-89, as amended 7-1-02, as amended 7-1-12)*

2.4 LATE PAPERS *(Effective 7-1-89, as amended 1-1-00, as amended 7-1-12)*

No paper shall be rejected for filing on the ground that it was submitted for filing after the time set forth in this rule. Late filed papers shall be filed by the Clerk and shall be marked conspicuously as "Late Filed Document." The Court may, in its discretion, refuse to consider late filed papers or may impose sanction, including monetary sanctions. Where opposition papers are late or entirely omitted, no oral argument by the opposing party will be allowed unless the Court otherwise directs. Relief from the operation of this rule must be sought from the Court by ex parte application or noticed motion and will be granted only upon a showing of good cause. Such relief may also be conditioned upon payment of sanctions for noncompliance. *(Effective 7-1-89, as amended 1-1-00, as amended 7-1-12)*

2.5 REPORTING OF PROCEEDINGS *(Effective 7-1-89, as amended 7-1-03, as amended 7-1-12)*

The Court does not provide for reporting or electronic recording of law and motion hearings. A party wishing to obtain a court reporter should make arrangements with a private court reporter prior to the hearing. *(Effective 7-1-89, as amended 7-1-03, as amended 7-1-12)*

2.6 REPORTING OF PROCEEDINGS *(Effective 7-1-04, as amended 1-1-07, as amended 7-1-12)*

(a) Consistent with CRC §3.1310, the court does not provide for reporting or electronic recording of hearings on motions. *(Effective 7-1-04, as amended 1-1-07, as amended 7-1-12)*

2.7 TIME OF HEARING *(Effective 7-1-89, as amended 7-1-03)*

For both Unlimited and Limited Civil Law and Motion matters contact the Clerk at (530) 532-7009 for dates and times to schedule hearings. *(Effective 7-1-89, as amended 7-1-03)*

2.8 CONTINUANCE (Civil Law & Motion Only) *(Effective 7-1-89, as amended 7-1-02, as amended 7-1-12)*

(a) REQUEST TO CONTINUE. Requests to continue law and motion matters may be made by contacting the Clerk's Office until the close of business the third court day before the hearing date. Such continuances will only be granted where there is an agreement between the parties and authorization by the moving party. Any request not accompanied by the appropriate fee will be rejected. After the close of business the third court day before the hearing date, no matter will be continued (whether by stipulation or otherwise) without written Order of the Court, and for good cause shown. Counsel are to keep the Clerk apprised of any changes in calendared law and motion matters as soon as possible.

(b) TWO CONTINUANCE LIMIT. No more than two continuances shall be permitted by stipulation of the parties, absent Court order. *(Effective 7-1-89, as amended 7-1-02, as amended 7-1-12)*

2.9 TENTATIVE RULINGS *(Effective 7-1-89, as amended 7-1-03, as amended 7-1-04, as amended 7-1-05, as amended 1-1-07)*

The Court follows the tentative ruling procedure set forth in CRC § 3.1308(a)(1): tentative rulings on law and motion matters will be available on the Court's website at www.buttecourt.ca.gov and by telephone at (530) 532-7022 by 3:00 p.m. on the court day preceding the hearing. *(Effective 7-1-89, as amended 7-1-03, as amended 7-1-04, as amended 7-1-05, as amended 1-1-07)*

2.10 APPLICATION FOR ORDER SHORTENING TIME AND EX PARTE ORDERS *(Effective 7-1-89, as amended 1-1-00, as amended 7-1-04, as amended 1-1-07, as amended 7-1-12)*

(a) All ex parte applications shall comply with CRC §3.1200-3.1207. Ex parte matters are considered at 4:00 p.m. on Monday-Thursday and 1:30 p.m. on Fridays. The moving papers must show that notification has been provided as required by CRC §3.1200-3.1207. Counsel may appear in person or by phone, or may submit on the papers as allowed in CRC §3.1207. The requesting party must show that exigent circumstances will result unless the matter is heard ex parte.

(b) An ex parte declaration shall contain the information as set forth in *Declaration Re: Notice of Ex Parte Application for Orders and/or Orders Shortening Time* (form LM.010). Such declaration shall be filed and served with the moving papers.

(c) Notice must be provided to opposing parties by 10:00 am the day before the requested hearing date. All papers must be filed with the Court by 10:00 am on the day of the hearing. All papers must be served on opposing parties at the earliest possible time. Non-compliance with this rule may result in either a denial of the requested relief or placing the matter on a law and motion calendar (with or without an order shortening time) in the court's discretion.

(Effective 7-1-89, as amended 1-1-00, as amended 7-1-04, as amended 1-1-07, as amended 7-1-12)

2.11 RESERVED *(Effective 7/1/89, as amended 1/1/00)*

2.12 DEFAULT HEARINGS *(Effective 7-1-89, as amended 7-1-02)*

Default prove up hearings are held on the regular law and motion calendar. Prove up hearings may be set by letter request to the clerk at least ten (10) days prior to the date to be set for the prove up. These matters ordinarily are heard on declarations rather than by oral testimony, although witnesses may need to be present in case questions arise. Declarations and any other supporting evidence, and any argument, should be submitted to the Court at least one week prior to the hearing. *(Effective 7-1-89, as amended 7-1-02*)

2.13 MOTIONS FOR SUMMARY JUDGMENT OR SUMMARY ADJUDICATION (*Effective 7-1-89, as amended 7-1-02, as amended 7-1-04)*

FORM OF MOTION. All motions for summary judgment or summary adjudication must conform to the requirements of CCP §437c. These requirements will be strictly enforced by the Court. (*Effective 7-1-89, as amended 7-1-02, as amended 7-1-04)*

2.14 DISCOVERY DISPUTES *(Effective 7-1-89, as amended 1-1-00)*

(a) SPECIAL REFEREES. It is the policy of the Court to consider the appointment of special referees pursuant to CCP § 639 as necessary to assist in the resolution of discovery disputes. In the event that the hearing judge appoints a special referee, the moving party shall prepare an order containing the following:

1. A provision granting the referee power to set the date, time, and place for all hearings determined by the referee to be necessary; to direct the issuance of subpoenas; to preside over hearings; to take evidence; and to rule on objections, motions, and other requests made during the course of the hearings, all with the same power as if the Court were to preside thereat *(except for the power of contempt which is specifically reserved to the Court).*

2. A provision requiring the referee to submit a written report to the parties and to the Court within twenty (20) days after the completion of the hearing, containing a proposed order and proposed sanctions if deemed appropriate.

3. A provision that objections to the report shall be filed with the Court no later than ten (10) calendar days after the date of mailing the report to counsel, which objections shall notice a hearing; copies of the objections and responses thereto shall be served upon the special referee.

4. A provision setting forth the hourly fee to be paid to the referee and stating that the fees for the referee and Certified Shorthand Reporter shall be paid equally by the parties within ten (10) days of billing.

5. A provision that directs the special referee to recommend that one or more of the parties pay more than an equal share of the fees.

6. A provision that the Court reserve jurisdiction to make such other and further orders with respect to the special referee as may be just and proper. *(Effective 7-1-89, as amended 1-1-00)*

2.15 RESERVED *(Effective 7-1-89, as amended 1-1-00)*

2.16 COMPROMISE OF MINOR'S OR INCOMPETENT'S CLAIM *(Effective 7-1-89, as amended 7-1-02, as amended 7-1-04, as amended 7-1-10)*

(a) Pursuant to CRC 7.950, a petition for Court approval of a compromise or covenant not to sue pursuant to CCP §372 or Prob §§2504 or 3500 shall be on the form prescribed by the Judicial Council.

(b) An expedited petition for court approval of a compromise or covenant not to sue pursuant to CCP §372 or Prob §§2504 or 3500 shall be determined and authorized by the Court pursuant to CRC 7.950.5. A party requiring a hearing under CRC 7.950.5(c) may contact the clerk at (530) 532-7017 for a hearing date and time.

(c) A petition for withdrawal of money deposited in a bank, trust company or savings and loan association on behalf of a minor or incompetent person shall be verified by the guardian, conservator or trustee and, in the case of a competent minor, by such minor if [s]he is at least twelve (12) years of age. An attorney's services relating to such petition are usually included in any fees awarded to the petitioner's attorney at the settlement of the action and, except as otherwise ordered by the Court for good cause shown, no attorney fees shall be charged by such attorney or approved by the Court for such services. *(Effective 7-1-89, as amended 7-1-02, as amended 7-1-04, as amended 7-1-10)*

2.17 ATTORNEY FEES IN CASES INVOLVING MINORS OR INCOMPETENT PERSONS *(Effective 7-1-89, as amended 7-1-02, as amended 7-1-10)*

(a) FEES. In cases compromised under CCP §372 or PROB §3500, the Court shall approve and allow attorney fees as prescribed in CRC 7.955.

(b) COURT APPROVAL OF EMPLOYMENT CONTRACT--cf. PROB. §2644. Except for good cause shown, no contract of employment providing for attorney fees shall be approved by the Court in advance. Under no circumstances shall the contract be considered for approval in advance without the client's appearance on the application for Court approval. *(Effective 7-1-89, as amended 7-1-02, as amended 7-1-10)*

2.18 RESERVED *(Effective 7-1-89, as amended 1-1-00)*

LOCAL RULE 3 DELAY REDUCTION RULES *(Effective 7-1-92, Title Amended 1-1-99, as amended 7-1-02, as amended 7-1-04, as amended 1-1-07, as amended 1-1-08, as amended 7-1-08, as amended 7-1-10, as amended 7-1-12)*

3.1 EFFECTIVE DATE *(Effective 7-1-92 as amended 7-1-02)*

This rule applies to all general civil cases filed, in the Superior Court after July 1, 1992, and such other cases assigned to the Trial Court Delay Reduction Program *("Program")* by the presiding judge. Juvenile, Probate, Civil Harassment and Domestic Relation cases *(including all cases filed by the* BUTTE COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES *under the Welfare & Institutions code)*, Extraordinary Writs, Unlawful Detainer, Small Claims and Asset Forfeiture cases under Health and Safety Code (H&S) §11470 et. seq. are not included. *(Effective 7-1-92 as amended 7-1-02)*

3.2 DEFINITIONS *(Effective 7-1-92)*

As used in Rule 3:

(a) The term "counsel" includes parties representing themselves;

(b) The term "plaintiff[s]" also includes cross-complainant[s];

(c) The term "defendant[s]" also includes cross-defendant[s]. *(Effective 7-1-92)*

3.3 RESERVED *(Effective 7-1-92, as amended 1-1-99)*

3.4 TRANSFERRED CASES *(Effective 7-1-92)*

Unless excluded under Local Rule (LR) § 3.1, all cases transferred from another jurisdiction are subject to this rule. *(Effective 7-1-92)*

3.5 POLICY *(Effective 7-1-92, as amended 7-1-02)*

It is the policy of the Butte County Superior Court,

(a) to manage all cases from the moment the complaint is filed;

(b) to conclude 90% of all civil litigation cases filed within twelve (12) months of the filing of the complaint;

(c) to conclude 98% of all civil litigation cases within eighteen (18) months of the filing of the complaint and 100% within twenty-four (24) months;

(d) that once any date has been set, it cannot be changed without a showing of good cause.

3.6 RESERVED *(Effective 7-1-92, as amended 7-1-02, renumbered 1-1-04)*

3.7 SERVICE OF INITIAL PLEADINGS, AMENDMENTS AND RESPONSIVE PLEADINGS *(Effective 7-1-92, as amended 7-1-02, renumbered 1-1-04, as amended 1-1-07)*

(a) Pursuant to CRC §3.110, the complaint, cross-complaint, any amended complaints and responsive pleadings must be served and a proof of service filed with the Court.

(b) Upon failure to serve the complaint, cross-complaint, any amended complaints and responsive pleadings and file a proof of service as required above, an Order to Show Cause shall issue as to why counsel shall not be sanctioned for failure to comply with this rule. Responsive

papers to the Order to Show Cause must be filed and served ten (10) calendar days in advance of the hearing.

(c) In regards to uninsured motorists cases:

1. Promptly upon learning that an action is to proceed as an uninsured motorist case, counsel for plaintiff[s] shall file a request setting forth the information upon which such a determination has been made. The request shall include: a statement that coverage exists under an uninsured motorist's insurance policy, the name of the carrier, and limits of coverage. It shall also include a statement that counsel believes that the limits of coverage are adequate to compensate for known loss or damage; that plaintiff[s] will promptly pursue such remedy and that it is counsel's present intention to assign the claim or dismiss the pending action upon receipt of a recovery by settlement or award;

2. The Request shall be captioned "Request for Temporary Exemption - Uninsured Motorist Case"; and contain a form of order.

3. Upon review of the request, the Court may designate the action as an uninsured motorist case in which event the time requirements under this rule will be suspended for up to 180 days from the date the complaint was filed or from such other date the Court, in its discretion, shall fix. The case will be monitored by the setting of a review hearing at the end of the suspension period. If a dismissal has not been filed, counsel for plaintiff[s] must file a further declaration ten (10) court days prior to the review hearing date, provide a status report, and, if necessary, a request with supporting justification for additional time to conclude the case. *(Effective 7-1-92, as amended 7-1-02, renumbered 1-1-04, as amended 1-1-07)*

3.8 CASE MANAGEMENT PLAN *(Effective date 7-1-2002, renumbered 1-1-04, as amended 1-1-07, as amended 1-1-08)*

a. Pursuant to CRC §3.714(b) each case shall be evaluated and assigned to one of the following plans:

1. Plan 1 – Disposition within 12 months from the date of filing
2. Plan 2 – Disposition within 18 months from the date of filing
3. Plan 3 – Disposition within 24 months from the date of filing
4. Plan 4 – Disposition within 9 months from the date of filing

b. The Court presumes that an unlimited case is subject to a disposition goal of Plan 1 unless exempted by good cause shown.

c. The Court presumes that a limited case is subject to a disposition goal of Plan 4 unless exempted by either qualification pursuant to CRC §3.740 or good cause shown. Limited cases that have not been adjudicated or have filed a conditional settlement by the time of the Case Management Conference (within 120 days from initial filing of the complaint) shall be ready to

set for trial. The court may set qualified CRC §3.740 cases for a status conference at least 195 days from date of filing of the complaint to determine status of service.

d. [EXCEPTION ORDER] The Court may in the interest of justice exempt a case from the disposition goals if it finds the case involves exceptional circumstances that will prevent the Court and the parties from meeting the goals and deadlines imposed by the program. In making this determination, the Court is guided by CRC §3.715 and §3.400.

In the event, the Court exempts a case, the Court shall designate a case management plan, with a maximum disposition goal of 3 years (36 months) from the date of filing pursuant to CRC 3.714. *(Effective date 7-1-2002, renumbered 1-1-04, as amended 1-1-07, as amended 1-1-08)*

3.9 CASE MANAGEMENT CONFERENCE *(Effective 7-1-92, as amended 7-1-02, renumbered 1-1-04, as amended 7-1-04, as amended 1-1-07, as amended 7-1-10, as amended 7-1-12)*

(a) FILING OF COMPLAINT

1. Upon filing a complaint, the plaintiff shall receive the following from the clerk, unless the forms are available on the Court's website:

A. Notice of Assignment and Case Management Conference. (The Case Management Conference will be set within 180 days of the filing date of the original complaint for all cases except for limited general civil. Limited general civil (Plan 4) cases will be set for a Case Management Conference within 120 days of filing of the initial complaint);

B. A blank Case Management Statement [Judicial Council Form CM-110]; (available upon request from the Clerk's Office or on the Court's website at www.buttecourt.ca.gov) and

C. An Alternative Dispute Resolution Package (available upon request from the Clerk's Office or on the Court's website at www.buttecourt.ca.gov).

2. Any cross-complaint naming new parties shall also be served with a blank Case Management Statement, Notice of Assignment and Case Management Conference, and an Alternative Dispute Resolution Package.

3. If a case is transferred from another jurisdiction after a responsive pleading has been filed, the Case Management Conference will be set within forty-five (45) days from the date of receipt. If no responsive pleading has been filed, the Case Management Conference will be set within ninety (90) days from the date of receipt. In all other particulars, the plaintiff in a transfer case will receive the same information and items as described in LR §3.9(a)1.

(b) NOTICE. At the time of serving the Summons and Complaint (and a cross-complaint upon a new party), the responding party shall be served with the Notice of Assignment, and Case Management Conference a blank Case Management Statement by the plaintiff (or cross-complainant) and an Alternative Dispute Resolution Package. Plaintiff/Cross-Complainant shall provide Proof of Service and file with the Court.

(c) CASE MANAGEMENT STATEMENT (CMS). Each appearing party shall file and serve the completed Case Management Statement no later than ten (10) calendar days before the Case Management Conference. Subsequent Case Management Statements may be required at

the discretion of the Court for further evaluation. Additional Case Management Statements shall be required for further evaluation of the case at all subsequent Case Management Conferences if not excused by the Court.

(d) CASE MANAGEMENT CONFERENCE. Counsel for each appearing party shall attend the Case Management Conference, or shall have other counsel appear on his/her behalf or may appear telephonically. Counsel or counsel appearing for counsel of record, shall be prepared to discuss all matters enumerated in 3.9(d)1.A. - 1.H. Counsel or counsel appearing on behalf of counsel of record, shall be subject to sanctions if not fully prepared to address items 3.9(d)1.A - 1.H. on behalf of the party for whom they are appearing.

1. At the Case Management Conference, the Court shall make all appropriate pretrial orders pursuant to CRC §3.720-3.730 including, but not limited to:

A. CASE EVALUATION: All civil cases subject to this rule shall be evaluated and designated by the Court pursuant to LR §3.8. The assigned judge will decide which case plan is appropriate based on the Case Management Statements. The assigned judge may redesignate any case at any time after a hearing set for that purpose.

B. DISMISS DEFENDANTS, WITH THE EXCEPTION OF DOE DEFENDANTS. Orders dismissing defendants, fictitious cross-defendants, served and unserved defendants and cross-defendants who have not appeared and against who no default has been taken, unless the Court for good cause otherwise orders and sets dates by which they shall be served;

C. ALTERNATIVE DISPUTE RESOLUTION. The Court may make Orders on stipulation to binding arbitration, judicial arbitration, and set the date for completion of the arbitration and filing of the award.

The Court shall examine and consider Alternative Dispute Resolution programs or procedures available to the parties, including conciliation and mediation, and shall require the parties to attempt such alternative means of resolving the dispute whenever feasible and whenever doing so may expedite the resolution of the dispute.

Pursuant to LR §6, CCP §1775 et.seq. and CRC §3.891 through §3.892, the Court shall determine the case's amenability to court ordered mediation;

D. TRANSFER. Orders transferring an unlimited case to a limited case on stipulation or on the Court's determination that it is reasonably probable that the amount in controversy will not exceed $25,000;

E. BIFURCATION, SEVERANCE, CONSOLIDATION. Orders consolidating (for all or limited purposes), bifurcating, or severing issues or causes of action;

F. DISCOVERY AND LAW AND MOTION. Orders scheduling dates by which discovery and law and motion matters must be completed;

G. FURTHER CASE MANAGEMENT CONFERENCE. At the Case Management Conference, the Judge may order a further Conference wherein all counsel of record are required to personally attend.

H. TRIAL DATE, TRIAL READINESS CONFERENCE DATE. At the Case Management Conference, the Court will ordinarily set the matter for Trial and set a Trial Readiness Conference. Counsel appearing should be prepared with trial counsel's available dates for the next two (2) years.

2. Failure to file cross-complaints shall not be considered a valid ground for enlarging the time for trial, arbitration or other processes. Untimely cross-complaints shall, in most cases, be severed so as not to delay the orderly processes of the Court. *(Effective 7-1-92, as amended 7-1-02, renumbered 1-1-04, as amended 7-1-04, as amended 1-1-07, as amended 7-1-10, as amended 7-1-12)*

3.10 SETTLEMENT CONFERENCES *(Effective 7-1-92, as amended 7-1-02, renumbered 1-1-04,as amended 1-1-07, as amended 7-1-08, as amended 7-1-10)*

(a) This Court adopts the policy that good faith efforts to settle civil proceedings are an essential part of the judicial process, and that good faith efforts to settle shall be made in conformity with CRC §3.1380.

(b) AUTHORITY TO SETTLE.

1. Each person required to attend the settlement conference, must have full authority to make decisions and negotiate concerning the case for which the settlement conference is scheduled.

2. The attorney[s] for all parties appearing in the action who attend the conference, must be intimately familiar with the pertinent available evidence involving both liability and damages. The attorney[s] assigned to try the case shall be present at the settlement conference, unless good cause for his or her absence is shown.

3. All counsel shall ascertain whether there are claims or liens which may affect a settlement, and if so, request in writing the claimants or lienholders, or their representatives, to attend the settlement conference. A copy of such written request shall be mailed to the Court.

(c) SETTLEMENT CONFERENCE STATEMENTS AND SUPPORTING DOCUMENTS.

1. Not less than five (5) court days prior to the scheduled settlement conference, each party shall file and serve the Settlement Conference Statement.

The Settlement Conference Statement shall be in writing and shall describe the case and all relevant legal issues, factual issues, and contentions. The statement and supporting material must be sufficiently detailed to enable the settlement conference judge or the pro tem judges to conduct a meaningful settlement conference.

Parties may use local court form entitled *Settlement Conference Statement* (form DR.040).

2. The attorney[s] for each party or each party representing themselves claiming damages in a personal injury action shall bring to the conference all reports and records of any and all examining doctors, shall include in the settlement conference statement a

list of all special damages claimed, and shall supply corroborating evidence, to be available for examination by the settlement conference judge.

In a personal injury action, the special damages for each plaintiff should be up-to-date, listed separately, totaled, and categorized as health care (including medical, hospital, ambulance, and drugs) and loss of earnings, if any.

Opposing counsel shall bring with them copies of all reports and records of all examining doctors employed by them or their insurance carrier[s], if any, who examined plaintiff[s], to be available for consideration by the settlement conference judge.

3. All counsel shall organize in advance and bring to the conference such medical reports and records and any depositions (with relevant pages premarked), photographs, books, records, diagrams, maps, bills, contracts, memoranda, and all other documents pertinent to settlement of the case for examination by the settlement conference judge.

(d) POWERS OF THE COURT AT SETTLEMENT CONFERENCES.

1. The settlement conference judge may accept for filing the written stipulations by the parties, but shall not, except for good cause shown, change the date set for trial or hear and rule on law and motion matters.

2. In all conferences resulting in settlement of a case, the terms thereof may be placed upon the record with a reporter present or, if one is not available, by minute order. Enforcement of the settlement shall be pursuant to CCP §664.6.

3. Requests for continuance of the date of the initial settlement conference shall be addressed to the Court. However, the settlement conference judge or those conducting the settlement conference may, at the conclusion of the conference, continue it to any other convenient date or time prior to the date set for trial.

(e) EXCUSES FROM ATTENDANCE; TELEPHONE AVAILABILITY.

1. Any application to the Court to excuse attendance of any person whose attendance is required by CRC § 3.1380 shall be made to the assigned judge not less than five (5) days before the date set for the settlement conference.

2. Any person whose presence at a settlement conference is required by CRC § 3.1380 may be excused by order of the Court for good cause shown but, if so excused, shall be and remain immediately available for telephone communication with counsel and the Court at the time set for and throughout the settlement conference.

(f) NOTICE TO COURT UPON SETTLEMENT.

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

Upon the settlement of a case at any time following the settlement conference and before the trial date, each party seeking any affirmative relief in the action shall immediately notify the clerk, particularly if a further settlement conference is calendared.

(g) MANDATORY MEET AND CONFER

Representatives of each party, with full authority to settle, shall meet in person or confer by telephone no less than 10 days before the settlement conference in a good faith attempt to settle the case.

A good faith offer and a good faith demand shall be exchanged. Failure to make a good faith attempt to settle will result in the Court considering sanctions. *(Effective 7-1-92, as amended 7-1-02, renumbered 1-1-04, as amended 1-1-07, as amended 7-1-08, as amended 7-1-10)*

3.11 RESERVED *(Effective 7-1-92, as amended 1-1-00, renumbered 1-1-04)*

3.12 SANCTIONS *(Effective 7-1-92, as amended 7-1-02, renumbered 1-1-04, as amended 1-1-07)*

If the Court finds that any party has not proceeded with due diligence or has otherwise failed to comply with local rule and CRC §§ 2.100-2.30, the following sanctions may be imposed:

1. Strike all or any part of the pleadings of the party violating the rules;

2. Dismiss the action or enter judgment by default against such party;

3. Impose other penalties of a lesser nature as otherwise provided by law; or

4. Order that party or his or her counsel to pay to the moving party reasonable expenses, including attorney fees, incurred in seeking enforcement of the rules. [CCP § 575.2(a)] *(Effective 7-1-92, as amended 7-1-02, renumbered 1-1-04, as amended 1-1-07)*

LOCAL RULE 4 ADMINISTRATION OF UNLAWFUL DETAINERS *(Effective 7-1-97, Title Amended 7-1-02, as amended 1-1-06, as amended 1-1-07, as amended 7-1-12)*

4.1 EFFECTIVE DATE *(Effective 7-1-97, as amended 7-1-02)*

This rule applies to all unlawful detainer cases filed after July 1, 1997, and such other cases assigned to the Trial Court Delay Reduction Program by the presiding judge. Small claims cases are not included. *(Effective 7-1-97, as amended 7-1-02)*

4.2 DEFINITIONS

As used in Rule 4:

(a) The term "counsel" includes parties representing themselves.

(b) The term "plaintiff(s)" also includes cross-complainant(s).

(c) The term "defendant(s)" also includes cross-defendant(s).

(d) "Conditional Settlement" means a binding settlement agreement filed with the court which will result in a dismissal on the satisfactory completion of specific terms or result in a judgment without further hearing upon the filing of a declaration establishing defendant's default.

(e) "Stipulation for Entry of Judgment" means that an agreement has been made between the parties on opposite sides of a lawsuit and that if a party fails to comply with the terms of the agreement, judgment will be entered pursuant to said stipulation. If the parties comply with the terms of the agreement, the case will be dismissed.

(f) "Stipulated Judgment" means an agreement has been reached between the parties or their attorneys that a judgment be entered with the understanding that certain terms and conditions will be performed by the parties involved in the suit. *(Effective 7-1-97)*

4.3 TRANSFERRED CASES

All cases transferred from another jurisdiction are subject to this rule. *(Effective 7-1-97)*

4.4 POLICY *(Effective 7-1-97, as amended 7-1-02)*

It is the policy of the Court,

(a) to manage all cases from the moment the complaint is filed;

(b) to conclude 90% of all unlawful detainer litigation cases filed within thirty (30) days of filing of the complaint and 100% within forty-five (45) days;

(c) that once any date has been set, it cannot be changed without a showing of good cause;

(d) to monitor all cases on the court's calendar until judgment is entered or a dismissal filed;

(e) that at the time of adjudication of the case, by dismissal or entry of judgment, all remaining parties, including DOES, will be dismissed by the court. *(Effective 7-1-97, as amended 7-1-02)*

4.5 EXCEPTION ORDERS

Nothing in this rule shall be interpreted to prevent the Court in an individual case, on written motion of any party or the Court's own motion, from issuing an Exception Order based on a specific finding that the interests of justice require a modification of the routine processes as prescribed by this rule. *(Effective date 7-1-97)*

4.6 FILING OF COMPLAINT *(Effective date 7-1-97, as amended 7-1-02, as amended 1-1-06)*

At the time of filing of the complaint the plaintiff will be notified that an OSC re: Dismissal will be issued in 45 days if the case has not been adjudicated or a Request to Set Case for Trial – Unlawful Detainer (JC Form UD-150) or conditional settlement has not been filed. *(Effective date 7-1-97, as amended 7-1-02, as amended 1-1-06)*

4.7 SERVICE OF SUMMONS *(Effective date 7-1-97, as amended 7-1-02)*

Any proposal for an order for service by publication, or posting, presented to the court shall contain the date by which such service will be completed. *(Effective date 7-1-97, as amended 7-1-02)*

4.8 REQUEST TO SET CASE FOR TRIAL *(Effective date 7-1-97, as amended 7-1-02, as amended 1-1-06)*

(a) A Request to Set Case for Trial – Unlawful Detainer (JC Form UD-150) shall be filed within 45 days of the filing of the complaint.

(b) If a Request to Set Case for Trial – Unlawful Detainer is not filed within the time specified in Rule 4.8(a) an Order to Show Cause shall issue. *(Effective date 7-1-97, as amended 7-1-02, as amended 1-1-06)*

4.9 SETTING OF CASES FOR TRIAL *(Effective date 7-1-97, as amended 7-1-02)*

Trial dates will be assigned under the direction of the Supervising Judge of the Civil Division or designee. *(Effective date 7-1-97, as amended 7-1-02)*

4.10 DEMAND FOR JURY TRIAL *(Effective 7-1-97, as amended 7-1-02, as amended 1-1-06, as amended 7-1-12)*

(a) A party desiring a jury trial shall, after issue is joined, make demand at the time of filing the Request to Set Case for Trial – Unlawful Detainer, or by written demand within five (5) days after service of such request by any other party.

(b) Jury fees must be deposited with the Clerk's Office at least five (5) calendar days prior to the date of trial. The amount of the jury fee deposit can be found on the court's website at www.buttecourt.ca.gov. *(Effective 7-1-97, as amended 7-1-02, as amended 1-1-06, as amended 7-1-12)*

4.11 RESERVED *(Effective 7-1-97, as amended 1-1-00)*

4.12 DUTY OF COUNSEL *(Effective 7-1-97, as amended 7-1-02, as amended 1-1-07)*

(a) In estimating the time for the trial of an action, it shall be the duty of the attorney to estimate said time as accurately as possible.

(b) Pursuant to California Rules of Court, Rule 3.1385, whenever a case set for trial has been settled, the attorneys or parties shall immediately notify the court thereof. Failure to do so will be deemed an interference with the proceedings of the court and may result in defaulting counsel being ordered to show cause why counsel should not be held in contempt of court, or other sanctions imposed.

(c) Plaintiff shall file a dismissal, stipulated judgment or conditional settlement with the Court pursuant to CRC 3.1385. Failure to do so shall result in dismissal, unless good cause is shown. *(Effective 7-1-97, as amended 7-1-02, as amended 1-1-07)*

LOCAL RULE 6 ALTERNATIVE DISPUTE RESOLUTION *(Effective 1-1-06, as amended 1-1-07, as amended 1-1-10, as amended 7-1-10, as amended 1-1-11, as amended 7-1-12)*

6.0 APPLICABLE LAW AND RULES *(Effective 1-1-06, as amended 7-1-10, as amended 7-1-10, as amended 7-1-12)*

This rule covers judicial arbitration and civil action mediation. Counsel should ensure compliance with all Trial Court Delay Reduction rules. It does not apply to contractual arbitration pursuant to Code of Civil Procedure section 1280 *et seq*.

Counsel and neutrals utilizing these procedures must familiarize themselves with the applicable statutes and California Rules of Court. For judicial arbitration such provisions are Code of Civil Procedure sections 1141.10 to 1141.31 and California Rules of Court, Rules 3.810 through 3.830; for mediation such provisions are Code of Civil Procedure section 1775 through section 1775.15 and California Rules of Court, Rules 3.850 through 3.860.

Refer to California Rules of Court, Rule 3.811 to determine the following actions are exempt from Arbitration:

a. Actions that include a prayer for equitable relief that is not frivolous or insubstantial.

b. Class actions.

c. Small Claims actions or trial de novo on appeal.

d. Unlawful Detainer proceedings.

e. Any action found by the Court to be not amenable to arbitration or mediation on the ground that arbitration or mediation would not reduce the probable time and expense necessary to resolve the litigation. Upon its own motion or by any party, the Court may determine whether the action is or should be exempt from arbitration or mediation.

In addition to those actions exempted from arbitration by Rule 3.811 and all limited civil cases in which no jury trial is demanded, cases with an estimated time for trial of less than two days, shall be excluded from mandatory arbitration or mediation. Any case, however, may be arbitrated or mediated upon written stipulation of the parties, upon written request of the plaintiff, or upon order of the Court. When no preference is expressed by litigants or there is no consensus to the selected ADR process, the court may make a mandatory referral to mediation.

f. Pursuant to Code of Civil Procedure section 1775.4, an action ordered into arbitration may not be ordered into mediation and an action that has been ordered into mediation may not be ordered into arbitration. If an action has previously been referred to the Court ADR program and an ADR hearing was scheduled, the action cannot be ordered/referred again.

g. As defined by CRC 3.735, a short cause action is exempted from ADR. *(Effective 1-1-06, as amended 7-1-10, as amended 7-1-10, as amended 7-1-12)*

RULES APPLICABLE TO BOTH ARBITRATION AND MEDIATION

6.1 COURT FILE

The Court's file shall remain in the possession of the Clerk of the Court. Parties are to provide copies of any court pleadings or other materials to the neutral as they deem appropriate. *(Effective 1-1-06)*

6.2 ADR ADMINISTRATOR

Management of Superior Court judicial arbitration and mediation is conducted generally under the supervision of the ADR Administrator. *(Effective 1-1-06)*

6.3 ADR ORDERS AND FURTHER STATUS CONFERENCE

The Court shall determine on a case-by-case basis the suitability of a particular case for mediation or arbitration. The Court shall confer with counsel as to whether mediation or arbitration offers the better likelihood of final disposition of the case without further proceedings. Counsel are encouraged to discuss the various ADR processes with their clients and explain the confidentiality and non-binding nature of the selected ADR process. Whenever the Court orders arbitration or mediation, it will set the dates for completion of such arbitration or mediation and a further status conference following such completion dates. *(Effective 1-1-06)*

6.4 SELECTION OF ADR NEUTRAL *(Effective 1-1-06, as amended 1-1-07, as amended 7-1-10, as amended 7-1-12)*

When a case is referred to arbitration or mediation, counsel/parties shall proceed immediately to the ADR Administrator to complete the ADR forms prior to selecting an arbitrator or mediator from the Court's panel. The ADR Administrator shall maintain a panel of arbitrators and a two-tiered panel of mediators. Selection of the arbitrator shall be by stipulation or in the event there is no stipulation, assigned by the ADR Administrator. Parties may use the local court form entitled *Stipulation to Participate in Alternative Dispute Resolution (ADR)* (form ADR.020). Selection of a mediator from the "party select" panel shall be by stipulation. For parties wishing to utilize the "random select" panel, a mediator shall be randomly assigned by the ADR administrator.

The parties may exercise their right to select an arbitrator or mediator who is not on the Court's panel (CRC, Rules 3.815, 3.893); it shall be the responsibility of plaintiff's counsel to immediately notify the ADR Administrator that the parties will not require the services of the arbitrator or mediator previously appointed or selected from the Court's panel.

In limited civil cases, the ADR Administrator will randomly assign an arbitrator or mediator.

When a case is referred to ADR without an appearance, plaintiff or plaintiff's counsel must contact the ADR Administrator to initiate the ADR process. Upon completion of the ADR forms,

selection from the Court ADR panel will be made *(Effective 1-1-06, as amended 1-1-07, as amended 7-1-10, as amended 7-1-12)*

6.5 ADR REPORTS

(a) Arbitration. In arbitrated cases, the arbitrator shall file with the ADR Administrator and serve on each party the Award of Arbitration within five court days after the arbitration hearing.

(b) Mediation. In mediated cases, the mediator shall file with the ADR Administrator, and serve on the parties within ten days after the completion date for the mediation set by the Court, a Statement of Agreement or Non-Agreement (Judicial Council Form ADR-100).

(c) Information Form. In both mediated and arbitrated cases, within ten (10) days after completion of the arbitration or mediation, the parties shall complete and file with the ADR Administrator an ADR Information Form (Judicial Council Form ADR-101) or follow-up survey form approved by the Judicial Council or the Butte County Superior Court. *(Effective 1-1-06)*

6.6 NOTICE OF SETTLEMENT *(Effective 1-1-06, as amended 7-1-10)*

Pursuant to California Rules of Court, Rule 3.1385 if a case is settled, plaintiff or the plaintiff's counsel must immediately serve a copy of written notice of the settlement or other disposition on any ADR Neutral involved in the case and the ADR Administrator. The plaintiff must also immediately give oral notice to all of the above if a hearing, conference, or trial is imminent. If the plaintiff or other party seeking affirmative relief does not notify the court-connected ADR neutral involved in the case of a settlement at least two (2) days before a scheduled hearing or session, the court may order the parties to compensate the neutral, up to $300.00.

An Application and Motion for Compensation must be filed by the neutral within five (5) court days of the scheduled hearing or session. If a dismissal has been filed, the court maintains jurisdiction to hear the Application and Motion for Compensation. *(Effective 1-1-06, as amended 7-1-10)*

6.7 VACANCY AND CHALLENGE OF ADR NEUTRAL

Any party may request disqualification of an arbitrator or mediator pursuant to Code of Civil Procedure section 170.1 et seq. The request shall be filed within five (5) days of the designation of the arbitrator or mediator. A copy of such challenge shall be sent to the ADR Administrator. If any arbitrator or mediator should resign, die, withdraw, be disqualified, refuse or be unable to perform the duties of an arbitrator or mediator, the parties shall within five (5) days after receiving notice of such event inform the ADR Administrator who will then return the case to the top of the ADR hearing list. The ADR Administrator shall appoint a new arbitrator or mediator within ten (10) days thereafter and inform the parties. *(Effective 1-1-06)*

6.8 COMPENSATION TO NEUTRAL *(Effective 7-1-06, as amended 7-1-10)*

The parties may exercise their right to select an arbitrator or mediator who is not on the Court's panel (CRC, Rules 3.815, 3.893). Compensation will be negotiated between the parties and the neutral and will be the responsibility of the parties.

Arbitration – Neutrals will provide up to three (3) hours of arbitration hearing time per case. For any additional hours, compensation will be negotiated between the parties and neutral and will be the responsibility of the parties. The Court shall compensate the neutral up to $150 dollars upon submission of a claim form. Any claim for compensation shall be submitted within 60 days of the Arbitration hearing.

Mediation – Neutrals on the "random-select" panel will provide up to three (3) hours of mediation per case free of charge. Any preparation and case scheduling for the mediation that is necessary will be included as part of the three (3) pro bono hours. For any additional hours, compensation will be the responsibility of the parties.

Mediators on the "party select" panel shall confer with the parties and agree on the fees and expenses for the mediation, which will be the responsibility of the parties. *(Effective 7-1-06, as amended 7-1-10)*

RULES APPLICABLE TO ARBITRATION

6.9 INITIATION OF ARBITRATION

Arbitration can be initiated by court order at any time after the filing of the complaint and before the first case management conference in any of three (3) ways: (a) Upon timely written election of the plaintiff, where the plaintiff agrees that the award per plaintiff shall not exceed $50,000; (b) Upon timely stipulation of the parties; the stipulation need not designate the upper limit of the potential award and any amount in controversy may be submitted; (c) Where the judge determines the controversy is amenable to arbitration pursuant to Code of Civil Procedure section 1141.10 *et seq*. Except where the case is in arbitration per (a) above, the arbitrator's award is not limited to $50,000 but may be for any amount. *(Effective 1-1-06)*

6.10 WITHDRAWAL FROM ARBITRATION

A case submitted to arbitration may only be withdrawn before hearing by stipulation and court order or court order on noticed motion heard in the department where the case is pending *(Effective 1-1-06)*

6.11 PRE-HEARING CONFERENCE

If the arbitrator finds it helpful to confer with the attorneys informally before the hearing begins, a pre-hearing conference should be convened. Attendees at such hearing should be prepared to discuss: (1) time estimate for hearing, (2) documentary evidence to be offered, (3) stipulations, (4) issues to be determined, and (5) depositions to be used. This conference may be conducted by telephone if deemed appropriate by the arbitrator. *(Effective 1-1-06)*

6.12 SETTING TIME AND PLACE OF ARBITRATION HEARING; APPEARANCES REQUIRED *(Effective 1-1-06, as amended 1-1-07)*

Consistent with CRC, Rule 3.817, the Arbitrator shall set the time and place for the hearing after consultation with counsel for the parties. However, the arbitrator must ensure that the time for

the hearing is set so as to allow the completion of the arbitration by the date ordered by the court. Normally the arbitration should be held at the offices of the arbitrator. However, in appropriate circumstances the arbitrator may order that the hearing be held at the offices of one of the parties' counsel.

Appearance by counsel, or party if not represented by counsel, is required at the arbitration session. Non-appearance of counsel or party shall subject counsel or party, after notice and an opportunity to be heard, to monetary sanctions, including, but not limited to, suitable compensation to the arbitrator and to the parties who did appear at the arbitration, plus attorney's fees to make the request for sanctions. *(Effective 1-1-06, as amended 1-1-07)*

6.13 CONTINUANCE OF HEARING *(Effective 1-1-06, as amended 1-1-07)*

The parties may stipulate to a continuance of the hearing as provided for in CRC, Rule 3.812. In no event shall the hearing be continued beyond the date ordered by the court for completion of the arbitration except by order of the court. *(Effective 1-1-06, as amended 1-1-07)*

6.14 RESERVED

6.15 DESIGNATION OF PARTIES AND AMOUNTS IN AWARD

Consistent with CRC, Rule 3.825, the arbitrator's award must be filed within ten (10) days after the conclusion of the arbitration hearing. *(Effective 1-1-06, as amended 1-1-07)*

6.16 DISPOSITION OF EXHIBITS

Documents, statements, and exhibits received in evidence during the hearing should be returned after the award to the party who offered them. Many arbitrators request that the parties offer copies in evidence so that the arbitrator can discard them after the award has been made. No original exhibits should be destroyed by the arbitrator, since they may be required in the event of a trial de novo. *(Effective 1-1-06)*

RULES APPLICABLE TO MEDIATION

6.17 APPEARANCES REQUIRED AT MEDIATION

The parties shall personally appear at the first mediation session, and at any subsequent session unless excused by the mediator. When the party is other than a natural person, it shall appear by a representative with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or legislative body, by a representative with authority to recommend such an agreement. Each party is entitled to have counsel present at all mediation sessions that concern it, and such counsel and an insurance representative of a covered party shall also be present or available at such sessions, unless excused by the mediator. *(Effective 1-1-06)*

6.18 STIPULATION TO MEDIATION AND MEDIATION STATEMENTS *(Effective 1-1-06, as amended 7-1-10, as amended 7-1-12)*

(a) At any time after the filing of the complaint and before the first case management conference, if all parties stipulate that the case be assigned to mediation, the case shall be assigned to mediation. Where parties stipulate in writing to mediation in advance of the case management conference upon completion of the required ADR forms, a mediator may be chosen from the "party select" panel or randomly assigned from the "random select" panel (see Local Rule 6.4) either by personal appearance of counsel at the ADR Office, or by phone. In the alternative, the parties may use a mediator of their own selection not on the Court's panel.

Within fifteen (15) calendar days after selection or appointment of the mediator, the parties shall agree on a date for mediation acceptable to the mediator. Should the parties fail to do so, the mediator shall select a date for mediation in accordance with California Rule of Court 3.876 (c) and notify the parties and the ADR Program Coordinator of the selected date, subject to the mediator's ability to change the selected date for good cause.

(b) Parties must prepare and give information about their case to the mediator and other parties at least five (5) court days before the mediation hearing. Parties may use the local court form entitled *Mediation Statement* (form ADR.010) or write this information on their own paper. Mediation statements must not be longer than five (5) pages and must contain the following information:

1. The name and title (or relationship to the case) of all people who will attend mediation;

2. A list of people connected with other parties who, if present at mediation, might improve the chances of settlement;

3. A brief statement of the important issues, and the party's views on liability and damages;

4. A list of legal or factual issues that, if narrowed or resolved early, would promote settlement;

5. A brief description of the history and status of any settlement negotiations; and,

6. Copies of any court or other documents that will help the mediator understand the issues in dispute. *(Effective 1-1-06, as amended 7-1-10, as amended 7-1-12)*

6.19 DISCOVERY DURING MEDIATION

During the period that a matter has been referred to mediation, the parties are urged to exercise restraint with respect to conducting discovery. In an appropriate case, a protective order pursuant to Code of Civil Procedure section 2017.020 and related provisions may be issued by the court. *(Effective 1-1-06)*

6.20 MEDIATORS *(Effective 1-1-06, as amended 7-1-10)*

(a) The court will maintain a two-tiered panel of court-approved mediators referred to as the "random select" panel and the "party select" panel. To be eligible to serve on the Court's

mediation panel, mediators are required to submit an application to the Supervising Judge of the Civil Division that shows evidence of the following:

1. All mediators on the "random select" panel shall have completed at least twenty-five (25) hours of formal mediation training by a recognized mediation training/education provider.

2. To be eligible to serve on the "party select" panel, the mediator shall have completed at least twenty-five (25) hours of formal mediation training and have participated in a minimum of fifteen (15) court-connected mediations from any Superior Court with a minimum hearing time of two (2) hours each. Mediators who have previously met this requirement through prior service on the Court's mediation panel will be eligible.

3. To remain eligible to serve on the "party select" panel, all mediators shall agree to mediate not less than two (2) pro bono cases per calendar year with a minimum hearing time of three (3) hours each.

(b) After acceptance on the "random select" or "party select" panel, all mediators must complete four (4) hours of continuing education bi-annually in an ADR course approved by a continuing education provider.

(c) All Court-approved mediators must agree to conform to California Rules of Court 3.850 through 3.868.

(d) Non-Panel Mediators may be utilized. However if the parties choose to use a non-panel mediator, the judge must authorize a non-panel mediator at the time of referral and the parties shall be responsible for the mediator's compensation. *(Effective 1-1-06, as amended 7-1-10)*

6.21 FAILURE TO PARTICIPATE IN MEDIATION

If the Court finds that any party has not participated, in good faith, in Mediation or has otherwise failed to comply with this rule, sanctions may be imposed. *(Effective 1-1-06)*

6.22 CIVIL MEDIATOR COMPLAINT PROCESS *(Effective 1-1-10, as amended 1-1-11)*

(A) Complaints concerning Court-Connected Civil Mediators shall be dealt with as follows:

1. Parties and/or attorneys desiring to file a complaint regarding the mediation process or an individual mediator may submit a written complaint to the ADR Administrator utilizing the Alternative Dispute Resolution Mediator Complaint Form. This form is available in the Court Clerk or ADR 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 Mediator will be given notice of the complaint and an opportunity to respond pursuant to CRC 3.869. At the conclusion of the investigation, a recommendation concerning court action, if any, will be made by the Presiding Judge or

his or her designee, and written notice of the final action shall be sent to the complainant.
(*Effective 1-1-10, as amended 1-1-11)*

LOCAL RULE 9 CUSTODY/VISITATION MEDIATION *(Effective 7-1-90, as amended 1-1-04, as amended 7-1-04, as amended 1-1-07, as amended 7-1-08, as amended 1-1-09, as amended 1-1-11, as amended 1-1-12, as amended 7-1-12, as amended 1-1-13)*

9.1 COURT'S POLICY ON CHILD CUSTODY ISSUES *(Effective date 7-1-90, as amended 7-1-98)*

It is the policy of this Court to assure the minor child(ren) have frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy. [Family Code (FC) §3020]

Pursuant to FC §3160, Family Mediation Services will be available in all child custody and visitation disputes. These services will be provided by Butte County Family Court Services and are in lieu of a Family Conciliation Court. *(Effective date 7-1-90, as amended 7-1-98)*

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

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 prior to any 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.

If during the mediation process a question arises as to the child(ren)'s immediate well-being, (abuse, neglect or safety) the mediator shall immediately [1] refer the case to Children's Services Division of the Butte County Department of Social Welfare for investigation and report, and [2] notify the Court of the action by memorandum.

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)*

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)*

(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 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 hostility which may exist between the parties and 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. *(Effective 7-1-90, as amended 1-1-01, as amended 7-1-04, as amended 7-1-08, as amended 1-1-12)*

9.4 CONDUCT OF MEDIATION *(Effective 7-1-90, as amended1-1-02, as amended 7-1-04, as amended 1-1-07, as amended 7-1-08, as amended 1-1-12)*

(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 shall have the authority to exclude counsel from participation in the mediation sessions where, at the discretion of the mediator, exclusion of counsel is deemed to be appropriate or necessary. The mediator 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 deems such interview appropriate or necessary. The interview of the child(ren) shall not be confidential. The mediator 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. 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.

(f) See Local Rule 9.6(l) regarding ex parte communications. *(Effective 7-1-90, as amended1-1-02, as amended 7-1-04, as amended 1-1-07, as amended 7-1-08, as amended 1-1-12)*

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

(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 an Order to Show Cause 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)*

9.6 EVALUATION UNDER FAMILY CODE §3111 *(effective date 7-1-90, as amended 1-1-04, as amended 7-1-04, as amended 1-1-07, as amended 7-1-08, as amended 1-1-11, as amended 7-1-12)*

The Butte County Superior Court has the discretion to appoint a child custody evaluator to conduct an evaluation in all child custody and visitation matters. The provision set forth in Rule 5.220 of the California Rules of Court and related rules shall be followed.

(a) Any case in which custody or visitation remains in dispute after the completion of mediation and after recommendation may be referred back for an evaluation by Family Court Services or to an agreed upon private evaluator, subject to a Court determination that the appointment of a FC §3111 evaluator would be in the child(ren)'s best interest. The evaluation shall be conducted according to the standards set forth in CRC 5.220. All child custody evaluators must meet the qualifications, training and continuing education requirements specified in Family Code Section 1815, 1816 and 3111 as well as CRC 5.225 and 5.230. Family Court Services shall perform such an evaluation rarely, and only in those cases where there is urgent need and where the parties are indigent. All other cases shall be referred to private custody evaluators. Said referral shall be made by stipulation of the parties, upon noticed motion, upon recommendation of the mediator, or recommender, or on the Court's own motion.

1. In all matters referred for a child custody evaluation, pursuant to this rule, such evaluation shall be completed by a different individual than the one who has conducted a mediation and/or recommendation between the parties.

2. The appointment of a FC §3111 evaluator must be pursuant to a written order of appointment using Judicial Council Form FL-327 with *Additional Orders Attachment (Child Custody Evaluator)* (form CV.010) as an attachment.

3. The parties will be ordered, if requested, to pay for any evaluative services consistent with their ability to pay.

A. All written reports pursuant to FC §3111 shall be confidential in nature, and accessible only to the parties, their attorneys and the Court. The report shall be placed in a sealed envelope by the Court and neither the child(ren) nor any individual(s) not a party to the action shall be permitted to read such report or receive copies thereof without an express Order of the Court.

B. Written reports pursuant to FC §3111 shall not be utilized by any person for any purpose other than as set forth in statute, without the express written consent of all parties to the action. This rule does not, however, prohibit its dissemination pursuant to the Special Matter Order pursuant to T.N.G. vs. Superior Court, adopted by this Court and filed March 24, 1994, nor to any party filing a mandated Suspected Child Abuse report concerning the involved minor(s) pursuant to Penal Code (PC) §11166.

4. The following rules shall apply to all custody evaluations undertaken pursuant to FC §3111:

A. Subject to Penal Code §11166, confidentiality of any communications between the involved child(ren) and the evaluator shall be maintained, unless such

is knowingly and intelligently waived by the child(ren), subject to the approval of both the evaluator and counsel representing the child(ren), if any.

B. Any child(ren) seen with one parent must also be seen with the other, unless that parent makes him or herself unavailable.

C. All involved children shall be interviewed separately by the evaluator, unless otherwise determined by the evaluator.

D. No evaluation shall be based upon an interview with only one party.

E. If an evaluation is ordered by the Court, neither parent shall subject the child(ren) to further examination or evaluation by an expert without the approval of the Court or the consent of the other party(ies) to the action and approval of counsel for the child(ren), if any. This does not preclude any counsel for the child(ren) from seeking an independent evaluation of the child(ren) without consent of the other party(ies) to the action, subject to Court approval first obtained.

(b) It is the policy of the Court to resolve disputed custody and visitation issues as soon as possible after an evaluation has been rendered by the Family Court Services or by a private evaluator.

(c) Prior to preparation of the written custody evaluation and recommendation, the evaluator may schedule a conference with the parties (these shall be separate conferences in FC §3113 if applicable), at which time the proposed recommendation and the reasons therefore will be discussed. In the event the parties can agree at that time, a written agreement will be prepared and, if approved by the parties and counsel (if represented), such will be executed and filed with the Court.

(d) All written evaluations from the Family Court Services or private evaluators made pursuant to FC §3111 shall be served with proof of service upon the parties or their attorneys, pursuant to FC §3111(a). The evaluations shall include a Recommended Order and notice of the procedures contained in (e) below.

(e) In the event either party objects to the evaluation and recommended order, [s]he shall file with the Court within twenty (20) calendar days of service of the report on the party or attorney for the party [(d) above], a written Notice of Objections, providing endorsed, filed copies to the public agency or private individual preparing same, and the opposing party's attorney of record or the party if unrepresented. The written notice shall state: [1] the specific paragraph(s) and language in the Recommended Order objected to by the party; [2] the reason(s) for the objection(s); and [3] the proposed modification to the Recommended Order.

(f) The Court shall, upon receipt of objections, set the matter on a Tuesday or Wednesday OSC calendar for a pretrial conference. The parties and their attorneys, if represented, shall attend the conference. The following items shall be addressed at the pretrial conference:

1. the identification of the custody and visitation issues to be tried;

2. the viability of a judicially supervised settlement conference involving the parties, the attorneys, and the evaluator;

3. the determination of the amount of time necessary for trial, and

4. the placing of the custody and visitation issues on the TRAC calendar, with priority, for setting of a judicially supervised settlement conference and/or trial.

No motion for bifurcation of a custody or visitation issue shall be necessary.

(g) In the event no objections to the proposed order are filed within twenty (20) days, as set forth in Paragraph (e) above, the recommended order previously submitted may be signed and filed as an order of the Court if upon review, the Court finds the Recommended Order to be appropriate and in the best interests of the child(ren) involved.

(h) Trial Setting: If custody and/or visitation issues remain unresolved after the settlement conference, the settlement conference judicial officer shall set the matter on TRAC and the matter will proceed to trial on those issues.

(i) The custody evaluators report is a confidential document and its dissemination shall be limited to the parties, their attorneys and to any custody experts retained by the parties. No other persons, including mental health providers, shall receive a copy absent court order. No party shall discuss the report with the child(ren) except minor's counsel may discuss the report with his/her client.

(j) Peremptory challenges: Peremptory challenges to any evaluator (Family Court Services or private evaluator, or mental health professional) shall be made at the time the evaluator is appointed. Each party shall be entitled to no more than one peremptory challenge [CRC 5.220(d)(1)(A)(ii)]

(k) Complaint Procedure: If a party alleges that an unprofessional or inappropriate act has occurred on the part of the evaluator during the course of the evaluation, he or she should bring that to the attention of the Court through writing a letter to the court or through filing a motion. The Court, in assessing the complaint, will ask the Director of Family Court Services to evaluate the complaint. Upon receipt of the complaint the Director of Family Court Services shall send copies of the complaint to each party. The Director shall report back to the Court in writing, with copies to the parties, within thirty (30) court days of the formal complaint.

The evaluator is considered the Court's witness, and functions at the request and under the guidance of the Court. The Court will determine whether a new evaluator is appointed, and may consult with other professionals in the course of evaluating the evaluator [CRC 5.220(d)(1)(A)(iv)]

(l) Ex-Parte Communications: The rules addressing this subject are in FC §216, CRC 5.235 and CRC 5.270(d)(1)(A)(v).

(m) Withdrawal of Child Custody Evaluator: The Child Custody Evaluator may request to be allowed to withdraw from an evaluation at any stage of the process for the following reasons:

1. Conflict;
2. Nonpayment of fees;
3. Lack of cooperation by a party;
4. Any other significant reason which prevents the Child Custody Evaluator from completing the evaluation.

If the Child Custody Evaluator wishes to be removed from the case, the Child Custody Evaluator shall forward a letter to the Director of Family Court Services specifically stating the reasons for the request. The Director of Family Court Services shall review the letter and forward copies of the request to each party and to the court. The parties shall have twenty (20) days to file a motion challenging the request. If no motion is filed, the court may grant or deny the request for withdrawal and Family Court Services shall notify the Child Custody Evaluator and the parties of the Court's decision. FAXED LETTERS WILL NOT BE ACCEPTED. [CRC 5.220(d)(1)(A)(iii)].

(n) The Court will not receive the FC §3111 (custody investigation) report in evidence unless the evaluator is available for cross-examination or upon stipulation of the parties. *(Effective 7-1-90, as amended 1-1-04, as amended 7-1-04, as amended 1-1-07, as amended 7-1-08, as amended 1-1-11, as amended 7-1-12)*

9.7 CALENDAR: TRIALS OR LONG CAUSE HEARINGS AFTER MEDIATION *(Effective 7-1-90, as amended 7-1-98, as amended 7-1-04 as amended 7-1-08)*

(a) Contested custody/visitation matters are entitled to preferential setting for a long cause hearing or trial. The custody/visitation issue may be set for settlement conference and trial as soon as the parties have complied with the Court's mediation requirements and a written recommendation has been prepared.

(b) A party desiring to schedule an early long cause hearing or trial date on the issue of custody or visitation shall, at the time of filing the At-Issue Memorandum or prior to requesting a long cause hearing, verify by a filed and served affidavit or declaration the following:

1. that custody or visitation is contested;

2. that mediation has been unsuccessful;

3. that the parties have completed mediation and that a recommendation has been prepared and is available for the Court if appropriate;

4. that the recommendation is objectionable, in whole or in part (listing the differences with the recommendation item by item or attach any previously filed objections, where appropriate);

5. that another recommendation would better serve the interests of the child(ren) (reciting the proposed alternative recommendation) if appropriate; and,

6. that an early settlement conference and/or trial date are requested solely on the issue of custody or visitation (and any designated accompanying issues). *(Effective 7-1-90, as amended 7-1-98, as amended 7-1-04, as amended 7-1-08)*

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

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

9.9 RESERVED *(Effective 7-1-90, as amended 1-1-01)*

9.10 DEFAULTS AND FC §2336 PROCEEDINGS *(Effective 7-1-90)*

(a) Where the Judgment is taken by default, and there is no attached written agreement of the parties concerning custody and visitation, an attached factual declaration shall set forth the following:

1. Where the party is seeking joint custody, what specific contact with the child(ren) the defaulting party shall have.

2. Where the party is seeking to deny visitation between the child(ren) and the defaulting party, the reason(s) visitation should not be ordered.

(b) In preparing the declaration, the party shall inform the Court when the parties were separated, who has been the primary caretaker of the child(ren) during the past six (6) months and the extent of contact between the child(ren) and the non-caretaker parent during that time. *(Effective date 7-1-90)*

9.11 SPECIAL PROBLEMS *(Effective 7-1-90, as amended 1-1-04, as amended 7-1-04, as amended 7-1-08)*

(a) UNIFORM CHILD CUSTODY JURISDICTION ACT CASES.

1. Cases involving the UCCJA (FC §3400 et seq.) generally appear initially on the Family Law Order to Show Cause 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 to testify so that they may plan their schedules accordingly. Normally a confirming letter will suffice for notice. Mediators 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.

(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 mediator from recommending that minor's counsel be appointed for the child(ren). *(Effective 7-1-90, as amended 1-1-04, as amended 7-1-04, as amended 7-1-08)*

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)*

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

1. The assigned mediator 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 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 peremptory challenge per party to the assigned mediator 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 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 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 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)*

9.13 MEDIATION ORIENTATION *(Effective date 1-1-01)*

All parties involved in contested custody and/or visitation issues shall attend a mediation orientation program prior to their mediation appointment. *(Effective date 1-1-01)*

9.14 RESULT OF FAILURE TO COMPLY *(Effective date 1-1-09)*

(a) Failure to comply with any of the rules contained within Rule 9 (9.1-9.13) may result in any of the following on request of an opposing party or on the court's own motion:

1. Making an order based solely on the pleadings properly before the court.
2. Making or vacating orders as the court deems appropriate under the circumstances.
3. Continuing the matter.
4. Awarding attorney's fees and costs against the non-complying party, without the requirement of filing either an Income and Expense Declaration or a noticed motion.
5. Removing the matter from calendar.

(b) The court retains discretion to excuse non-compliance with any rule or rules on a showing of good cause. *(Effective date 1-1-09)*

LOCAL RULE 12 PROBATE RULES *(Effective 7/1/98, as amended 7-1-02, as amended 1-1-05, as amended 7-1-09, as amended 1-1-11, as amended 7-1-12)*

12.1 GENERAL *(Effective 7-1-98, as amended 7-1-99, as amended 7-1-12)*

(a) RESERVED

(b) FORM OF PAPERS PRESENTED FOR FILING

1. It is the duty of the attorney (or the party appearing without an attorney) to prepare and submit the supporting documents and proposed orders for all matters. All such documents shall include the time and date of the hearing, typed under the caption of the front page.

2. If a Judicial Council form is available for the particular form of relief sought, that form shall be used. The form is to be used in the same format as prescribed and printed by the Judicial Council (i.e. printed in a rolled format so that the reverse side of the document can be read by "rolling" the form as opposed to turning it over). Only current Judicial Council forms are acceptable for filing.

3. A proposed form of order is to be submitted with each petition or motion for relief. Any petition or motion filed without such proposed form of order will not be calendared for hearing until such time as the proposed form of order is submitted.

(c) PROCEDURES FOR EX PARTE MATTERS

1. If the ex parte matter is contested the petition shall so specify. If necessary, the Clerk will contact the attorney of record so the matter can be added to the next available calendar for hearing.

(a) All applications for ex parte orders must contain a list of any and all requests for special notice which have been filed in the proceedings or contain an allegation that no special notice has been requested. If any such notice has been requested, a waiver must accompany the petition.

(b) If it is reasonably likely there will be a dispute or contest as evidenced by documents on file in the proceeding, then all parties must be notified pursuant to California Rule of Court §3.1200-3.1207 of the time and place where the application for the ex parte order will be made. Proof by the attorney's declaration of such notification shall accompany the petition.

2. For good cause, the Court may require a noticed hearing before approval of any matter. *(Effective 7-1-98, as amended 7-1-99, as amended 7-1-12)*

12.2 BOND OF PERSONAL REPRESENTATIVE *(Effective date 7-1-98)*

(a) AMOUNT OF BOND

1. Unless the requirements of Prob. §8481 are met, a bond will be required of every person appointed as a personal representative. As a general policy, the Court will require at least a $10,000 minimum bond even if the value of the estate is less than $10,000.

2. A petition to appoint a personal representative should set forth the estimated value of real property, personal property, and the estimated annual income from all property.

3. If the estimated value of the assets of the estate is not known at the time of the filing of the petition for appointment, ordinarily the personal representative must appear at the hearing to testify as to the estimated value of estate assets.

4. If written waivers are attached to the petition, bond will ordinarily be waived by the Court pursuant to Prob. §8481, provided all heirs or beneficiaries are competent to act. If any such persons are incompetent (e.g., minors), an appropriate representative must waive bond on their behalf.

(b) METHODS OF REDUCING BOND

1. There are three basic methods for obtaining a reduction of bond.

A. The first is to deposit or invest a specified amount of assets before the order of appointment is made, obtain a receipt and agreement to hold the assets in a blocked account, and offer the receipt and agreement in evidence when the petition for appointment comes on for hearing. The facts upon which the reduced bond is sought should be set forth, either in the original petition for appointment or in a separate petition to be heard simultaneously.

B. The second is to obtain in the order appointing the representative, a provision that if assets are deposited or invested in blocked accounts the bond may be fixed in a reduced amount. A receipt for the deposit must be obtained from the depositary and filed with the Clerk. The Clerk is then authorized to issue letters upon the filing of a bond in the reduced amount.

C. The third is to obtain a reduction of bond after the representative has qualified and entered upon the administration of the estate. If a deposit and reduction in the amount of the bond is anticipated, this may be covered in the original order of appointment; if not, a subsequent petition should be filed. It is often convenient to present this petition with the first annual account. Petitions to decrease bond are subject to a hearing with notice given to all heirs or beneficiaries.

2. LIMITATION OF AMOUNT ON DEPOSIT WITH ONE FINANCIAL INSTITUTION: Monies in blocked accounts shall not exceed the limit of Federal Deposit Insurance Corporation insurance for each individual bank or savings and loan association. The attorney shall immediately file an ex parte petition for an order authorizing establishment of additional blocked accounts into which funds exceeding the insurance limit shall be deposited.

3. CORPORATE AND INDIVIDUAL EXECUTORS: A corporate executor cannot assume responsibility for the acts of individual co-executors. Individual executors must provide bond as required by law. If a deposit is made under the provisions of Prob. §8483 to reduce bond, it must be made jointly by the corporate and individual co-executors.

4. BOND OF NONRESIDENT PERSONAL REPRESENTATIVE. A personal representative who is a nonresident of California and who is nominated to serve without

bond may nevertheless be required to post such bond as the Court may require. Ordinarily, the amount of the bond will be the minimum bond in effect in Butte County which is currently $10,000. However, in the Court's discretion, the maximum amount may be imposed, which is the value of the personal and real property, plus the amount of estimated income for one year for both the personal and real property. This rule applies even if there are co-executors and one or more are California residents. In the case of a personal representative who is also the sole beneficiary, the same rule applies for the protection of potential creditors.

5. MULTIPLE REPRESENTATIVES. When multiple representatives are appointed by an order which directs that "letters shall issue to them", the Clerk will not allow less than all to qualify and have letters issued separately. If qualification of less than all is desired, it must be so provided in the order of appointment.

6. DISTRIBUTEE'S BOND. This Rule addresses the bond required by a personal representative to administer an estate. In certain circumstances, such as a preliminary distribution, a bond may be required of the distributee. (See Prob. §11622)

(c) TIMELINESS OF BOND

1. The bond is to be filed with the Court within 10 (ten) days after the appointment of the personal representative of the estate.

2. Failure to file the required bond shall be cause to remove the executor or administrator. *(Effective date 7-1-98, as amended 7-1-12)*

12.3 SALES BY PERSONAL REPRESENTATIVES

(a) SALES OF REAL PROPERTY - APPRAISAL WITHIN ONE YEAR

1. Probate Code §10309 requires that real property to be sold in an estate proceeding must be appraised within one year prior to the date of the court confirmation hearing. Probate Code §8802 requires that the first appraisement of all property be as of the date of death. All appraisals must reflect the fair market value of the property.

2. When the date of the confirmation hearing is more than one year after date of death, a reappraisal for sale (on the Judicial Council form) must be filed with the Court before the confirmation hearing can proceed. Reappraisals must be made by the probate referee unless appointment of the referee has been waived by the Court.

3. The following phrases should be inserted in the reappraisal for sale immediately after the legal description of the real property:

Appraised as of date of death
[insert month, day and year] $ _____

Appraised as of [insert CURRENT
month, day and year] $ _____

4. The sum offered for the property must be at least 90 percent (90%) of the appraised value of the property within one year prior to the confirmation hearing. (Prob.§10309)

(b) BOND ON SALE OF REAL PROPERTY

1. Petitions for confirmation of sale of real property shall set forth the amount of bond in force at the time of the sale and the amount of property in the estate which is required to be covered by a bond. (See Prob. §8482) If no additional bond is required or if bond is waived, that fact should be alleged in the petition.

2. Personal representatives subject to a bonding requirement who have full authority under The Independent Administration of Estates Act shall post their initial bond upon qualification in an amount sufficient to cover all personal property, income for one year from all sources, and the estimated proceeds of the sale of the real property. (See Prob. §10453)

(c) BROKERS' COMMISSION ON SALE OF REAL PROPERTY

1. Improved Property: Upon the confirmation of sale of improved real property, the Court ordinarily will allow a broker's commission not to exceed six percent (6%), or such lesser percentage as has been negotiated between the personal representative and the broker subject to net sale amount.

2. Unimproved Property: A broker's commission not exceeding ten percent (10%) of the first twenty thousand dollars ($20,000.00), eight percent (8%) of the next thirty thousand dollars (30,000) and five percent (5%) of the balance of the sales price, ordinarily will be allowed for the sale of unimproved real property. The Court will determine, in each instance, whether property is "unimproved property".

3. Agents or brokers bidding or overbidding on their own behalf or on behalf of an entity of which they are part owner will not be allowed a commission. (Prob. § 10160.5)

4. The Court will not consider whether a broker is employed when receiving overbids.

5. Divisions of Commissions. Counsel is referred to Prob. §§10160 et seq.

(d) CASH DEPOSIT TO ACCOMPANY BID ON REAL PROPERTY

1. Bids for the purchase of real property shall be accompanied by a minimum of ten percent (10%) of the amount of bid. When an overbid is made in court, the bidder shall submit cash, money order or certified check at the time of the hearing in the amount of ten percent (10%) of the minimum overbid. (The minimum overbid is an increase over the bid returned to the Court by ten percent (10%) of the first ten thousand dollars ($10,000) and five percent (5%) of the balance of the sales price.) Overbids shall be in accordance with Prob. §10311.

2. At the request of the attorney for the estate selling the real property, or on the Court's own motion if good cause exists, the Court may relax the requirements set forth above. The petition for confirmation of sale or the request made in open Court should state the reasons for the lower deposit (e.g., all-cash financing by the Veteran's Administration, or by Cal-Vet or by some other governmental agency.)

(e) NOTICE OF SALE OF PROPERTY SOLD. Notices and returns of sale should provide a common as well as a legal description of the property sold, as well as the Assessor's Parcel Number.

(f) TERMS TO BE STATED IN NOTICE OF SALE OF REAL PROPERTY

1. Counsel should use extra care in wording of the published notice of sale. If the property is being sold subject to an encumbrance, the notice should so state. (See Mains v. City Title Insurance Co., 34 Cal.2d 580 (1949) It is advisable that the notice call for "[c]ash or cash and such credit terms and conditions as the Court may approve."

2. The terms of the sale shall be consistent with the terms stated in the notice.

(g) DISCLOSURE OF EXTRAORDINARY COSTS ON SALE OF REAL PROPERTY

1. The petition shall include a full disclosure of all extraordinary costs which the estate will incur as a result of the sale. Such costs include, but are not limited to, termite and other repairs, lender's "point," loan fees and nonrecurring closing costs. The exact amounts required or the maximum which the estate will be required to pay shall be disclosed in the petition and included in the order.

2. Extraordinary costs will be deducted from the gross bid, and the resultant "net" will be used for the following purposes:

A. Determination if the sale is within ninety percent (90%) of appraised value;

B. The base figure against which overbids are made; and

C. The real estate broker's commission.

The above amounts shall be set forth in an attachment to the petition.

(h) NOTICE OF CONFIRMATION HEARING. In addition to the requirements of notice contained in Prob. §10308(c), notice of the Court hearing for confirmation of a sale of real property shall be mailed at least fifteen (15) days prior to the hearing date to all heirs and beneficiaries who may have an interest in the subject real property.

(i) APPEARANCE BY BIDDER. Counsel should advise the original bidder, together with any potential bidders and their representatives, to be in Court at the time the petition for confirmation of sale is heard.

(j) EXCLUSIVE LISTINGS

1. Personal representatives with authority to administer the estate under the Independent Administration of Estates Act need not obtain a Court order to enter into an exclusive listing for real property.

2. Personal representatives who determine it is necessary or advantageous to seek such a Court order shall observe the following:

A. Such petitions shall be granted only where a clear showing of necessity and advantage to the estate is made. Ordinarily, these petitions will be granted ex parte. Facts indicating necessity and advantage might include: past unsuccessful exposure, condition of the property and/or neighborhood, out-of-country

residence of personal representative, or a contract which pre-dates the establishment of the court proceeding.

B. The petition and proposed order shall also include the name of the broker, address of the property, the fact that the Court sets commissions and that they are payable only if the sale is confirmed, and that all commissions are payable in accordance with Prob. §10160 et seq. The duration of the contract must be specified. Ordinarily, the Court will not approve a term exceeding ninety (90) days.

C. A copy of the listing agreement should be submitted with the petition. The listing agreement must conform to the conditions set forth above and shall further set forth in detail the obligations and duties of the broker, including but not limited to the requirement to list on Multiple Listing Service(s), place signs and advertise in newspaper[s].

D. Extensions of listing agreements shall follow the above procedures.

(k) SALES OF PERISHABLE OR DEPRECIATING PROPERTY. If the Estate contains perishable or depreciating property, it should be disposed of promptly. If there has been an unreasonable delay in disposing of perishable or depreciating property, the Court may hold the personal representative accountable for the decreased value of the property.

(l) SALE OF PROPERTY SPECIFICALLY DEVISED OR BEQUEATHED. On a sale of property specifically devised or bequeathed, either notice of the time and place of the hearing of the return of sale shall be given to the specific devisee or legatee, or the consent of such devisee or legatee to such sale shall be filed with the Court.

(m) SALE OF SECURITIES

1. Subject to Order of Court.

A. A verified petition for authorization of sale of stocks, bonds or other securities described in Prob. §10200 must contain an allegation regarding any request for special notice and compliance with such request and one or more of the following:

(1) Statement as to necessity for sale, giving reasons, i.e., taxes, expenses of administration, indivisible number of shares, etc.

(2) Consent or request of heirs; if the securities are specifically bequeathed, the petition should so allege and the written consent of the legatee should be filed.

(3) An allegation that a power of sale is conferred by the will.

B. If Securities are not listed on an established stock or bond exchange, they may be sold at a minimum price per share or bond, based on a recent market quotation, set forth in the petition. The market quotation may be obtained from financial publications or from securities brokers. If such securities are “closely held,” or there are no recent market quotations available, the petition should set forth the basis for fixing the minimum sales price (e.g., inventory and appraisement value).

2. Subject to Independent Administration of Estates Act (Prob. §§10400 et seq.)

A. A personal representative with authority to administer the estate under The Independent Administration of Estates Act may sell securities listed on an established stock or bond exchange and other assets referred to in Prob. §10537, when sold for cash, without court order. The sale shall be reported in the account and report filed by the personal representative.

B. Notwithstanding the above, real or personal property may be sold in accordance with the provisions of Prob. §10400 et seq.; provided, however, that any person objecting to a proposed action under Prob. §10400 et seq. shall give notice to the personal representative at least forty-eight (48) hours in advance if he or she petitions the Court for an order restraining such sale, and the petitioner must show good cause. *(Effective date 7-1-98)*

12.4 COMPENSATION OF PERSONAL REPRESENTATIVES AND THEIR ATTORNEYS

(a) COMMISSIONS AND FEES MUST BE FIXED BY COURT

1. There is no authority for payment of any commissions or fees in advance of the court authorizing such payment. Where commissions or fees are paid in advance of court authorization, at the time of the accounting or other request for approval of compensation, the Court ordinarily will require an appearance by counsel or declaration stating the reasons therefore. The Court may require the personal representative or the attorney respectively to pay interest at the applicable legal rate from the date of payment to the date of the order authorizing the same, or may impose a surcharge, or may impose both interest and a surcharge.

2. When requests for fees are for services performed, the detail must reflect that time which was spent by the attorney, that spent by a paralegal, and that spent by a secretary. For each such person performing services for which compensation is being requested, the hourly rate charged for each such person or classification is to be set forth. The qualifications of a “paralegal” are to be set forth whenever fees are requested for services performed by a paralegal.

3. All contingency fee contracts to which the personal representative is a party, shall be submitted to the Court in advance for approval. A copy of the contingency fee contract shall be attached to the petition requesting approval.

(b) COMPENSATION FOR EXTRAORDINARY SERVICES

1. Application for compensation for extraordinary services must include detail of what was done, and how much time was spent by whom, in performing services for the ordinary fee. Under ordinary circumstances, extraordinary fees will not be awarded where the time spent in ordinary representation, plus the time spent in performing the extra ordinary services, does not exceed the statutory fee for the estate.

2. Applications for fees or commissions for extraordinary services shall be accompanied by a complete statement of facts upon which such application is based and shall specify the amount requested for each item of service, not merely a "reasonable amount." The services claimed to be extraordinary shall be described in detail, including dates, time spent, necessity for the work, complexity of legal and/or factual issues and results accomplished. Submission of itemized time sheets by themselves will ordinarily not be sufficient to establish a claim for extraordinary services. Each specific area or item of extraordinary service should be segregated into different categories, such as litigation, sale of real property (or where applicable two categories for two sales of real property), preparation of federal estate tax return, other tax work, etc. Where applicable, each category of extraordinary service should be segregated into subcategories such as correspondence, discovery, settlement discussions, trial proceedings, etc. For each category of service, specify the total number of hours spent by each attorney or paralegal and specify the hourly rate of each individual and provide some description of the experience and expertise of each individual providing extraordinary service. All information should be provided in a declaration or declarations under penalty of perjury.

3. Compensation for extraordinary services ordinarily will not be approved before the final accounting except in cases where it is shown to the Court's satisfaction that the estate or heirs will benefit, e.g., where it would be beneficial to reduce income taxes in a given fiscal period, or where ongoing litigation precludes presentation of a final accounting and attorneys must be retained or compensated to represent the estate in ongoing litigation. The Court ordinarily will allow extraordinary compensation for representing the estate in litigation outside of the regular administration of the estate upon a properly noticed petition upon completion of the service. Upon a proper showing, the Court may authorize progress payments prior to completion. Where the attorney or personal representative requesting a progress payment prior to completion of extraordinary work believes that public disclosure of the information required by subparagraph 2 immediately above may adversely affect the estate's interest in ongoing litigation, the petitioner may include an allegation in the petition stating why the detailed information has been deleted from the petition and that said detailed information is concurrently being filed with the Court in a sealed envelope with a request for an in camera inspection. If it is shown to the satisfaction of the Court that said detailed information may adversely affect the estate's interest in ongoing litigation, the Court will ordinarily order that the matter remain under seal until the resolution or termination of the ongoing litigation.

4. Extraordinary compensation and costs of a will contest before probate, a petition to revoke a will after probate, and/or a petition to determine personas entitled to distribution from the estate will not be allowed from the estate unless it is shown to the Court's satisfaction that the personal representative was under a legal obligation to defend or prosecute such contest or proceeding or that the heirs and beneficiaries received a benefit so that on distribution they bear the compensation and costs in proportion to their distributive shares. (See Estate of Pryor 51 Cal.App.2d 735 (1942))

5. When evaluating a request for extraordinary compensation, the Court may consider whether the statutory compensation is sufficient to compensate adequately for

all services that have been rendered and may request a declaration of the attorney or the personal representative substantiating all services required.

(c) EXPENSES OF ACCOUNTING MAY BE DEDUCTED FROM THE PERSONAL REPRESENTATIVE'S STATUTORY COMPENSATION. The personal representative may employ tax counsel, tax auditors, accountants, or other tax experts for the preparation of tax returns and for the other tax-related services. To the extent that the personal representative utilizes the services of such counsel, auditors, accountants, or other experts to perform ordinary accounting and bookkeeping services, including the preparation of the schedules for court accountings and pays for such services from the funds of the estate, the Court may deduct any such sums so paid from the funds of the estate from the personal representative's statutory commission. *(Effective date 7-1-98)*

12.5 OBTAINING A HEARING DATE *(Effective 1-1-05)*

Parties or counsel seeking to calendar any hearing must contact the Clerk at (530) 532-7017 to determine available hearing dates and obtain a reservation before filing the moving papers. Nothing in LR §12.5 shall be construed to alter notice or other procedural requirements applicable to such filings. *(Effective 1-1-05)*

12.6 SPOUSAL AND/OR COMMUNITY PROPERTY PETITIONS *(Effective 7-1-12)*

(a) Spousal and/or Community Property Petitions must be accompanied by a Memorandum of Points and Authorities setting forth the information supporting the requests made in the Petition.

(b) The Court may consider if necessary, an appointment of a Guardian Ad Litem. *(Effective 7-1-12)*

12.7 PRELIMINARY AND FINAL DISTRIBUTION *(Effective 7-1-98, as amended 7-1-02, as amended 7-1-12)*

(a) FORMS OF DECREES. A decree of distribution shall be drawn so that the full extent of the decree may be determined without reference to the petition on which it is based or to other documents, such as to the decedent's will. If the distribution includes any interest in real property, the legal description shall be included in the body of the decree or in an attachment incorporated by reference.

(b) DISTRIBUTION TO MINORS

1. Court policy requires that any cash distributed to a minor be placed in a blocked account at a bank or savings and loan association. Withdrawals from such account shall be allowed only pursuant to a court order. Before the Court will order such a distribution under Prob. §3401, the written assurance required under §3401(c)(2) must be filed with the Court. [See Judicial Council Forms MC 355 & MC 356]

2. The personal representative shall file a receipt acknowledged by the financial institution indicating the deposit of cash into a blocked account.

3. Ordinarily, withdrawals requested during minority may be obtained ex parte upon a showing of good cause. The Court will treat all such requests in a conservative manner in order to preserve the funds for the minor's use upon reaching majority.

4. When the minor reaches age eighteen (18), ex parte application may be made to the Court for an order to release the funds directly to the beneficiary. A certified copy of the birth certificate shall be attached to the petition.

5. In the absence of a guardianship, the estate action number may be used for the filing of documents pertaining to the assets distributed under this section. *(Effective 7-1-98, as amended 7-1-02, as amended 7-1-12)*

12.8 RESERVED *(Effective 7-1-98)*

12.9 RESERVED *(Effective 7-1-98)*

12.10 CONSERVATORSHIPS *(Effective date 7-1-98, as amended 1-1-03, as amended 7-1-09, as amended 1-1-11, as amended 7-1-12)*

(a) RESERVED

(b) COURT INVESTIGATOR (*Effective date 7-1-98, as amended 1-1-03, as amended 7-1-12)*

1. In all cases, the petitioner or his or her attorney must submit a completed Court Investigator Information Sheet to the Clerk's Office at the time of the filing of the petition for appointment of a conservator.

2. The provisions of the Probate Code concerning the duties of the Court Investigator apply whether or not the proposed conservatee is the petitioner, [contrary to Probate Code §1826(o).]

3. The Court Investigator must be informed immediately of any change of address for the conservatee, the conservator or any attorney of record. This may be accomplished by submitting a new Court Investigator Information Sheet.

4. After filing, the Court's file will be submitted to the Court Investigator for his use.

5. Assessment for the cost of the Court Investigator's investigation shall be paid as ordered by the Court. Prob. §1851.5 permits the county to waive or defer such fee in case of hardship. Assessments will be billed to the estate or, where applicable, to a trust where the conservatee is a beneficiary. Conservator shall provide the Court Investigator's Office with the current address of the trustee of any such trust.

6. Assessments shall be paid to the Central Collections Department.

7. Original plus one copy required of the following at the time of filing for use by the Court Investigator: Petition for Appointment, Confidential Supplemental Information, Confidential Screening, Court Investigator's Information Sheet, doctor reports and accountings.

(c) TEMPORARY CONSERVATORSHIP

1. Ordinarily, no petition for appointment of a temporary conservator will be considered by the Court prior to the filing of a petition for appointment of a permanent conservator. The bond must be filed with the Court within five (5) court days of

appointment as temporary conservator. Failure to do so will result in removal as the temporary conservator.

2. The petition for appointment of a temporary conservator may be brought ex parte, provided that the provisions for notice to proposed conservatee required by law are satisfied, either by giving notice to the proposed conservatee or by submission of a declaration showing facts sufficient to allow the Court to determine that good cause exists to eliminate or alter the notice requirements and provided that the following information is submitted:

A. The original and copy of the petition and proposed order;

B. A detailed statement of facts in the petition establishing the necessity for the temporary conservatorship; and

C. An endorsed, filed copy of the petition for appointment of the permanent conservator.

D. If the attorney is informed that the petition for appointment of a permanent conservator will be contested, all known potential objectors shall be notified at least forty-eight (48) hours in advance of the time and place the petition for appointment of the temporary conservator will be presented. However, if facts are found which make it clear that the notice required by this section would tend to adversely affect the conservatee or the conservatee's estate, notice to potential objectors may be waived upon a showing of exigent circumstances.

3. Ordinarily, the Court will require a bond for temporary conservators of the estate.

4. Letters of temporary conservatorship expire on the date of the hearing on the appointment of the permanent conservator or thirty (30) days after appointment of the temporary conservator, whichever is earlier, unless the Court extends the termination date pursuant to Prob. §2257.

(d) INDEPENDENT EXERCISE OF POWERS. No powers specified in Prob. §2591 will be granted in the absence of a clear and convincing factual showing that the grant of each power requested is needed to administer the estate, and that the grant of such power is for the advantage, benefit and best interests of the estate.

(e) CONDITIONS FOR APPOINTMENT OF INDIVIDUAL CONSERVATORS

1. BOND OF CONSERVATOR. Bond for an individual conservator of the estate shall not be waived. Under special circumstances, the Court in its discretion may order a reduced bond where the conservatee, having sufficient capacity to do so, has waived or requested bond amount. Bond of the conservator may be reduced by deposit of assets into block accounts. The bond must be filed with the Court within ten (10) days of appointment as conservator. Failure to do so will result in removal as conservator.

2. HANDBOOK. Prior to the hearing for appointment of conservator, the proposed conservator shall obtain the "Handbook for Conservators" by accessing it at www.courts.ca.gov/documents/handbook.pdf .

3. DUTIES OF CONSERVATOR. A completed form "Duties of Conservator" and "Confidential Conservator Screening Form" (JC Form GC-348 and GC-314) shall be filed simultaneously with the petition for appointment.

(f) ALLOWANCE OF FEES IN CONSERVATORSHIP PROCEEDINGS.

1. No fees will be ordered paid in conservatorship proceedings until the filing of the inventory, but in no event until the expiration of ninety (90) days from the issuance of letters, pursuant to Prob. §§2640-2642.

2. Conservators of persons or estates or both and attorneys may petition the Court for just and reasonable compensation earned to the date of filing the petition. The petition for compensation shall set forth the hours spent and services performed by the conservator, the attorney and any paralegal. At the time of filing the first accounting, the conservator and attorney (and the attorney on behalf of the paralegal) may petition the Court for compensation, or additional compensation earned from the date of a prior award, by setting forth the hours spent and the services performed. Ordinarily, reasonable compensation for conservators shall not exceed thirty dollars ($30) per hour.

3. Fees for services which could ordinarily be provided by someone of less skill than the conservator (such as running errands, shopping and the like) will be compensated at a rate which one might expect for the performance of such duties rather than at a rate which might be appropriately paid to the Conservator for services which require the skill, training and expertise of a conservator.

A. In the event the attorney for a conservator performs some of the administrative and bookkeeping functions normally performed by the conservator, the attorney may be awarded a larger amount of the combined fees and the conservator allowed a smaller portion thereof so that the total compensation awarded is no larger than that provided for under the guidelines set forth above.

4. Where all or a portion of the fee awarded exceeds cash on hand in the estate, the Court may, in appropriate circumstances, issue its order imposing a lien for fees on any or all of the assets in the estate. Ordinarily, enforcement of the lien will be deferred until the assets of the estate subject to the lien have been liquidated for reasons other than the satisfaction of the unpaid fee.

5. To be valid, contingent fee contracts with an attorney require prior court approval. It is advisable for the attorney to petition the Court for its approval prior to rendering services.

6. The title of the petition embodying an application for the payment of fees and of the notice of hearing of such petition shall include a reference to the request.

7. Compensation to an attorney representing a conservatee may be ordered at the conclusion of the hearing on the appointment of the conservator.

(g) PRIVATE PROFESSIONAL CONSERVATORS.

1. REGISTRATION. All parties who fit the definition of a Private Professional Conservator as described in Prob. §2341 must register with the Clerk's Office. Contact the Clerk's Office for the current fee. One set of fingerprint cards and a Certificate of Registration of Private Professional Conservator are required when registering.

(h) APPOINTMENT OF LEGAL COUNSEL. Appointment of legal counsel pursuant to Prob. §§1470 and 1471 is made in the following manner:

A. If the conservatee or proposed conservatee is developmentally disabled or indigent, the Butte County Public Defender is appointed;

B. If the conservatee or proposed conservatee is not indigent, an attorney's name is obtained through the Court's list of attorneys available for appointment.

C. If a conservatee or proposed conservatee has retained legal counsel independently, the representation is subject to approval by the Court.

(i) ACCOUNTINGS

A. The conservator or successor conservator may either arrange to pick up the original lodged confidential supporting documents or provide a self-addressed stamped envelope for their return upon final determination and approval of the conservator's account by the Court. If the conservator or successor conservator is picking up lodged documents in person, they must sign a receipt pursuant to CRC §10.610(c)(8) and CCP §1952.2. *(Effective date 7-1-98, as amended 1-1-03, as amended 7-1-09, as amended 1-1-11, as amended 7-1-12)*

12.11 GUARDIANSHIPS *(Effective date 7-1-09)*

(a) RESERVED

(b) RESERVED

(c) RESERVED

(d) RESERVED

(e) RESERVED

(f) RESERVED

(g) RESERVED

(h) RESERVED

(i) ACCOUNTINGS

A. The guardian or successor guardian may either arrange to pick up the original lodged confidential supporting documents or provide a self-addressed stamped envelope for their return upon final determination and approval of the guardian's account by the court. *(Effective 7-1-09)*

LOCAL RULE 13 DOCUMENTS PRESENTED FOR FILING *(Effective 7/1/90, as amended 7/1/03, as amended 1/1/04, as amended 7/1/05, as amended 1-1-07, as amended 7-1-12)*

13.1 FAX FILING AND SERVICE *(Effective 7-1-89, as amended 7-1-03, as amended 7/1/05, as amended 1-1-07, as amended 7-1-12)*

Authority - these rules are adopted in accordance with the provisions of California Rules of Court (CRC), Rules 2.300 through 2.306, and apply to civil, and family law proceedings filed at the Butte County Courthouse and Chico Courthouse only.

(a) A party may transmit a document by fax to a fax filing agency for filing with the Court. (CRC 2.303).

(b) A party may file by fax directly with the Court "informational letters" only. "Informational letters" are one page letters providing the Court with information regarding the status of the case (i.e. settlement status, trial readiness status, and letters requested per LR 16.1(c)).

(c) The fax filing telephone number for the Butte County Courthouse is (530) 538-9361 and for the Chico Courthouse is (530) 892-8516.

(d) No fee will be required for faxed documents received pursuant to LR 13.1(b). *(Effective 7-1-89, as amended 7-1-03, as amended 7-1-05, as amended 1-1-07, as amended 7-1-12)*

13.2 FORM OF DOCUMENTS, GENERALLY *(Effective 7-1-89, as amended 1-1-03, as amended 1-1-07)*

(a) The word "documents" as used in this rule includes all documents including "papers," as that term is defined in CRC 2.100(a), which are offered for filing in any case in the Butte County Superior Court, including printed forms of the type furnished by the Clerk of the Court.

(b) All documents presented for filing must comply with CRC Rules 2.100and 3.1110 through 3.1115.

(c) The Clerk of the Court shall not accept for filing or file any document which does not comply with this rule; provided however, that for good cause shown, the Court may permit the filing of a document which does not comply herewith. *(Effective 7-1-89, as amended 1-1-03, as amended 1-1-07)*

13.3 RESERVED *(Effective 7-1-89, as amended 1-1-00)*

13.4 RESERVED *(Effective 7-1-89, as amended 1-1-99)*

13.5 CONFORMING COPIES *(Effective date 7-1-89, as amended 7-1-96)*

Unless the Court finds good cause, the Clerk of the Court will conform a maximum of two (2) copies of any document at the time of filing. Additional copies will be provided by photocopying and the standard Clerk of the Court fee for copies will be charged. *(Effective date 7-1-89, as amended 7-1-96)*

13.6 PREPAID, SELF-ADDRESSED ENVELOPES REQUIRED *(Effective date 7-1-89, as amended 1-1-04)*

A self-addressed envelope with sufficient postage affixed is required for the mailed return of all documents submitted for conformance. Copies submitted for conformance without an envelope will be placed in the "hold drawer" in the office of the Clerk of the Court. Items not picked up from these boxes within thirty (30) days will be destroyed. *(Effective date 7-1-89, as amended 1-1-04)*

13.7 TIME AND DATE MUST BE SHOWN *(Effective date 7-1-89, as amended 1-1-99, as amended 7-1-12)*

(a) When the date of the hearing for any Law and Motion, Family Law, Criminal or Probate matter is known, all papers filed for consideration at the hearing shall contain the hearing date and time in the caption of the case below the action number. The papers shall also show the address of the Court in which the hearing will be held. Failure to comply with this rule may result in documents not being before the Court at the time of the hearing.

(b) When supplemental documents are filed after hearing relating to matters taken under submission, the date the matter was submitted and the department in which the matter stands submitted shall be included in the caption of the case below the case number. *(Effective date 7-1-89, as amended 1-1-99, as amended 7-1-12)*

LOCAL RULE 14 ATTORNEY FEES & COST REIMBURSEMENT *(Effective 1-1-91, title amended 7-1-99, as amended 7-1-09, as amended 7-1-12)*

14.1 APPLICABILITY *(Effective 7-1-09)*

The following attorney fees shall, under normal circumstances and in compliance with the rules set forth below, be awarded by the Court to court-appointed attorneys for reasonably necessary legal services rendered in the Superior Court of California, County of Butte. *(Effective 7-1-09)*

14.2 ATTORNEY FEE REIMBURSEMENT EXCEPT IN CAPITAL CRIMINAL CASES *(Effective 7-1-09, as amended 7-1-12)*

(a) For reasonably necessary out-of-court work, such as consultation, research, discovery and general preparation, and reasonably necessary court appearances before trial, the court will authorize reimbursement at a rate of $65.00 per hour.

(b) The Court will authorize reimbursement for trial at a rate of $65.00 per hour.

(c) The Court will authorize reimbursement for post trial work at a rate of $65.00 per hour.

(d) Fees are not payable for "waiting time", including deliberations, which can be utilized for library work on other matters. The Court will not authorize reimbursement for travel time to and from court.

(e) The fee reimbursements specified above exclude attorneys under contract with the county or the court to provide such services and representations unless approved by the court in advance and upon a showing of good cause.

(f) In Probate, Conservatorship, and Guardianship matters, if the estate has the funds available to pay for the attorney appointed by the Court, then those funds shall first be used. The Court will pay only if the private funds are exhausted. *(Effective 7-1-09, as amended 7-1-12)*

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

(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 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)*

14.4 PRESENTATION OF CLAIMS *(Effective date 7-1-09)*

(a) A request for reimbursement shall be paid upon presentation of an itemized billing attached to or listed on a completed Butte County Claim for Professional Services, with attached receipts for expenses, and a copy of the court order that previously authorized the expenditure(s). The Claim must specify the case number, an hourly rate, the number of hours billed, and shall not to exceed the total amount previously authorized by the Court. The attorney shall then present the claim to the County's Administrative Office for processing for payment.

(b) WITNESSES. Other than in privately retained counsel cases, it is the obligation of the attorney subpoenaing a witness to obtain and prepare a Butte County Claim Form and have the witness sign the claim. The attorney shall then present the claim to the County's Administrative Office for processing for payment. *(Effective 7-1-09)*

14.5 CAPITAL CRIMINAL CASES *(Effective 7-1-09)*

In capital criminal cases, the fee for trial shall be determined by the Court and the fee for other reasonably necessary expenses and legal services shall be computed in accordance with LR 14.3. *(Effective 7-1-09)*

14.6 JUVENILE DEPENDENCY AND FAMILY CODE §3150 APPOINTMENTS CASES *(Effective 7-1-09)*

(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, 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 Superior Court of California, County of Butte and will be paid by the Court upon written certification that the expenses have been incurred."

(c) A request for reimbursement shall be paid upon 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, 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)*

14.7 PROFESSIONAL LIABILITY INSURANCE *(Effective date 1-1-02, renumbered 7-1-09)*

Attorneys appointed pursuant to this Rule shall secure malpractice (Errors and Omissions) coverage in the amount of One Hundred Thousand dollars ($100,000) per occurrence; Three hundred thousand ($300,000) aggregate. *(Effective date1-1-02, renumbered 7-1-09)*

14.8 ATTORNEY FEES IN ACTIONS ON PROMISSORY NOTES, CONTRACTS PROVIDING FOR PAYMENT OF ATTORNEY FEES, AND FORECLOSURES *(Effective date 7-1-99, renumbered 7-1-09)*

The following attorney fees shall, under normal circumstances, be awarded in actions on promissory notes, contracts providing for the payment of attorneys' fees and foreclosures:

(a) DEFAULT ACTION ON NOTE OR CONTRACT. Exclusive of costs:

25 percent of first $1,000 with minimum fee of $150

20 percent of next $4,000

15 percent of next $5,000

10 percent of next $10,000

5 percent of next $30,000

2 percent of the amount over $50,000

In an action upon contract providing for an attorney fee, the clerk shall include in the judgment an attorney fee in accordance with this schedule, not to exceed the amount prayed for.

(b) CONTESTED ACTION ON NOTE OR CONTRACT. The same amount as computed under subdivision (a), increased by such 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.

(c) FORECLOSURE OF MORTGAGE OR TRUST DEED. The same amount as computed under subdivision (a) or (b), increased by 10 percent.

(d) FORECLOSURE OF ASSESSMENT OR BOND LIEN RELATING TO A PUBLIC IMPROVEMENT. The same amount as computed under subdivision (a) or (b), except that the

minimum fee shall be $75 in an action involving one assessment or bond, and an additional $20 for each additional assessment or bond being foreclosed in the same action. *(Effective date 7-1-99, renumbered 7-1-09)*

LOCAL RULE 15 FAMILY-CENTERED CASE RESOLUTION PROCESS *(Effective 1-1-13)*

15.1 AUTHORITY *(Effective 1-1-13)*

This rule is intended to implement a family-centered case resolution process in conformance with Family Code sections 2450, 2451 and California Rules of Court, rule 5.83. *(Effective 1-1-13)*

15.2 APPLICABILITY *(Effective 1-1-13)*

This rule applies to all dissolution, legal separation, nullity, parentage and grandparent cases filed after January 1, 2013. *(Effective 1-1-13)*

15.3 STATUS CONFERENCE *(Effective 1-1-13)*

(a) Upon the filing of any case listed in Local Rule 15.2, the Court will issue a Notice of Status Conference and calendar the conference within 180 days after the filing of the petition. The petitioner shall serve the Notice of Status Conference on the respondent with the summons and petition and any other initial papers to be served with the summons and petition.

(b) The purpose of the Status Conference is to assess the case early and assist the litigants with creating a case management plan for resolution of all of the issues presented in their cases. The design of the case management plan will depend on the complexity of the case.

(c) On request of either party or on the Court's own motion, the Court may set any matter for a status conference. *(Effective 1-1-13)*

15.4 ATTENDANCE AT STATUS CONFERENCE *(Effective 1-1-13)*

(a) All parties must attend the initial status conference. If the Department of Child Support Services is a party to the case, their appearance is not required.

(b) Attorneys and self-represented parties shall attend each subsequent status conference unless excused in advance by the Court, the case has been dismissed or a judgment resolving all issues has been entered.

(c) RECONCILIATION. Parties who file a stipulation prior to the status conference indicating they are attempting reconciliation will be exempt from the settlement conference for six (6) months. If a judgment or dismissal is not filed within six (6) months of filing of the petition, the Court will proceed with a status conference upon notice to the parties. *(Effective 1-1-13)*

15.5 PRE-STATUS CONFERENCE REQUIREMENTS *(Effective 1-1-13)*

(a) In dissolution and legal separation cases each party shall serve the other with a Preliminary Declaration of Disclosure no later than ninety (90) days following the service of the Petition for Dissolution or Legal Separation. The Preliminary Declaration of Disclosure shall include a completed Income and Expense Declaration, a completed Schedule of Assets and

Debts, and any other information that is required pursuant to Family Code section 2104. This does not apply to summary dissolution matters as outlined in Family Code section 2400.

(b) A *Family Law Case Management: Status Conference Statement* (form FL.060) shall be filed and served on all other parties at least five (5) calendar days before each case status conference. The *Family Law Case Management: Status Conference Statement* (form FL.060) is available upon request from the Clerk's Office or on the Court's website at www.buttecourt.ca.gov. *(Effective 1-1-13)*

15.6 STATUS CONFERENCE AND COURT'S ROLE *(Effective 1-1-13)*

(a) At the status conference, the judicial officer will review the case to determine whether it is progressing towards disposition in a timely and effective manner in accordance with the milestones, disposition standards, and additional factors set for the in CRC 5.83. The judicial officer may take action authorized by CRC 5.83, including but not limited to setting additional status conferences, setting a family-centered case resolution conference, or scheduling the case for further review without appearances by the parties.

(b) Counsel must inform the Court of the following matters:

1. The attendance of both parties at Family Court Services mediation;
2. The service by both parties of a complete Preliminary Declaration of Disclosure;
3. The filing with the court of a Declaration Regarding Device of Declaration of Disclosure and Income and Expense Declaration;
4. The readiness of the parties to participate in mediation;
5. The appropriateness of referral to arbitration;
6. The willingness of the parties to limit, schedule, or expedite discovery, including the willingness to provide the opposing party, without a discovery request: (a) the name, address, and telephone number of each individual likely to have desirable information that supports the party's disclosures, and (b) a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the party and that supports the party's disclosures;
7. The appropriateness of implementation of a family-centered case resolution plan pursuant to family Code section 2451; and
8. The willingness of the parties to stipulate to the appointment of court experts, and allocate the expert's expense, or to schedule a hearing for the appointment and expense allocation of court experts.

(c) At any status conference the Court may:

1. Schedule disclosure of expert witnesses, by stipulation;
2. Inquire whether issues can be narrowed by stipulation and set dates for the filing of stipulations;
3. Set dates for further status conferences, as needed, and no less often than every six months;

4. Set dates for other events that must take place before the next status conference;
5. Set the date for trial and/or settlement conferences; and
6. Take such other action, as permitted by law, which could promote the just and efficient disposition of the case. *(Effective 1-1-13)*

LOCAL RULE 16 FAMILY LAW *(Effective date 7-1-90, as amended 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 7-1-09, as amended 1-1-10, as amended and renumbered 1-1-11, as amended 7-1-11, as amended 1-1-12, as amended 7-1-12)*

For specific custody, visitation, and mediation rules, see Local Rule 9. These rules do not apply to Butte County Department of Child Support Services cases brought under the Family Code. *(Effective date 7-1-90, as amended 1-1-02, as amended 7-1-12)*

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)*

All Motions and Orders to Show Cause 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 and other family law and motion matters.

(a) Parties or counsel seeking to calendar Order to Show Cause, Notice of Motion 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 an OSC 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)*

16.2 RESERVED *(Effective date 7-1-04)*

16.3 RESERVED *(Effective date 7-1-04)*

16.4 DEADLINE FOR FILING PAPERS *(Effective date 7-1-90, as amended 1-1-04)*

(a) Moving and responsive pleadings must be served on the opposing party or attorney, including the Butte County Department of Child Support Services if a party has applied for and/or is receiving public assistance, in accordance with CCP §1005.

(b) If a responding party fails to appear at a hearing, the moving party must submit proof of timely service to the Court; otherwise, the matter will be taken off calendar. *(Effective date 7-1-90, as amended 1-1-04)*

16.5 RESTRAINING ORDERS, EX PARTE REQUEST FOR RESTRAINING ORDERS, ORDER SHORTENING TIME FOR SERVICE/HEARING *(Effective date 7-1-90, as amended 01-01-04, as amended 7-1-04, as amended 7-1-09, as amended 7-1-11, as amended 1-1-12)*

(a) Requests for ex parte temporary restraining orders in domestic violence, civil harassment, workplace violence, elder abuse, and dependant adult abuse actions:

1. NOTICE: Requests for ex parte restraining orders in the actions referenced in (a) above may be made without notice to the opposing party. Upon the

requisite showing being made by way of affidavit or declaration a temporary restraining order may be issued without notice.

a. The required showing in a domestic violence, elder abuse and dependant adult abuse action is reasonable proof of a past act or acts of abuse by the defendant against the plaintiff. FC §6300, W & I. C, §15657.03(c).
b. The required showing in a civil harassment action is reasonable proof of harassment of the plaintiff by the defendant and that great or irreparable harm would result to the plaintiff. CCP §527.6(c).
c. The required showing in a workplace violence action is reasonable proof that the employee suffered unlawful violence or a credible threat of violence by the defendant and that great or irreparable harm would result to an employee. CCP §527.8(e).

2. The court has discretion to require notice to an opposing party/defendant of any request for an ex parte temporary restraining order in any of the actions listed in 16.5(a) above.

(b) Requests for ex parte temporary restraining orders in:

- Marital litigation (i.e., dissolution, nullity and legal separation actions)
- domestic partnership litigation (i.e., where custody/visitation is an issue in domestic partnership dissolution, nullity or legal separation actions)
- an action under the uniform parentage act to determine custody or visitation
- a proceeding to determine custody or visitation in an action brought by the Department of Child Support Services pursuant to FC§17404
- a grandparent visitation action by joinder, or
- an independent action for visitation by a former legal guardian:

1. NOTICE: Unless it appears from the facts presented in the applicant's declaration that reasons exist for the applicant to be excused from the notice requirements of CRC 3.1203(a) [see CRC 3.1204(b)(3)], notice of an intent to seek an ex parte restraining order in any actions referenced in (b) above must be given pursuant to California Rules of Court 3.1203, 3.1204 and 3.1206.

(c) Ex parte hearings are held each court day at 3 pm at Butte County Courthouse, One Court Street in Oroville.

(d) All requests for temporary orders in the actions referenced in (b) above must include a declaration containing the information as set forth in *Declaration Re: Notice of Ex Parte Application for Order and/or Orders Shortening Time* (form LM.010) and the reasons why an order shortening time for service and hearing will not suffice in lieu of an ex parte order pending hearing.

(e) Ex parte requests for modification of existing custody and visitation orders or for custody and visitation orders will not issue absent a clear showing of risk of immediate harm to the child(ren), or immediate risk the child(ren) will be removed from the State of California. The showing must be made by affidavit or declaration and shall include a full, detailed description of the most recent incident(s) of physical harm, threats of harm

or threats to remove the child(ren) from the state and must specify the date of each incident. There is an absolute duty to advise the Court what the existing custody and visitation arrangement is and how it will be changed by the requested ex parte order. Further, if there is an existing Court order relative to child custody and visitation, the date and provisions of that order must be set forth as part of the supporting declaration. *(Effective date 7-1-90, as amended 01-01-04, as amended 7-1-04, as amended 7-1-09, as amended 7-1-11, as amended 1-1-12, as amended 7-1-12)*

16.6 FAMILY LAW FACILITATOR *(Effective date 7-1-98)*

(A) If the staff and other resources are available and the mandatory duties set forth in Family Code Section 10004 have been accomplished, the Family Law Facilitator may perform the following additional duties:

(1) Meeting with litigants to mediate issues of child support, spousal support, and maintenance of health insurance, subject to section 10012 of the Family Code. Actions in which one or both of the parties are unrepresented by counsel shall have priority.

(2) Drafting stipulations to include all issues agreed to by the parties, which may include issues other than those specified in section 10003 of the Family Code.

(3) If the parties are unable to resolve issues with the assistance of the Family Law Facilitator, prior to or at the hearing, and at the request of the Court, the Family Law Facilitator shall review the paperwork, examine documents, prepare support schedules, and advise the judge whether the matter is ready to proceed.

(4) Assisting the clerk in maintaining records.

(5) Preparing formal orders consistent with the Court's announced order in cases where both parties are unrepresented.

(6) Serving as a special master in proceedings and making findings to the Court unless he or she has served as a mediator in the case.

(7) Participate in the operation of the Family Court Clinics, including the training and supervision of volunteers for that clinic.

(8) Assisting the Court with research and any other responsibilities which will enable the Court to be more responsive to the litigants' needs.

(9) Developing programs for bar and community outreach through day and evening programs, videotapes, and other innovative means that will assist unrepresented and financially disadvantaged litigants in gaining meaningful access to family court. These programs shall specifically include information concerning underutilized legislation, and preexisting, court-sponsored programs, such as supervised visitation and appointment of attorneys for children. *(Effective date 7-1-98)*

16.7 FAMILY LAW FACILITATOR COMPLAINT PROCESS *(Effective date 7-1-03, renumbered 1-1-04, as amended 1-1-10, as amended 1-1-11, as amended 1-1-12)*

(A) Complaints concerning the Family Law Facilitator shall be dealt with as follows:

(1) Parents, parties and/or attorneys who wish to file a complaint regarding the services provided by the Office of the Family Law Facilitator may submit a written complaint to the Court Operations Manager utilizing the Court's Complaint Form. This form is available in the Court Clerk's and Self-Help Assistance and 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 Family Law Facilitator 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. *(Effective date 7-1-03, renumbered 1-1-04, as amended 1-1-10, as amended 1-1-11, as amended 1-1-12)*

16.8 LENGTHY MATTERS *(Effective date 7-1-90, as amended 7-1-98, renumbered 1-1-04, as amended 7-1-08, as amended 1-1-12)*

At a hearing on any order to show cause or notice of motion, the Court, upon request, may set the matter for a long cause hearing. The requesting party must have given the other side(s) at least 24 hours notice of the intent to make the request; provide the Court with a sufficient offer of proof and complied with FC §217 and the California Rules of Court adopted as directed by FC §217(b). *(Effective date 7-1-90, as amended 7-1-98, renumbered 1-1-04, as amended 7-1-0, as amended 1-1-12)*

16.9 MEET AND CONFER REQUIREMENT (*Effective date 7-1-90, renumbered 1-1-04, as amended 7-1-04)*

No case on the Family Law calendar will be heard unless and until counsel and the parties have conferred in an effort to resolve all issues. All documentary evidence that is to be relied on for proof of any material fact shall be exchanged by counsel while conferring. Failure to meet and confer or exchange documents may result in the matter being dropped from the calendar, continued, or the Court may order other appropriate sanctions.

(a) The meet and confer requirement is to be initiated by the moving party and/or the moving party's attorney. The meet and confer may be by telephone and shall occur prior to the day of the hearing, unless served or the attorney is retained the day prior to the hearing. *(Effective date 7-1-90, renumbered 1-1-04, as amended 7-1-04)*

16.10 EVIDENCE AT A HEARING ON AN ORDER TO SHOW CAUSE OR NOTICE OF MOTION *(Effective date 7-1-90, as amended 1-1-04, renumbered 1-1-04, as amended 1-1-07, as amended 1-1-12)*

(a) Evidence received at an OSC or notice of motion hearing shall be pursuant to FC §217 and the California Rules of Court adopted as directed by FC §217(b). *(Effective date 7-1-90, as amended 1-1-04, renumbered 1-1-04, as amended 1-1-07, as amended 1-1-12)*

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

(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) 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)

16.12 CHILD AND SPOUSAL SUPPORT PROCEEDINGS (*Effective date 7-1-90, as amended 1-1-04,& renumbered 1-1-04, as amended 7-1-08*)

(a) CONTENTS OF PLEADINGS. The application for order and supporting declarations and all other declarations in support shall set forth facts upon which the moving or responding party relies.

Unless there has been no change in the Income and Expense Declaration [Judicial Council Form FL150] or Financial Statement (Simplified), if eligible, [Judicial Council Form FL155] of a party within the six (6) months preceding the hearing, a fully completed, current (within thirty (30) days, of actual hearing), Income and Expense Declaration or Financial Statement (Simplified), if eligible, shall be filed at least ten (10) days before hearing by each party in all hearings involving requests for support, attorney's fees or other financial relief. In any event, copies of the last three wage stubs or most recent Profit and Loss Statement will be provided to the opposing party or counsel no later than five (5) days preceding the hearing. If there has been no material change, a declaration under penalty of perjury that there has been no material change since the last Income and Expense Declaration or Financial Statement (Simplified) shall be submitted.

An Income and Expense Declaration is not fully completed unless it contains the following:

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

2. A fully completed “attorney’s fees” section on the Expense Declaration and a completed “other property owned” section on the Income Declaration.

3. Where bonuses have been received, attach a document setting forth the amount and date of the most recent bonus, the date on which the next bonus is expected to be

received, and the amount (if known or the estimated amount if not known) of the next bonus.

Each party shall exchange at the time of the parties'/attorneys' meet and confer (see LR § 16.8), or no later than five (5) days preceding the hearing, whichever comes first, and be prepared to submit at hearing:

A. Copies of the two most recent filed tax returns and/or all W-2 forms, 1099 forms and other documentary evidence reflecting receipt of income for any completed year in which a tax return has not yet been filed; and

B. All pay stubs for a period of at least three (3) months immediately prior to the hearing.

C. For a self-employed individual, a current Profit and Loss Statement.

D. If the hearing is scheduled between February 1 and the date the parties' tax return(s) are filed, parties must exchange above information and other forms reflecting receipt of income during the previous year.

(b) SUPPORT CALCULATIONS

1. The Court will normally set child support based upon statewide uniform guidelines per FC §4050 et seq.

2. Temporary spousal support shall be determined by application of the "Santa Clara" support schedule, unless the Court, in its discretion determines not to follow the support schedule.

3. If it is contended by either party that the Guideline support is inappropriate, the declaration supporting such contention shall set forth the party's amount alleged to be proper. Such declaration shall include any reasons or justifications urged by the party for varying from the Guideline support. The reasons and justifications cited by the party must be within the limitations of Family Code §4057. If any party is disabled, unemployed, retired or incarcerated, all pertinent facts shall be set forth in the declaration. The declaration may be signed by the attorney for the party on whose behalf it is made.

(c) COMPUTERIZED SUPPORT CALCULATIONS. Any party relying on any Judicial Council certified computerized support calculations shall [1] provide to the other party, prior to the hearing, a complete printout of the computerized support calculations including the sheet that identifies the "setting" utilized to determine the support, and [2] file a copy of same at the time of the hearing.

(d) RECIPIENTS OF PUBLIC ASSISTANCE BENEFITS. If either or both parties have applied for and/or are receiving public assistance, then each party shall serve upon the Butte County Department of Child Support Services their moving or responsive papers in accordance with CCP §1005.

(e) SANCTIONS. Absent a showing of good cause, the Court will award sanctions or attorney's fees for non-compliance with LR §16.12. If awarded, such sanctions or fees may be ordered paid to the Court and/or the opposing attorney/party at the Court's discretion.

(f) RETURN OF TAX RETURNS. All income tax returns submitted by the parties shall be returned to the party submitting same at the conclusion of the hearing unless ordered to be retained by the Court. *(Effective date 7-1-90, as amended 1-1-04, renumbered 1-1-04, as amended 7-1-08)*

16.13 STIPULATIONS (*Effective date 7-1-90, as amended 7-1-93, renumbered 1-1-04)*

All stipulations shall be in writing and submitted to the Court before or at the calendar call on the date set for hearing. *(Effective date 7-1-90, as amended 7-1-93, renumbered 1-1-04)*

16.14 CHANGE OF VENUE (*Effective date 7-1-90, as amended 7-1-93, renumbered 1-1-04)*

Contained in every motion for change of venue, shall be the proposed county of venue hearing dates and times for family law matters. *(Effective date 1-1-99, renumbered 1-1-04)*

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)*

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 Order to Show Cause Calendar. Evidentiary hearings with time requirements in excess of 20 minutes will be set on TRAC (Trial Readiness and Assignment Calendar) from the Order to Show Cause 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 Order to Show Cause/Notice of Motion 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].

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 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 OSC/NOM 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)*

16.16 VALUATION DATE FOR ASSETS OTHER THAN TRIAL DATE *(Effective date 7-1-90, renumbered 1-1-04)*

A party seeking a valuation date for community property other than the date of trial shall serve and file a notice of motion to be heard not later than thirty (30) calendar days before the trial date. (FC §2552) *(Effective date 7-1-90, renumbered 1-1-04)*

16.17 APPROVAL OR INCORPORATION OF PROPERTY SETTLEMENT AGREEMENT *(Effective date 7-1-90, as amended 1-1-04, renumbered 1-1-04)*

No property settlement agreement shall be approved by the Court or incorporated by reference in a judgment unless:

(a) The petition refers to the property settlement agreement, or the agreement or a separate stipulation signed and filed by the parties and their respective attorneys provides

that the agreement may be presented for Court approval and incorporation, or both parties and their attorneys have endorsed approval of the agreement on the form of the stipulation for judgment;

(b) The agreement is signed and acknowledged, before separate notaries, by the parties; and

(c) 1. If both parties are represented by counsel, the agreement is signed by both attorneys, or

2. If only one party is represented by counsel, the attorney for that party signs the agreement and the other party signs a statement in the agreement or a declaration or affidavit that that party has been advised to consult an attorney regarding the agreement, but declined to do so; or

3. If neither party is represented by counsel, any party not appearing at the hearing acknowledges in the agreement that [s]he is aware of the right to consult an attorney.

(d) If either or both parties have applied for and/or are receiving public assistance, or have requested enforcement, then the proposed Property Settlement Agreement shall be presented to the Butte County Department of Child Support Services for approval prior to its presentation to the Court for approval. *(Effective date 7-1-90, as amended 1-1-04, renumbered 1-1-04)*

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)*

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
I. FORMAT OF JUDGMENT
J. PREPARATION OF JUDGMENT AND ORDER
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* (form FL.040) or *Family Law Parentage Judgment Checklist* (form FL.050) must 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 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

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.

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 (FC §6361; maximum five (5) years).

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)*

16.19 MINOR'S COUNSEL *(Effective 7-1-04, as amended 7-1-08, as amended 1-1-10, as amended 1-1-11, as amended 1-1-12)*

A. Appointment of Minor's Counsel, see CRC 5.240.

B. Compensation of Minor's Counsel, see CRC 5.241.

C. Qualifications of Minor's Counsel, see CRC 5.242.

D. Rights and Responsibilities of Minor's Counsel, see CRC 5.242(i)-(k). *(Effective 7-1-04, as amended 7-1-08)*

E. Minor's Counsel Complaint Process

1. Complaints concerning Minor's Counsel shall be dealt with as follows:

a. Parents, parties and/or attorneys desiring to file a complaint regarding the performance of Minor's Counsel may submit a written complaint to the Supervising Judge of the Family Division, utilizing the Court's Complaint Form. This form is available in the Court Clerk's or Self-Help Assistance & Referral Program (S.H.A.R.P.) Offices.

b. Written acknowledgement that the Court has received the complaint will be sent to the complainant. Within twenty (20) court days an appropriate investigation will be conducted. If warranted, the attorney named 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. *(Effective 7-1-04, as amended 7-1-08, as amended 1-1-10, as amended 1-1-11, as amended 1-1-12)*

16.20 ELISORS *(Effective1-1-11, as amended 7-1-11)*

Where one of the parties fails to execute a document necessary to carry out a court order, the Clerk of the Superior Court or the Clerk's authorized representative or designee may be appointed as an elisor to sign the document.

When applying for the appointment of an elisor, the application and proposed order must designate "The Clerk of the Superior Court, County of Butte [Name of Clerk of the Court] or the Clerk's Designee" as the elisor.

An application for appointment of an elisor shall be made by filing an order to show cause. The order to show case shall have as an attachment a sample copy of the document(s) to be signed by the elisor. The sample copy shall be highlighted in the location(s) where the elisor is to sign his/her name. Beneath the signature line(s) on the sample copy the moving party shall print the language being requested to identify the elisor's signature.

The declaration supporting the application must include specific facts establishing the necessity for the appointment of an elisor.

At the hearing the moving party shall provide to the Court a proposed order after hearing and the original document(s). The order after hearing shall clearly identify the document(s). A deed must state the type of deed (i.e. grant deed, interspousal transfer deed, etc.) Escrow documents must be listed separately (i.e. Escrow Instruction Dated…, Disclosure Regarding Real Estate Agency Relationship, Hazards Report, etc.). The order after hearing shall describe the exact location(s) in the document(s) where the elisor is to sign.

If the Court grants the application for appointment of an elisor, the Clerk's Office will arrange for a time for the actual signing of the documents. The appointed elisor has up to three (3) court days to complete the actual signing of the documents. Any exceptions to the three-day period shall be addressed on a case-by-case basis by the Court.

If the elisor is signing documents requiring notarization, the applicant must arrange for a notary to be present when the elisor signs the document(s). *(Effective 1-1-11, as amended 7-1-11)*

16.21 POLICIES FOR FAMILY LAW *(Effective date 7-1-90, as amended 7-1-98, renumbered 1-1-04, as amended and renumbered 7-1-04, renumbered 1-1-11)*

COMMENT: The Court believes it is important for counsel and litigants to know prehearing what the general policies of the Court are on certain issues that arise in the Family Law area; therefore, the Court has adopted certain "Court Policies" which it follows except in the unusual case. The Court reserves to itself the continuing discretionary power it has in making any final determination on these issues on a case by case basis. The goal and intention of the "Court Policies" is to encourage and enhance the ability of counsel and the parties to settle these matters without a court hearing wherever possible.

COURT POLICY # 1 RESERVED

COURT POLICY # 2 RESERVED

COURT POLICY # 3 RESERVED

COURT POLICY # 4 RESERVED

COURT POLICY # 5 CHILD SUPPORT WHEN CHILDREN ARE SEPARATED

In this situation the Court will use the "set off" approach. The Court will apply the Guidelines to determine the support owed by the low wage earner and then determine the amount owed by the high wage earner, and then subtract the difference to determine the amount due from one party to the other.

COURT POLICY # 6 TRAVEL EXPENSE RELATIVE TO VISITATION [COSTS]

(a) If the parties live in the same county or within fifty (50) miles of each other, the Court will ordinarily divide any minor travel expenses equally between the parties.
(b) If visitation requires air travel or automobile travel over long distances, the Court will ordinarily apportion costs based upon net disposable income, and the share of the payor spouse shall be added to his/her amount of support as set forth in the County Guidelines.
(c) The Court may vary from this approach if one party has unnecessarily or unreasonably caused the need for payment of travel expenses.

COURT POLICY # 7 RESERVED

COURT POLICY # 8 RESERVED

COURT POLICY # 9 JOB RELATED EXPENSES AND BENEFITS

(a) [SEE FC §4059]
(b) Employee benefits may or may not be included as part of net income in the Court's discretion, taking into consideration the benefit to the employee, the corresponding reduction in living expense, and any other relevant facts.

COURT POLICY # 10 RESERVED

COURT POLICY # 11 RESERVED

COURT POLICY # 12 RESERVED

COURT POLICY # 13 RESERVED

COURT POLICY # 14 MEDIATION POLICY AND REFERRALS

It is the Court's policy that all family law issues should be mediated in order to help resolve issues which the parties and counsel are unable to resolve without assistance. The parties should first attempt mediation whenever feasible and whenever doing so will not create an undue hardship. At all hearings on family law issues, before setting and proceeding to trial, the Court will consider whether to recommend mediation as an alternative to Court intervention, and whether to continue the matter for the purpose of allowing mediation. *(Effective 7-1-90, as amended 7-1-98, renumbered 1/1/04, as amended and renumbered 7-1-04, renumbered 1-1-11)*

16.22 RESULT OF FAILURE TO COMPLY *(Effective date 1-1-09, renumbered 1-1-11)*

(a) Failure to comply with any of the rules contained within Rule 16 (16.1-16.20) may result in any of the following on request of an opposing party or on the court's own motion:

1. Making an order based solely on the pleadings properly before the court.
2. Making or vacating orders as the court deems appropriate under the circumstances.
3. Continuing the matter.
4. Awarding attorney's fees and costs against the non-complying party, without the requirement of filing either an Income and Expense Declaration or a noticed motion.
5. Removing the matter from calendar.

(b) The court retains discretion to excuse non-compliance with any rule or rules on a showing of good cause. *(Effective date 1-1-09, renumbered 1-1-11)*

16.23 ACCESS TO VISITATION *(Effective date 1-1-10, as amended and renumbered 1-1-11, as amended 1-1-12)*

(A) Complaints concerning services provided as part of the Access to Visitation (All About Kids) Program shall be dealt with as follows:

1. Parents, parties and/or attorneys desiring to file a complaint regarding the Access to Visitation (All About Kids) Program process or an individual provider may submit a written complaint to the Family & Children's Services Director 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 acknowledgment 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. The investigation may include consultations and/or a written response from the Access to Visitation Program staff including the Executive Director, Supervised Visitation Director, Coordinator and the Supervised Visitation Provider. At the

conclusion of the investigation a written notice of the final action shall be sent to the complainant. *(Effective 1-1-10, as amended and renumbered 1-1-11, as amended 1-1-12)*

16.24 CONTEMPT HEARINGS *(Effective 1-1-12)*

1. If a party cited for contempt appears without an attorney, one continuance normally will be granted to permit the citee to retain counsel.
2. If the citee claims to be indigent, the citee will be ordered to fill out a Financial Information Statement in the Court Compliance office. If citee is found to be indigent, an attorney shall be appointed to represent the citee.
3. The citee will be ordered to be present at the time and date set for the continued hearing, thus avoiding further service.
4. In all contempt proceedings, a specific order of proof is preferred. First, the moving party shall introduce in evidence the prior order of the Court (by judicial notice or otherwise) which order was in full force and effect at the time of the alleged contempt. Second, the moving party shall establish that the opposing party had notice of that order. Third, the moving party shall proceed to establish the violation of that order, and the willfulness of that violation.
5. As to contempt for failure to pay child support, parties and their attorneys, if represented, are expected to be familiar with CCP §1209.5.
6. The moving party and their attorney, if represented, shall be thoroughly prepared to present all required evidence clearly and expeditiously, without calling the citee to testify.
7. After the contempt hearing, it shall be the responsibility of the moving party to prepare an order for the signature of the Court, setting forth the findings and orders of the Court. Such an order will be submitted directly to the Court, without approval as to form and content by the self represented litigant. If the responding party is represented by counsel, it shall be submitted to counsel for approval.
8. The party or attorney preparing the Order After Hearing must set forth all findings of the Court including factual findings of the existence and current validity of a described order, knowledge of the contemptor of that order, the violation of that order, and the willfulness of that violation. Thereafter there shall be set forth the orders of the Court with regard to the finding of contempt, and the sentencing. No contempt order will be signed by the Court without compliance with the foregoing.
9. After a finding of contempt and sentencing thereon, there is no court policy that a stay of execution will be granted. Counsel are expected to advise their clients of this fact in advance of the court hearing.
10. In appropriate cases, the Court may permit a continuance of sentencing to assure compliance with Court orders.
11. If the citee fails to appear for hearing after proper service and proof being made thereof, the matter will proceed to hearing in the citee's absence. *(Effective 1-1-12)*

LOCAL RULE 17 JUVENILE COURT RULES (ATTORNEYS REPRESENTING PARTIES IN DEPENDENCY PROCEEDINGS) *(Effective 7-1-96, as amended 1-1-02, as amended 1-1-07, as amended 1-1-10, as amended 1-1-11, as amended 1-1-1, as amended 7-1-12)*

17.1 AUTHORITY

Welfare and Institutions (W&I) Code §317.6 and California Rule of Court (CRC) 5.660. *(Effective date 7-1-96, as amended 1-1-07)*

17.2 RESERVED *(Effective date 7-1-96)*

17.3 GENERAL COMPETENCY REQUIREMENTS *(Effective 7/1/96, as amended 1-1-07)*

(a) GENERAL COMPETENCY REQUIREMENT 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 time lines and the procedures stated elsewhere in these rules for settlements, discovery, protocols and other issues related to contested matters. *(Effective date 7-1-96, as amended1-1-02, as amended 1-1-07)*

17.4 RESERVED *(Effective 7-1-96, as amended 1-1-02)*

17.5 MINIMUM STANDARDS OF EDUCATION AND TRAINING; WORKLOADS *(Effective date 7-1-96, as amended1-1-02, as amended 7-1-12)*

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

1. Eight (8) hours of training and education in juvenile dependency law, covering the following areas: Applicable case law and statutes; rules of court; judicial council forms; writ procedures; child abuse and neglect; child development; substance abuse; domestic violence; family preservation and reunification; (A certificate of attendance at MCLE training, professional organization training (along with a copy of the program schedule) and/or attendance at court sponsored or approved training will fulfill this requirement) or

2. At least six (6) months of regular appearances in dependency proceedings or comparable experience as determined by the presiding juvenile judge, in which the attorney has demonstrated competence to the Court's satisfaction in the attorney's representation of his or her clients.

(b) A *Certificate of Competency to Practice in Juvenile Dependency Court* (form JV.010) shall be completed by the attorney of record for the dependency matter and submitted to the Court within 10 days of his or her first appearance in a dependency matter.

(c) Failure to submit a Certificate of Competency pursuant to Local Rule 17.5(b), will cause the Court to notify the attorney that his or her right to practice in dependency proceedings is revoked. The attorney shall have thirty (30) days from mailing of the notice to submit a Certificate of Competency. If the attorney fails to submit such proof, the Court shall order that the attorney is prohibited from practicing in dependency proceedings and shall appoint certified competent counsel to substitute in.

(d) Each attorney certified to practice before the juvenile court, shall complete eight (8) hours of continuing education related to dependency and submit a new Certificate of Competency to the Court within every three (3) years.

(e) The attorney's continuing training or education shall be in the areas set forth in Local Rule 17.5(a)(1), or in other areas related to juvenile dependency practice including, but not limited to, special education, mental health, health care, immigration issues, the rules of evidence, adoption practice and parentage issues, the Uniform Child Custody Jurisdiction Act, the parental Kidnapping Prevention Act, state and federal public assistance programs, the Indian Child Welfare Act, client interviewing and counseling techniques, case investigation and settlement negotiations, medication, basic motion practice and the rules of civil procedure.

(f) When a certified attorney fails to complete eight (8) hours of continuing education and submit a new Certificate of Competency within three (3) years the Court shall notify the attorney that his or her right to practice in dependency proceedings is revoked. The attorney shall have thirty (30) days from mailing of the notice to submit proof of completion of the required education or training and submit a new Certificate of Competency. If the attorney fails to do so, the Court shall order that the attorney is prohibited from practicing in dependency proceedings and shall appoint certified competent counsel to substitute in.

(g) The attorney for a child must have a caseload that allows the attorney to perform the duties required by Welfare and Institutions Code Section 317(e) and the California Rules of Court. *(Effective date 7-1-96, as amended1-1-02, as amended 7-1-12)*

17.6 APPOINTMENTS *(Effective date 7-1-96, as amended 7-1-99)*

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

(b) Notification of appointment will be communicated by phone call and copy of written order.

(c) Billing shall be forwarded to the Court with appropriate documentation for approval. (See Local Rule 14) *(Effective date 7-1-96, as amended 7-1-99)*

17.7 STANDARDS OF REPRESENTATION *(Effective date 7-1-96, as amended 7-1-99)*

All attorneys appearing in 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 and contacting social workers and other professionals associated with the case to ascertain that the allegations and/or reports are supported by accurate facts and reliable information.

(b) The attorney is not required to meet, either directly or through an agent (e.g. an investigator), with a client who is incarcerated or committed out of Butte 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 time limits.

(c) The attorney shall vigorously represent the client's interests within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the Court to explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interests, and to comply with local rules and procedures as well as with statutorily mandated time limits. *(Effective date 7-1-96, as amended 7-1-99)*

17.8 TIMELINES *(Effective date 1-1-02, as amended 1-1-07)*

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

1. Time lines for hearings are as follows:

   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 thirty (30) calendar days from the date the petition was filed. If the child is detained, the hearing on the petition shall be begun within fifteen (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 ten (10) court days from the date the petition was sustained. If the child is not detained, the disposition hearing shall be begun

no later than thirty (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 (6) months of the declaration of dependency and at least every six (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 twelve (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 twelve (12) month review, the Court shall conduct a review no later than eighteen (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 seven (7) days of the date of the order setting a hearing under W&I §366.26, with an extension of five (5) days if the party received notice of the order only by mail (CRC 8.482B).

H. PETITION FOR WRIT. A petition seeking writ review of orders setting a hearing under W&I Code shall be served and filed within ten (10) days after the filing of the record in the reviewing Court (CRC 8.482B).

I. RESPONSE TO WRIT PETITION. Any response to a writ petition shall be served and filed within ten (10) days after the filing of the writ petition or within ten (10) days of receiving a request for a response from the reviewing Court (CRC 8.482B).

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 5.710, 5.715, 5.720).

K. NOTICE OF APPEAL. A notice of appeal shall be filed within sixty (60) days after the rendition of the judgment (CRC 8.480). *(Effective date 1-1-02, as amended 1-1-07)*

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)*

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

17.10 PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD *(Effective 7-1-96, as amended 1-1-02)*

(a) At any time during the pendency of a 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 the 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 do one or more of the following:

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. *(Effective 7-1-96, as amended 1-1-02)*

17.11 RESERVED *(Effective date 1-1-02)*

17.12 RESERVED *(Effective date 1-1-02)*

17.13 RESERVED *(Effective date 1-1-02)*

17.14 RESERVED *(Effective date 1-1-02)*

17.15 DISCOVERY *(Effective date 1-1-02, as amended 1-1-07)*

(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 of 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 why informal discovery was not adequate to secure that information. The motion shall be served on all parties at least five (5) judicial days before the hearing date. The date for the hearing shall be obtained from the clerk. A copy shall be served on the court before whom the matter is scheduled to be heard. Any responsive papers shall be filed and served two (2) court days prior to the hearing.

(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 ten (10) calendar days before the hearing and any updated records two (2) calendar days before the hearing. In all other cases, such documents shall be made available at least two (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 which is relevant. *(Effective date 1-1-02, as amended 1-1-07)*

17.16 RESERVED *(Effective 1-1-02)*

17.17 PRESENTATION OF EVIDENCE *(Effective date 1-1-02)*

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 ten (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.

(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 ten (10) days before the hearing, unless a shorted time is ordered by the court.

(g) Reports prepared by any CASA advocate shall be make available to all counsel a reasonable number of days before the hearing, but in not event less than 48 hours before. *(Effective date 1-1-02)*

17.18 SETTLEMENT CONFERENCE *(Effective date 1-1-02)*

(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. *(Effective date 1-1-02)*

LOCAL RULE 18 COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)

(Effective 1-1-01, as amended 1-1-02, as amended 7-1-11)

18.1 ADOPTION OF COURT APPOINTED SPECIAL ADVOCATE PROGRAM *(Effective date 1-1-01)*

The Court hereby adopts the guidelines for court appointed special advocate programs (CASAs) 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 Butte County Court Appointed Special Advocate Program (hereinafter "the CASA"), as a Local Rule of Court applicable to the CASA and the guidelines are incorporated herein by this reference.

(a) THE CASA. The Court may appoint child 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 a CASA, formed and operating under the guidelines established by the National Court Appointed Special Advocate Association (Welfare and Institutions Code Section 1356.5).

The 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. *(Effective date 1-1-01)*

18.2 SPECIAL ADVOCATES *(Effective date 1-1-01)*

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

1. FUNCTIONS. In general, an Advocate's functions are as follows:

   A. To support the child throughout the court proceedings;

   B. To establish a relationship with the child to better understand his or her particular needs and desires;

   C. To communicate the child's needs and desires to the Court in written reports and recommendations.

   D. To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;

   E. To provide continuous attention to the child's situation to ensure that the Court's plans for the child are being implemented;

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

   G. To the fullest extent possible, to communicate and coordinate efforts with the child's attorney; and

   H. To represent the interests of the child in other judicial or administrative proceedings.

2. SWORN OFFICER OF THE COURT. A Special Advocate is an officer of the Court and is bound by these rules. Each Advocate shall be sworn in by a Judge or Court Commissioner before beginning his or her duties, and shall subscribe to a written oath.

3. SPECIFIC DUTIES. In its initial order of appointment, and thereafter in subsequent orders as appropriate, the Court may specifically delineate the 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 as indicated. If no specific duties are outlined by the Court order, the Advocate shall discharge his or her obligation to the child and the Court in accordance with the functions set forth in Section (c) 1 herein. *(Effective date 1-1-01)*

18.3 RESERVED *(Effective date 1-1-01)*

18.4 RELEASE OF INFORMATION TO SPECIAL ADVOCATE *(Effective date 1-1-01)*

1. TO ACCOMPLISH APPOINTMENT. To accomplish the appointment of a Special Advocate, the Judge or Commissioner making the appointment shall sign an order granting the 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.

2. 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 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 Advocate to have access to any records relating to the child.

3. REPORT OF CHILD ABUSE. A Special Advocate is a mandated child abuse reporter with respect to the case to which he or she is appointed.

4. 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 parents, relatives, foster parents, and any therapist for the child. *(Effective date 1-1-01)*

18.5 RIGHT TO TIMELY NOTICE *(Effective date 1-1-01, renumbered 7-1-11)*

The moving party shall provide the Special Advocate timely notice of any motions concerning a child for whom a Special Advocate has been appointed. *(Effective date 1-1-01, renumbered 7-1-11)*

18.6 CALENDAR PRIORITY *(Effective date 1-1-01, renumbered 7-1-11)*

In light of the fact that Special Advocates are rendering a volunteer service to children and the Court, matters on which they appear should be granted priority on the Court's calendar, whenever possible. *(Effective date 1-1-01, renumbered 7-1-11)*

18.7 VISITATION THROUGH DEPENDENCY *(Effective date 1-1-01, renumbered 7-1-11)*

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. *(Effective date 1-1-01, renumbered 7-1-11)*

18.8 FAMILY LAW ADVOCACY *(Effective date 1-1-01, renumbered 7-1-11)*

Should the Court dismiss dependency and create family law orders pursuant to Welfare and Institutions Code Section 362.4, the Special Advocate's appointment may be continued in the family law proceeding, in which case the Court order shall set forth the nature, extent and duration of the Advocate's duties in the family law proceeding. *(Effective date 1-1-01, renumbered 7-1-11)*

18.9 RIGHT TO APPEAR *(Effective date 1-1-01, renumbered 7-1-11)*

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. An 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, shall have the authority to grant the Advocate amicus curiae status, which includes the right to appear with counsel. *(Effective date 1-1-01, renumbered 7-1-11)*

18.10 DISTRIBUTION OF CASA REPORTS *(Effective date 1-1-02, renumbered 7-1-11)*

(a) CASA reports shall be submitted to the Court at least (5) five 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: County Counsel, attending Case Social Worker, Child's Attorney, Parents' Attorney, Child (via Foster Family Agency), ICWA Representative (if applicable) and Defacto Parents.

(c) CASA shall serve a copy of the report on the parties entitled to receive a copy of the report at least (2) two court days prior to the hearing. *(Effective date 1-1-02, renumbered 7-1-11)*

LOCAL RULE 19 DOMESTIC VIOLENCE COORDINATION RULES *(Effective 7-1-04)*

19.1 COURT COMMUNICATION

Until the court has an operational case management system capable of automatically coordinating domestic violence orders, 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 order to determine if any such orders have already been issued as to the same parties or children in any other department *(Effective date 7-1-04)*

19.2 AVOIDING CONFLICTING ORDERS

No department or the family or juvenile court shall issue a protective order or custody order in conflict with an order of the criminal court. In the event such an order issues inadvertently, the orders of the criminal law proceeding shall control. *(Effective date 7-1-04)*

19.3 MODIFICATION OF CRIMINAL ORDERS

A court issuing a criminal court protective order may, after consultation with the appropriate department of the family or juvenile court, modify the criminal court protective order to allow or restrict contact between the restrained person and his or her children, spouse, or other protected person. *(Effective date 7-1-04)*

19.4 COEXISTING CRIMINAL AND FAMILY OR JUVENILE ORDERS

A family or juvenile court order may coexist with a criminal court protective order, subject to the following:

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.

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 Section 3100 of the Family Code. *(Effective date 7-1-04)*

19.5 ISSUANCE AND ENFORCEMENT OF RESTRAINING ORDERS

Upon granting of relief, (through initial petition, modification or termination), the clerk shall convey within 24 hours a certified copy of the order to the Butte County Sheriff's Department (BCSO) for input into CLETS, a statewide computerized registration system for restraining orders. *(Effective date 7-1-04)*

LOCAL RULE 25 APPELLATE DIVISION RULES *(Effective Date: 7-1-08)*

25.1 APPEALS *(Effective 7-1-08)*

In the case of an appeal, it is the duty of trial counsel in misdemeanor, infraction, and limited civil (excluding small claims) cases to ensure that an adequate record on appeal is available to the reviewing court. This includes, but is not limited to, filing a proposed statement on appeal, and attending the hearing on settled statement. *(Effective 7-1-08)*

25.2 RESERVED (*Effective 7-1-08)*

25.3 RESERVED *(Effective 7-1-08)*

25.4 RESERVED *(Effective 7-1-08)*

25.5 USE OF OFFICIAL RECORDING AS RECORD OF ORAL PROCEEDINGS *(Effective 7-1-08)*

(A) Infraction Appeals: Use of an official electronic recording as the record of the oral proceedings without being transcribed may be permitted by stipulation of the parties pursuant to CRC 8.917(c) or in the alternative by application to the Court for an order permitting its use pursuant to CRC 8.916(d)(6)(A).

(B) Misdemeanor Appeals: Use of an official electronic recording as the record of the oral proceedings without being transcribed may be permitted by stipulation of the parties pursuant to CRC 8.868(c) or in the alternative by application to the Court for an order permitting its use pursuant to CRC 8.869(d)(6)(A).

(C) Limited Civil Appeals: Use of an official electronic recording as the record of the oral proceedings without being transcribed may be permitted by stipulation of the parties pursuant to CRC 8.835(c) or in the alternative by application to the Court for an order permitting its use pursuant to CRC 8.837(d)(6)(A).
(Effective 7-1-08)

LOCAL RULE 50 ADMINISTRATIVE RULES *(Effective 7-1-96)*

50.1 GENERAL RULES *(Effective 7-1-96, title amended 1-1-99)*

50.2 COURT EXECUTIVE OFFICER AND CLERK OF THE COURT

A majority of the Judges may appoint a Court Executive Officer pursuant to Government Code (GC) §68114.6 who shall act as the Clerk Court. The term "Court" in this rule shall refer to the Superior Court of California, County of Butte.

(a) Pursuant to GC §68114.6, Courts hereby transfer from the Clerk of the Court to the Court Executive Officer all of the powers, duties and responsibilities of the Clerk of the Court which are related to, serve or impact the functions of those Courts. The power, duties and responsibilities transferred pursuant to this rule shall include all of those performed by the Clerk of the Court with respect to actions, proceedings and records, including but not limited to:

1. The acceptance, processing and filing of papers in connection with any action or proceeding before the Court, including but not limited to those relating to the Court's original jurisdiction, appellate jurisdiction and appeals from the Court; the maintenance and management of court records; the microfilming of court records and the keeping and disposition of papers, documents, files and exhibits in accordance with law.
2. The maintenance of indexes of all court files; the keeping of a register of actions or its alternate.
3. The issuance of process and notices, including, without limitation, summons, writs of execution and other writs; subpoenas to witnesses; probate notices; citations in probate, guardianship and other matters; the acceptance of service on parties; the entry of defaults; the transmission of transcripts on change of venue.
4. The attendance at each session of Court and upon the judges in chambers when required; the administration of oaths; the keeping of minutes and other records of the court.
5. The entry of orders, findings, judgments, and decrees; the acceptance for filing of confessions of judgment; the authentication of records; certification of abstracts of judgment; the keeping of a judgment book or its equivalent.
6. The collection, receipt, deposit and accounting of fees for filing, for preparing or certifying copies and for other fees; the receipt of jury fees, bonds, undertakings, fines, forfeitures and revenues; the keeping of money deposited in Court, including, but not limited to, funds received in connection with minors' compromises.
7. The maintenance of statistical financial records and the preparation of reports to the Judicial Council and other state and county offices as required by law or policy.
8. The preparation of the clerk's transcript on appeal and the transmission of the record and exhibits to the reviewing Court.
9. The receipt of wills of decedents.
10. The taking of bail and related matters as provided in the Penal Code.
11. The provision of calendar management, including the calendaring of cases and hearings and the maintenance of court calendars and schedules.
12. The printing and sale of court forms and rules of court; the procurement of supplies.
13. The keeping and affixing of the seal of the court to appropriate instruments.

14. The administrative functions related to the above, including, without limitation, hiring, training and supervision of personnel; accounting functions; mailing activities; and ordering and storing equipment and supplies.

(b) Pursuant to the authority contained in GC §68114.6, the Court hereby transfers to the Court Executive Officer the powers, duties and responsibilities of the Clerk of the Court with respect to the employment and supervision of personnel whose principal activities are to serve the Courts in providing the functions outlined above in subsection (a).

(c) Pursuant to the authority contained in CCP §195(a), the Court hereby appoints the Court Executive Officer to serve as Jury Commissioner.

(d) Pursuant to the authority contained in GC §68114.6, the Clerk of the Court is hereby relieved of any obligation imposed on her by law with respect to the above powers, duties and responsibilities, effective January 1, 1996. *(Effective date 7-1-96, as amended 1-1-99)*

50.3 RESERVED *(Effective 7-1-96, as amended 1-1-99)*

50.4 JUDICIAL VACATION DAY DEFINED *(Effective date 1-1-02)*

Time away from the Court for more than one-half day for vacation purposes shall be deemed as a full day of vacation. *(Effective date 1-1-02)*

FORMS INDEX BY ID NUMBER

Form ID Number	Form Name	Action Date	Mandatory or Optional
Rule 1 General Rules			
GR.010	Memorandum To Set Case For Trial	A.D. 7-1-12	Optional
GR.020	Trial Readiness Conference Statement	A.D. 7-1-12	Mandatory
GR.030	Request/Notification for Audio/Visual Presentation Equipment	A.D. 7-1-12	Mandatory
GR.040	Procedural Stipulations for Jury Trial	E.D. 7-1-12	Optional
Rule 2 Law and Motion Matters			
LM.010	Declaration Re: Notice Of Ex Parte Application For Orders And/Or Orders Shortening Time	A.D. 7-1-12	Optional
Rule 3 Delay Reduction Rules			
DR.040	Settlement Conference Statement	A.D. 7-1-12	Optional
Rule 6 Alternative Dispute Resolution			
ADR.010	Mediation Statement	A.D. 7-1-12	Optional
ADR.020	Stipulation to Participate in Alternative Dispute Resolution	A.D. 7-1-12	Optional
Rule 9 Custody/Visitation Mediation			
CV.010	Additional Orders Attachment (Child Custody Evaluator)	A.D. 7-1-12	Mandatory
Rules 15 and 16 Family Law			
FL.010	Declaration Re: Notice Of Ex Parte Application For Orders	A.D. 1-1-13	Mandatory
FL.030	Declaration for Default Custody and Visitation Orders	A.D. 7-1-12	Mandatory
FL.040	Family Law Judgment Checklist	A.D. 7-1-12	Mandatory
FL.050	Family Law Parentage Judgment Checklist Petition to Establish Parental Relationship	A.D. 7-1-12	Mandatory
FL.060	Family Law Case Management: Status Conference Statement	E.D. 1-1-13	Mandatory
FL.090	At Issue Memorandum	A.D. 7-1-12	Mandatory
Rule 17 Juvenile Court Rules (Attorneys Representing Parties In Dependency Proceedings)			

JV.010	Certificate Of Competency To Practice In Juvenile Dependency Court	A.D. 7-1-12	Mandatory

FORMS INDEX BY NAME

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Rule 17 Juvenile Court Rules Attorneys Representing Parties In Dependency Proceedings			
JV.010	Certificate Of Competency To Practice In	A.D. 7-1-12	Mandatory

	Juvenile Dependency Court		

E.D. – Effective Date, A.D. – Amended Date

ABBREVIATIONS

AFDC	-	Aid for Families with Dependent Children
ADR	-	Alternative Dispute Resolution
CASA	-	Court Appointed Special Advocate
CC	-	Civil Code
CCP	-	Code of Civil Procedures
CRC	-	California Rules of Court
def.	-	defendant
depo.	-	deposition
exh.	-	exhibit
FC	-	Family Code
GC	-	Government Code
H&S	-	Health & Safety Code
JC	-	Judicial Council
LR	-	Local Rule
OSC	-	Order To Show Cause
OTSC	-	Order To Show Cause
OST	-	Order Shortening Time
PC	-	Penal Code
PROB.	-	Probate Code
PROGRAM	-	Delay Reduction Program
pltf.	-	plaintiff
SCQ	-	Status Conference Questionnaire
TRO	-	Temporary Restraining Order
UCCJA	-	Uniform Child Custody Jurisdiction Act
W&I	-	Welfare & Institutions Code
§	-	section
§ §	-	sections

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ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 (530) 532-7009	
PLAINTIFF(S): DEFENDANT (S):	
☐ **MEMORANDUM TO SET CASE FOR TRIAL** ☐ **COUNTER MEMORANDUM**	CASE NUMBER:

1. Nature of Case: ☐ Unlawful Detainer less than $25,000 ☐ Extraordinary Writ ☐ Civil Harassment ☐ Asset Forfeiture ☐Other _____

2. Time Estimated for Trial: _____ Hours _____ Days 3. Requesting a Jury: ☐ Yes ☐ No

4. Indicate parties:

a. Plaintiff:_____ b. Defendant: _____

Attorney: _____ Attorney: _____

Address & Tel. No.:_____ Address & Tel. No.: _____

_____ _____

_____ _____

(Attach an additional sheet if there are more parties.)

The above entitled case is at issue as to all parties and I hereby request that it be set for trial.

Dated: _____ _____

Signature of: ☐ Plaintiff ☐ Defendant ☐ Counsel

Any party not in agreement with the information or estimates given shall within ten days after the service of this *Memorandum to Set Case for Trial,* or five days in an Unlawful Detainer proceeding, serve and file a *Counter Memorandum*.

PROOF OF SERVICE BY MAIL – 1013a 2015.5 C.C.P.

I am a citizen of the United States and a resident of the County of _____. I am over the age of eighteen years and not a party to the within above entitled action; my residence/business address is:_____
On _____, 20_____, I served a copy of this document and _____
_____
on the (*Check One*) ☐ Defendant ☐ Plaintiff, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at_____,
to the address indicated in (*Check One*) ☐ 4a ☐ 4b above or ☐ Parties listed on Attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing, including any attachment, is true and correct and that this declaration is executed on (date): _____, at (place): _____.

_____ _____
(Type or print name) (Signature of Declarant)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*: ☐In Pro Per ☐Plaintiff ☐Defendant	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE Butte County Courthouse 655 Oleander Avenue Chico, CA 95926	
PLAINTIFF: DEFENDANT:	
TRIAL READINESS CONFERENCE STATEMENT	CASE NUMBER:

This form must be completed in full by an attorney for each represented party and by each non-represented party. It must be presented with all applicable exhibits to the clerk at the Trial Readiness Conference scheduled for _____ at ____:____ [ ] a.m. [ ] p.m.

Completion of this statement requires that counsel (or non-represented parties) have conducted a meaningful "meet and confer" conference.

1. CASE INFORMATION:

1. Date Complaint Filed: _____
2. Attorney for Plaintiff: _____
   Attorney for Plaintiff: _____
   Attorney for Defendant: _____
   Attorney for Defendant: _____
   _____
   _____
3. Has a jury been demanded? [ ] Yes [ ] No
   a. If yes, by [ ] Plaintiff or [ ] Defendant?
   b. If yes, have advance jury fees been paid? [ ] Yes ρ No.
      If yes, date jury fees paid: _____
   c. Do the parties stipulate to a jury of less than twelve? [ ] Yes [ ] No
      If yes, to how many? _____

4. The estimate to try the entire case is _____ days. This estimate includes the time for all remaining pretrial motions, jury selection (if applicable), testimony of all witnesses for all parties, opening statements, final arguments, and jury instructions (if applicable). It assumes five to six hours of trial per day, but excludes any time for jury deliberations.

2. EXHIBITS APPENDED TO THIS STATEMENT:

Check each item below and, unless inapplicable, attach the following exhibits as directed:

Requests for Dismissal: [ ] Inapplicable. [ ] Appended as "Exhibit A: Request for Dismissal".

State any dismissals requested of parties or causes of action, and the party or parties making the request.

Proposed Amendments: [ ] Inapplicable. [ ] Appended as "Exhibit B: Proposed Amendments".

State any requested amendments to the pleadings or pretrial orders, and the party or parties making the request.

Causes of Action and Defenses: [ ] Appended as "Exhibit C: Causes of Action and Defenses".

Summarize each party's causes of action and each party's affirmative defenses (assuming that the dismissals and amendments referred to in Exhibits A and B are approved). Unlisted causes of action and defenses may be deemed dismissed.

Issues of Law: [ ] Inapplicable. [ ] Appended as "Exhibit D: Issues of Law".

Summarize each issue of law that is disputed, stating each side's contentions, and cite authority.

Factual Stipulations: [ ] Inapplicable. [ ] Appended as "Exhibit E: Factual Stipulations".

State each fact that some or all of the parties have stipulated is true. Indicate the stipulating parties, and set forth each stipulation in a form suitable to be read to the jury. At the conference, the judge will require the parties to attempt in good faith to agree on as many factual issues as possible.

Issues of Fact: [ ] Inapplicable. [ ] Appended as "Exhibit F: Issues of Fact".

Summarize each issue of fact that is disputed, stating each side's contentions.

Settlement: [ ] Inapplicable. [ ] Appended as "Exhibit G: Settlement".

State whether (if applicable) a mandatory settlement conference has been held.

If so, state the date of each conference and the name of the settlement conference judge.

If not, state (if true) that the parties have met, discussed the case, and attempted in good faith to reach a settlement.

State (in all cases) which of the following is true:

(1) The parties believe the case can be settled;

(2) The parties do not believe the case can be settled; or

(3) At least one party believes that further discussion with a judge might facilitate settlement of the case.

Discovery: [ ] Inapplicable [ ] Appended as "Exhibit H: Discovery"

List all excerpts from depositions, responses to interrogatories, responses to requests for admissions, and other discovery responses that each party expects to offer at trial for any purpose other than impeachment. Each excerpt to be offered must be identified as to date, document, page number(s), and line number(s). For each excerpt, state the party offering it and whether the opposing parties stipulate to its admissibility; identify any party that objects to admissibility, and state the grounds for each objection.

State any issue that is expected to arise during trial relating to the introduction of discovered material, indicating each side's contentions.

Unlisted discovery items are subject to exclusion at trial, except for true impeachment matters. Unstated objections are deemed waived except on a showing of good cause.

Exhibits: [ ] Inapplicable. [ ] Appended as "Exhibit I: Exhibits".

List and briefly describe all exhibits each party intends to offer at trial, except exhibits to be used solely for impeachment. For each exhibit, state the party offering the exhibit and whether the opposing parties stipulate to its foundation and admissibility; identify any party that objects to foundation or admissibility, and state the grounds for each objection.

Unlisted exhibits are subject to exclusion at trial, except for true impeachment exhibits. Unstated objections are deemed waived except on a showing of good cause.

Witnesses: [ ] Inapplicable. [ ] Appended as "Exhibit J: Witnesses".

List the names of all witnesses each party intends to call at trial, except witnesses to be used solely for impeachment. As to each witness, state the party calling the witness, the city in which the witness resides or, for expert witnesses, the city in which the expert witness's office is located; whether the witness was deposed; a summary of the witness's expected testimony; and an estimate of time required for direct and cross-examination. For each expert witness, also state his or her field of expertise.

Unlisted witnesses are subject to exclusion at trial, except for true impeachment witnesses.

Glossary: [ ] Inapplicable. [ ] Appended as "Exhibit K: Glossary".

Provide a glossary of any technical or unusual terms expected to be used by any expert witness at trial.

Judicial Notice: [ ] Inapplicable. [ ] Appended as "Exhibit L: Judicial Notice".

State each fact as to which a party requests the judge to take judicial notice. State the party making the request, the party opposing it, and each side's contentions.

Evidentiary Issues and Stipulations: [ ] Inapplicable. [ ] Appended as "Exhibit M: Evidentiary Issues and Stipulations".

Summarize each unusual evidentiary issue (not covered by another Exhibit or by a motion in limine referred to in Exhibit N) that is expected to arise during trial, stating each side's contentions.

Motions: [ ] Inapplicable. [ ] Appended as "Exhibit N: Motions".

List all motions remaining to be heard before trial, including all in limine motions anticipated for the entire trial. In limine motions should address the exclusion and admissibility of evidence as well as any legal issues that would require the jurors to be excused during the trial. In limine motions must be filed and served no later than the Trial Readiness Conference (Local Rule 1.2).

Trial Briefs: [ ] Inapplicable. [ ] Appended as "Exhibit O: Trial Briefs".

Trial briefs may set forth any information that will assist the judge.

Calendar Conflicts: [ ] Inapplicable. [ ] Appended as "Exhibit P: Calendar Conflicts".

If it is anticipated that an attorney, party, or witness will ask to be excused from the trial at any time, state the person who will make that request, the dates affected, and the reason for the calendar conflict. State any other anticipated scheduling problems.

3. ADDITIONAL EXHIBITS APPENDED FOR JURY TRIAL:

Voir Dire Questions: [ ] Inapplicable. [ ] Appended as "Exhibit Q: Voir Dire Questions".

List the voir dire questions that each party requests the judge to ask the jurors. Attach any proposed written questionnaire for the judge to submit to the jurors. If any party objects to a proposed question, identify that party and state the grounds for the objection.

Case Statement: [ ] Inapplicable. [ ] Appended as "Exhibit R: Case Statement".

Provide a proposed case statement for the judge to read to the jurors at the beginning of the trial. This should identify the parties and state generally what each side claims, giving a brief overview of the case without being argumentative.

Proposed Jury Instructions: [ ] Appended as "Exhibit S: Proposed Jury Instructions".

List the jury instructions that each party requests the judge to give. List CACI instructions in numerical order first, then special instructions with a brief description (e.g., "Duty to Mitigate", "Alternative to BAJI 2.6", etc.). Include a copy of each special instruction. If any party objects to a proposed instruction, identify that party and state the grounds for the objection.

Unlisted instructions are subject to exclusion at trial. Unstated objections are deemed waived except on a showing of good cause.

Verdict Form: *(Check one of the following five boxes.)*

[ ] The parties agree that there shall be a general verdict.

[ ] _____ requests a general verdict.

[ ] The parties agree that there shall be a special verdict. The form of special verdict agreed on by the parties is appended as "Exhibit T: Verdict Form".

[ ] The parties agree that there shall be a special verdict, but disagree on its form. The forms proposed by the parties are appended as "Exhibit T: Verdict Form".

[ ] _____ requests a special verdict in the form appended as "Exhibit T: Verdict Form".

4. OTHER APPENDED EXHIBITS:

List below (as Exhibits U, V, W, X, Y, Z, AA, BB, etc.) and briefly describe any other exhibits being appended to this Civil Trial Readiness Conference Statement.

5. OTHER MATTERS TO COVER AT CONFERENCE:

Summarize any other matters to be considered at the trial readiness conference.

Dated: _____ _____

Attorney *for ☐ Plaintiff ☐ Defendant*

SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE
REQUEST/NOTIFICATION FOR COURTROOM AUDIO/VISUAL PRESENTATION EQUIPMENT

YOUR NAME: CONTACT NUMBER:	DATE(S) EQUIPMENT REQUIRED: START TIME: END TIME:
RESPONSIBLE PARTY FROM YOUR OFFICE: CONTACT NUMBER:	CASE NUMBER: CASE NAME:
LOCATION EQUIPMENT IS REQUIRED: □ BCCH □ CHICO	JUDICIAL OFFICER HEARING CASE:

TYPE OF EQUIPMENT TO BE USED:

COURT/NON CT

PROJECTION

□ □ Overhead Projector
□ □ Tripod/Slide Projector Screen

VIDEO

□ □ VCR/VHS
□ □ DVD

TELECONFERENCING

□ □ Teleconference TV
□ □ Telephonic Polycorm Unit (used for conference calls, up to 5 parties)

EASEL

□ □ Large Mobile Erase
□ □ Large Mobile Reversible Erase
□ □ Medium Mobile Erase □ Small Tripod Erase
□ □ Flip Chart Stand

COURT/NON CT

OTHER

□ □ Standard X-Ray Viewer
□ □ TV with Portable Stand
□ □ Small Wooden Poster Stand
□ □ NOMAD (multimedia unit) and Large Screen

***NOTE – NOMAD only to be used if multiple functions* Needed**

Function Needed:
□ Overhead Projector
□ Annotation Screen and Projector
□ DVD w/ CD Function
□ VCR
□ X-Ray Projection

□ Other:_____

DESCRIBE ANY INTERFACING/COMPATIBILTY REQUIREMENTS BETWEEN THE EQUIPMENT YOU WILL PROVIDE AND THE EQUIPMENT YOU ARE REQUESTING THE COURT PROVIDE:

HOW MANY POWER HOOKUPS WILL BE REQUIRED FOR ALL EQUIPMENT:

DESCRIBE ANY ADDITIONAL EQUIPMENT NOT ON THE LIST ABOVE. YOU MAY ATTACH ADDITIONAL PAGES FOR YOUR DESCRIPTION:

REQUESTOR'S SIGNATURE: _____ DATE: _____

INTERNAL USE ONLY

RECEIVED BY: _____ DATE: _____ SCHEDULED/ASSIGNED BY: _____ DATE: _____
TESTING DATE: _____TIME: _____ LOCATION OF TESTING: _____ COMPLETED ON:_____ BY: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR: ☐ Plaintiff ☐ Defendant ☐ In Pro Per	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 (530) 532-7009	
PLAINTIFF(S): DEFENDANT (S):	
PROCEDURAL STIPULATIONS FOR JURY TRIAL	CASE NUMBER:

Please initial applicable boxes:

Counsel for the respective parties (or parties in pro per) in the action hereby stipulate:

Defendant's Counsel	Plaintiff's Counsel	
		1. That the clerk needs not read the names or reasons for jurors excused by the Jury Commissioner (the records are available.)
		2. That the jury panel meets the general qualifications of CCP §203. (Specifically, the panel consists of citizens of the United States, age 18 or older, that are residents of California and Butte County, in possession of their natural faculties, and of ordinary intelligence; possessed of sufficient knowledge of the English language, not convicted of malfeasance in office or any felony; not serving as a grand or trial juror in any court of this state; and not subject of conservatorship.)
		3. That the jurors, and alternate jurors, may be deemed to have been admonished pursuant to CCP §611 at each adjournment or recess (except the first break), whether or not the admonition is restated in full.
		4. That the parties will be deemed to be present with counsel, and each of the jurors and alternate jurors will be deemed to be present, upon reconvening after each adjournment or recess, unless the contrary is noted on the record.
		5. That counsel and the parties need not be present when, during jury deliberations, the jurors are excused for lunch, return from lunch, and/or are permitted to separate in the evening to resume their deliberations on the morning of the next court day, or such other time as may be fixed by the Court, upon the determination by the Bailiff that all jurors are present.
		6. That in the absence of the trial judge, any judge of this court may receive the verdict.
		7. That in the event of a judgment in favor of the plaintiff, a stay of execution may be issued to be effective for a period of ten days after determination of a motion for a new trial, or until ten days after expiration of the time to file notice of intention to move for a new trial [CCP §918(b)].

Date: _____ _____
(Plaintiff's Attorney or Plaintiff in Pro Per)

Date: _____ _____
(Defendant's Attorney or Defendant in Pro Per)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 (530) 532-7009	
PLAINTIFF(S): DEFENDANT (S):	
☐ **DECLARATION RE: NOTICE OF EX PARTE APPLICATION FOR ORDERS** ☐ **ORDER SHORTENING TIME**	CASE NUMBER:

I, _____, do declare:

1. **That I am ☐ Counsel for ☐ Plaintiff ☐ Defendant in the within action.**
2. **I have given notice of the present application for an ex parte order and/or order shortening time to:**

☐ Counsel for ☐ Plaintiff ☐ Defendant in the following manner:

a. ☐ By telephone call: at _____ .m., on _____, 20_____. The person to whom I spoke was _____. The message left was:

_____

_____

b. ☐ By letter: ☐ mailed ☐ personally delivered at _____.m., on _____, 20____.

3. **I received the following response to said notice:** _____

_____

4. **I did not give notice of the present application for the following reason(s) indicated:**

a. ☐ Notice of this ex parte application would frustrate the purpose of the orders sought herein. (Explain)*

_____

_____

b. ☐ The applicant would suffer immediate and irreparable harm before the adverse party could be heard in opposition. (Explain)*

_____

_____

c. ☐ No significant direct burden or inconvenience to the adverse party will be likely to result from the order sought herein. (Explain)* _____

_____

_____

d. ☐ Prior attempts to give notice have failed and would probably be futile or unduly burdensome. (Explain in detail)* _____

_____

_____

NOTE: CALIFORNIA RULE OF COURT 3.1200-3.1207 GOVERNS NOTICE REQUIREMENT

I Declare under Penalty of Perjury under the Laws of the State of California That the Foregoing Is True and Correct.

PLACE: _____ **DATE: _____, 20_____**

_____ _____

TYPE OR PRINT NAME **SIGNATURE OF PARTY OR PARTY'S ATTORNEY**

ORDER SHORTENING TIME

Time for ☐ service is shortened. Service shall be on / or before _____, 20____.
(Date)

☐ **hearing is shortened. Hearing is set _____, 20_____.**
(Date)

DATE: _____, 20_____ _____
Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 (530) 532-7009	
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT(S):	
SETTLEMENT CONFERENCE STATEMENT	CASE NUMBER:

PARTIES MUST FILE AND SERVE THE SETTLEMENT CONFERENCE STATEMENT <u>AT LEAST FIVE (5) COURT DAYS BEFORE THE SETTLEMENT CONFERENCE</u>. YOU MAY USE THIS FORM OR WRITE THE INFORMATION ON YOUR OWN PAPER. SETTLEMENT CONFERENCE STATEMENTS MUST BE FIVE (5) PAGES OR LESS.

1. The name and title (or relationship to the case) of all people who will attend the settlement conference are as follows:

_____ (NAME)	_____ (TITLE)
_____ (NAME)	_____ (TITLE)
_____ (NAME)	_____ (TITLE)
_____ (NAME)	_____ (TITLE)

☐ **More information attached to this form**

2. People who are connected with this case or who, if present at the settlement conference, might improve the chance of settlement are:

_____ (NAME)	_____ (TITLE)
_____ (NAME)	_____ (TITLE)
_____ (NAME)	_____ (TITLE)

☐ **More information attached to this form**

3. The important issues in this case are as follows:

_____

_____

_____

_____

_____

_____

☐ **More information attached to this form**

4. I believe that the liability and damages in this case are as follows:

_____

_____

_____

_____

_____

☐ **More information attached to this form**

5. Narrowing or resolving these issues early would make it easier to settle this case:

_____

_____

_____

_____

_____

☐ **More information attached to this form**

6. Summary of the history of this case and any settlement discussions:

_____

_____

_____

_____

_____

☐ **More information attached to this form**

7. I have attached the following documents to help clarify the issues in dispute:

_____

_____

_____

_____

_____

☐ **More information attached to this form**

8. Other comments:

_____

_____

_____

☐ **More information attached to this form**

9. **I have reviewed Local Rule 3.10**

Dated: _____

_____ ► _____

(PRINT NAME OF PARTY SUBMITTING THIS STATEMENT) (SIGNTAURE OF PARTY SUBMITTING THIS STATEMENT)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	**DO NOT SEND THIS FORM TO THE COURT**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 (530) 532-7009	
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT(S):	
MEDIATION STATEMENT	CASE NUMBER:

PARTIES MUST PREPARE AND GIVE INFORMATION ABOUT THEIR CASE TO THE MEDIATOR AND THE OTHER PARTIES <u>AT LEAST FIVE (5) COURT DAYS BEFORE THE MEDIATION HEARING</u>. YOU MAY USE THIS FORM OR WRITE THE INFORMATION ON YOUR OWN PAPER. MEDIATION STATEMENTS MUST BE FIVE (5) PAGES OR LESS.

1. The name and title (or relationship to the case) of all people who will attend mediation are as follows:

_____ (NAME)	_____ (TITLE)
_____ (NAME)	_____ (TITLE)
_____ (NAME)	_____ (TITLE)
_____ (NAME)	_____ (TITLE)

☐ **More information attached to this form**

2. People who are connected with this case or who, if present at mediation, might improve the chance of settlement are:

_____ (NAME)	_____ (TITLE)
_____ (NAME)	_____ (TITLE)
_____ (NAME)	_____ (TITLE)

☐ **More information attached to this form**

3. The important issues in this case are as follows:

_____

_____

_____

_____

_____

_____

_____

☐ **More information attached to this form**

4. I believe that the liability and damages in this case are as follows:

_____

_____

_____

_____

_____

☐ **More information attached to this form**

5. Narrowing or resolving these issues early would make it easier to settle this case:

_____

_____

_____

_____

_____

☐ **More information attached to this form**

6. Summary of the history of this case and any settlement discussions:

_____

_____

_____

_____

_____

☐ **More information attached to this form**

7. I have attached the following documents to help the mediator better understand the issues in dispute:

_____

_____

_____

_____

_____

☐ **More information attached to this form**

8. Other comments:

_____

_____

_____

_____

_____

☐ **More information attached to this form**

Dated: _____

_____ ► _____

(PRINT NAME OF PARTY SUBMITTING THIS STATEMENT) (SIGNTAURE OF PARTY SUBMITTING THIS STATEMENT)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 (530) 532-7009	
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT(S):	
STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)	CASE NUMBER:

The undersigned parties stipulate to participate in Alternative Dispute Resolution (ADR) in the above-entitled action, as follows:

1. ALTERNATIVE DISPUTE RESOLUTION PROCESS:

☐ Mediation

☐ Mediator assigned from the "Random Select" panel. (*Pursuant to Local Rule 6.8, mediators on the Court's "random select" panel will provide up to three (3) hours of mediation free of charge)*

☐ Mediator chosen by the parties from the "Party Select" panel. (*Pursuant to Local Rule 6.8, compensation will be negotiated between the parties and the mediator and will be the responsibility of the parties*)

☐ Private mediator chosen by the parties – not on Court panel.

Mediator Name: _____

☐ Non-Binding Arbitration
☐ Binding Arbitration

☐ Arbitrator chosen by the parties from the Court panel. (*Pursuant to Local Rule 6.8, parties will receive up to three hours of arbitration hearing time free of charge. Compensation for additional hours will be negotiated between the parties and the arbitrator and will be the responsibility of the parties)*

☐ Private arbitrator chosen by the parties – not on Court panel

Arbitrator Name:_____

Dated: _____

_____	_____	▶ _____
Name of Stipulating Party ☐ Plaintiff ☐Defendant ☐Cross-defendant	Name of Party or Attorney Executing Stipulation	Signature of Party or Attorney
_____	_____	▶ _____
Name of Stipulating Party ☐ Plaintiff ☐Defendant ☐Cross-defendant	Name of Party or Attorney Executing Stipulation	Signature of Party or Attorney

☐ Additional Signature(s) on reverse

Name of Stipulating Party	Name of Party or Attorney Executing Stipulation	Signature of Party or Attorney
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶
☐ Plaintiff ☐ Defendant ☐ Cross-defendant		▶

SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ONE COURT STREET OROVILLE, CA 95965 BUTTE COUNTY COURTHOUSE	*FOR COURT USE ONLY*
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
ADDITIONAL ORDERS ATTACHMENT **MANDATORY ATTACHMENT TO JUDICIAL COUNCIL FORM FL-327** **[LR 9.6 AND CRC, RULE 5.225(j)(2)]**	CASE NUMBER:

1. _____, is appointed as the Court's expert witness pursuant to Evidence Code Section 730 and Family Code Section 3111. The expert is appointed to perform a child custody evaluation in this matter as outlined in number 2 below:

2. Scope of the Evaluation:

   (Check only one.)

   ☐ This is a "full evaluation", that is, a comprehensive examination of the health, safety, welfare, and best interest of the child(ren). The expert shall pay particular attention, but not be limited, to the issues enumerated in Number 3 below.

   ☐ This is a "partial evaluation," that is, an examination of the health, safety, welfare, and best interest of the child(ren) that is limited in either time or scope. The expert shall limit the evaluation to the issues enumerated in Number 3 below.

3. This evaluation is to investigate:

   ☐ Whether visits should be supervised.

   ☐ Whether overnight visits should occur.

   ☐ Whether visits should be extended or contracted in length or increased or decreased in frequency.

   ☐ Whether timeshare should be modified.

   ☐ What the ☐ custody, ☐ visitation, and/or ☐ timeshare should be after one of the parties moves.

   ☐ The allegations of child abuse, child molestation, and/or child neglect, as set forth in Number 16, below.

   ☐ Whether either party or both shall be required to attend counseling or education, rehabilitation, and/or prevention programs.

   ☐ Whether the child(ren) shall be in counseling.

   ☐ Other: _____

   _____

4. ☐ Psychological testing shall be conducted on the following individuals: _____

   _____

5. ☐ A Home Study shall be conducted on the following residences: _____

   _____

6. ☐ The Court has found that _____ has perpetrated domestic violence against the other party or the child(ren) and the presumption of Family Code Section 3044 ☐ is applicable; ☐ has been overcome.

7. Pursuant to CRC, Rule 5.220(e)(1)(A) through (E), the child custody evaluator (expert) shall provide the parties with a written protocol describing the purpose of the evaluation and explaining the procedures that will be followed. The expert shall provide a written report of findings (evaluation) consistent with the mandates of CRC, Rule 5.220(e)(3)(A) through (D).

8. Each party is ordered to cooperate with the expert, and is ordered to complete any directives of the expert that are necessary for the completion of the evaluation.

9. Prior to preparation of the written custody evaluation and recommendation, the evaluator may schedule a conference with the parties (these shall be separate conferences if FC §3113 is applicable), at which time the proposed recommendation and the reasons therefore will be discussed. In the event the parties can agree, a written agreement will be prepared and, if approved by the parties and counsel (if represented), such will be executed and filed with the Court [LR 9.6(c)].

10. The written evaluation from the evaluator made pursuant to FC §3111 shall be filed and served with proof of service upon the parties or their attorneys pursuant to FC §3111(a). The evaluations shall include a Recommended Order and notice of the procedures contained in paragraph 11 below.

11. In the event either party objects to the written evaluation and recommended order, [s]he shall file with the Court within fifteen (15) calendar days of being served a written Notice of Objections, providing endorsed filed copies to the evaluator and the opposing party's attorney of record or the party if unrepresented. The written notice shall state: [1] the specific paragraph(s) and language in the Recommended Order objected to by the party; [2] the reason(s) for the objection(s); and [3] the proposed modification to the Recommended Order [LR 9.6(e)].

12. The Court shall, upon receipt of objections, set the matter on a Tuesday or Wednesday OSC calendar for a pretrial conference. The parties and their attorneys, if represented, shall attend the conference. The following items shall be addressed at the pretrial conference:
    1. The identification of the custody and visitation issues to be tried;
    2. The viability of a judicially supervised settlement conference involving the parties, the attorneys and the evaluator;
    3. The determination of the amount of time necessary for trial, and
    4. The placing of the custody and visitation issues on the TRAC calendar, with priority, for setting of a judicially supervised settlement conference and/or trial [L.R 9.6(c)].

13. In the event no objections to the proposed order are filed within fifteen (15) calendar days, as set forth in Paragraph Eleven (11) above, the recommended order previously submitted may be signed and filed as an order of the Court if upon review, the Court finds the Recommended Order to be appropriate and in the best interest if the child(ren) involved.

14. The expert's written report shall be received into evidence without foundation, and over any hearsay objection, subject to each party's right to subpoena and cross examine the expert.

15. The expert, the parties and their attorneys shall familiarize themselves with Family Code Section 216, Ex-Parte Communications. The Court also recommends these same individuals review Family Code Sections 3011, 3110.5, 3111, 3115 and 3117; California Rules of Court, Rules 5.220, 5.225 and 5.230; Butte County Superior Court Rules, Rules 9.5 and 9.6; Judicial Council of California Forms FL-326, FL-327, FL-328, FL-329 and the case of IRMO Seagondollar (2006) 139 CA[4] 1116 at 1132.

16. ☐ Other: _____

_____

This matter is set for hearing on _____ at ____:____ ☐ a.m. ☐ p.m. for status.

Approved as to content:

_____	_____
Petitioner/Plaintiff	*Respondent/Defendant*
Date: ____/____/____	*Date:* ____/____/____
_____	_____
Attorney for Petitioner/Plaintiff	*Attorney for Respondent/Defendant*
Date: ____/____/____	*Date:* ____/____/____

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 **(530) 532-7009**	
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT (S):	
☐ **DECLARATION RE: NOTICE OF EX PARTE APPLICATION FOR TEMPORARY ORDERS** ☐ **DECLARATION RE: ORDER SHORTENING TIME**	CASE NUMBER:

I, _____, do declare:

That I am ☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Other _____

I declare as follows:

☐ Pursuant to Rule 16.5(b) of the Butte County Local Rules of Court and CRC, Rule 3.1204(b)(1) on _____ at _____ am/pm, I advised_____ by:

☐ (a) Telephone call
☐ (b) In person
☐ (c) Other (describe): _____,

that I would be seeking ex parte orders affecting ☐ custody and ☐ visitation of our (child)ren ☐ other (describe)_____ and, if (s)he wishes to oppose the request for temporary orders (s)he will have to appear in Butte County Superior Court, One Court Street in Oroville at 3:00 pm on _____ (date).

1. His/Her response to this notice was:

_____
_____
_____

2. I asked if (s)he would be appearing in court to respond to this request and his/her response was:

_____
_____
_____

☐ Pursuant to CRC, Rule 3.1204(b)(2) and (3), I have not given notice of this application for ex parte orders because giving notice would frustrate the purpose of the order because:

_____
_____
_____
_____

Or:

☐ I will suffer immediate and irreparable injury if notice is given because:

_____
_____
_____

Or:

☐ I made a good faith attempt to inform the opposing party but was unable to do so because:

_____
_____
_____

☐ If notice was given later than 10:00 am the court day prior to the hearing, notice was provided later than 10:00 am the day before the 3:00 pm ex parte appearance because:

_____
_____
_____

☐ An Order Shortening Time for service and/or hearing date will not be sufficient to address the problem because:

_____
_____
_____

☐ I have read and am aware of the requirements for ex parte orders regarding custody and visitation of children set forth in Butte County Local Rules, Rule 16.5(e). I understand that I have an absolute duty to inform the Court about any existing orders for child custody and visitation, and to tell the Court how existing orders for child custody and visitation will be affected if the Court grants my ex-parte request for orders.

Existing orders for child custody and visitation are:

_____
_____
_____

These orders will be affected, if the Court grants my request for ex parte orders, as follows:

_____
_____
_____

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

Date: _____

_____
Signature of Declarant

_____
Printed Name of Declarant

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 (530) 532-7009	
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT(S):	
DECLARATION FOR DEFAULT CUSTODY AND VISITATION ORDERS	CASE NUMBER:

Notice to the Respondent

Please read both sides of this form

The other parent in your case (the "Petitioner") has described the custody and/or visitation order s/he is asking the Court to make in your case.
If you do not agree with the order, you must take legal action.
If you do not take legal action, the Court may order what the Petitioner requested.

Talk with an attorney or visit the Self-Help and Referral Program (SHARP) for more information about your legal rights and the legal process.

Petitioner - You must fill this form out if:

- You are asking for a default Judgment in this case, and
- You have children with the other parent in this case, and
- You do not already have a custody and visitation Court order that will be part of your Judgment, and
- You do not already have a Marital Settlement Agreement/Stipulated Judgment that will be part of your Judgment.

IMPORTANT: This form cannot help you ask for different custody and visitation orders than what you asked for in your Petition.

I, _____ (your name), am the Petitioner in this case.

1. Check one only:
☐ I have attached form FL-311 to describe the custody and visitation schedule I want OR
☐ Form FL-311 was attached to the petition I filed.

2. ☐ I am asking for the custody orders described on form FL-311 because:

_____
_____
_____
_____
_____

3. ☐ I am asking for the visitation schedule described on form FL-311 because:

_____
_____
_____
_____
_____
_____

4. The child(ren) has/have mainly lived with ☐ Mother ☐ Father ☐ Other: _____ during the last six months.

During the last six months the other parent had the following contact with the child(ren). Describe the schedule, number of visits, lengths of visits:

_____
_____
_____
_____
_____
_____

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

Date: _____ Petitioner's name: _____

Petitioner's signature: _____

Instructions for the Petitioner

1. **Fill out** this form completely.
2. **Make 2 copies.**
3. **File the original and copies** with the Family Law Clerk's Office at One Court Street, Oroville, CA 95965.
4. **Have someone else, NOT YOU, who is 18 years or older, serve a copy of this form on the other party.** This must be done at least 15 court days (whether served by mail or in person) before the Judgment is submitted. The person who serves this form must fill out the appropriate Proof of Service (form FL-330/FL-335).
5. You must **file the Proof of Service** form with the Court. Keep a file-stamped copy for yourself.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 (530) 532-7009	
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT(S):	
FAMILY LAW JUDGMENT CHECKLIST **☐ DISSOLUTION (DIVORCE)** **☐ LEGAL SEPARATION** **☐ DOMESTIC PARTNERSHIP**	CASE NUMBER:

INSTRUCTIONS:

Use this checklist to show the Court that you have turned in all the forms needed to get a Judgment in your case. There are three types of cases:

1. True Default - No Response filed, no written agreement
2. Default case with written agreement - No Response filed
3. Uncontested - Appearance by both parties and a written agreement

Check the box below for your type of case (one of the three listed above). Then complete all the items in that checklist. You only need to complete the checklist for your case type. All items must be completed either by checking each line to indicate you have filed that form or by marking "N/A" to indicate that an item is not applicable.

So that we can get your forms back to you, please turn in an envelope that is addressed to you, is large enough and has enough postage. If you do not want your forms mailed, give us other instructions.

CHECKLIST FOR ALL THREE (3) TYPES OF CASES (See Additional Checklists below):

1. FEE WAIVER - Government Code § 68637(d) & (e)

[Note: 1. The Court can look to one party for the payment of BOTH parties' or the other party's previously waived fees. 2. Be aware that the Judgment may not be entered except upon payment of all outstanding fees owed by one or both parties or upon the granting of new fee waivers upon submission of new applications by both parties.]

☐ There have been no fee waivers for any party in this case.
☐ Petitioner ☐ Respondent has received a fee waiver in this case.
☐ Petitioner ☐ Respondent has paid all previously waived fees and there are no unpaid fees outstanding. Written receipts are included herein.
☐ Petitioner ☐ Respondent contends he/she continues to qualify for a fee waiver and is requesting a new fee waiver.
☐ Updated fee waiver applications for BOTH parties are included herein.
☐ Other (please explain) _____
_____

2. ☐ Notice of Entry of Judgment [FL-190] and two (2) self-addressed envelopes with postage pre-paid (one for each party)

3. If there are minor children in the case attach a:
☐ Notice of Rights and Responsibilities/Information Sheet on Changing a Child Support Order [FL-192]
☐ Child Support Case Registry Form [FL-191]
☐ Order/Notice to Withhold Income [FL-195]

ADDITIONAL CHECKLIST FOR:

☐ TRUE DEFAULT CASE (No Response filed and NO WRITTEN AGREEMENT between the parties)

1. ☐ Proof of Service of Summons [FL-115]* (check one of the following)
   ☐ Personal Service [FL-115]
   ☐ Notice and Acknowledgement of Receipt attached [FL-117]
   ☐ Service out-of-state by certified mail with receipt attached [FL-115 or out-of-state form]
   ☐ Other (please describe) _____

2. ☐ Declaration Regarding Service of Petitioner's (Preliminary) Declaration of Disclosure [FL- 141] (submit endorsed-filed copy if previously filed)

3. ☐ Declaration Regarding Service of Petitioner's (Final) Declaration of Disclosure [FL-141] or Waiver of Final Declaration of Disclosure

4. ☐ Request to Enter Default [FL-165] with one (1) self-addressed envelope with postage pre-paid
   ☐ Income and Expense Declaration [FL-150]
   (If you are requesting spousal support or attorney fees/costs)
   ☐ Financial Statement (simplified) [FL-155]
   (If you have a minor child, you are not requesting spousal support or attorney fees/costs, and you qualify for this form according to the instructions on page 2 of the form; if you have a minor child and you do not qualify, you must complete an Income and Expense Declaration)
   ☐ Property Declaration [FL-160]
   (If you have any requested property in your Petition)

5. ☐ Declaration for Default Custody and Visitation Orders for cases with minor children [Local form FL.030] and Proof of Service [FL-335] (submit endorsed-filed copy if previously filed)

6. ☐ Declaration for Default or Uncontested Dissolution/Legal Separation [FL-170]

7. ☐ Judgment [FL-180]
   (You must request that spousal support be ordered, terminated or reserved)
   ☐ If you are requesting spousal support orders, include a Declaration following Local Rule 16.18 F(2)[1] and Proof of Service [FL-335]
   ☐ If you are requesting property division include Property Order Attachment [FL-345]

8. If there are minor children in the case attach a:
   ☐ Child Custody and Visitation Attachment [FL-341]
   ☐ Child Support Order Attachment [FL-342]
   ☐ Guideline Child Support Computer Calculation
   ☐ Non-Guideline Child Support Findings Attachment [FL-342(A)]

[1] 16.18F.(2) "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 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"

ADDITIONAL CHECKLIST FOR:

☐ DEFAULT CASE WITH WRITTEN AGREEMENT **(No Response filed)**

1. ☐ Proof of Service of Summons [FL-115] (check one of the following)
   ☐ Personal Service [FL-115]
   ☐ Notice and Acknowledgement of Receipt attached [FL-117]
   ☐ Service out-of-state by certified mail with receipt attached [FL-115 or out-of-state form]
   ☐ Other (please describe) _____

2. ☐ Declaration Regarding Service of Petitioner's and Respondent's (Preliminary) Declaration of Disclosure [FL-141]

3. ☐ Declaration Regarding Service of Petitioner's and Respondent's (Final) Declaration of Disclosure or Waiver of Final Declaration of Disclosure [FL-141] or Waiver of Final Declaration of Disclosure [FL-144]

4. ☐ Request to Enter Default [FL-165] with one (1) self-addressed envelope with postage pre-paid
   ☐ Income and Expense Declaration [FL-150] (If you are requesting spousal support or attorney fees/costs)
   ☐ Financial Statement (simplified) [FL-155] (If you have a minor child, you are <u>not</u> requesting spousal support or attorney fees/costs, and you qualify for this form according to the instructions on page 2 of the form; if you have a minor child and you do not qualify, you must complete an Income and Expense Declaration)
   ☐ Property Declaration [FL-160] (If you have requested any property in your Petition)
   ☐ Written Agreement

5. ☐ Declaration for Default or Uncontested Dissolution/Legal Separation [FL-170]

6. ☐ Judgment [FL-180] with written agreement (Must address issues regarding spousal support and property division)
   ☐ Signatures of both parties are notarized by a separate notary and the notaries' seals are affixed
   ☐ Attorney has signed and approved Judgment for represented parties

7. If there are minor children:
   ☐ Child Support - State whether child support is at guideline amount or not and include language required in Family Code §4065
   ☐ If below guideline, attach guideline support calculation (such as Dissomaster, X Spouse, etc.)
   ☐ Medical insurance and uninsured health care costs addressed

ADDITIONAL CHECKLIST FOR:

☐ UNCONTESTED CASE **(Response OR Appearance, Stipulation and Waivers filed by Respondent and a Written Agreement)**

1. ☐ Appearance, Stipulations, and Waivers [FL-130] (Along with Respondent's 1st appearance fee if not already paid)

2. ☐ Declaration for Default or Uncontested Dissolution/Legal Separation [FL-170]

3. ☐ Declaration Regarding Service of Petitioner's and Respondent's (Preliminary) Declaration of Disclosure [FL-141]

4. ☐ Declaration Regarding Service of Petitioner's and Respondent's (Final) Declaration of Disclosure [FL-141] or Waiver of Final Declaration of Disclosure [FL-144]

5. ☐ Judgment [FL-180] with Written Agreement
(Spousal support and property division issues are addressed)
☐ Signatures of both parties are notarized by a separate notary and the notaries' seals are affixed
☐ Attorney has signed and approved Judgment for represented parties

6. If there are minor children in the case attach a:
☐ Child custody/visitation and Family Code §3048 issues are addressed
☐ Child Support - State whether child support is at guideline amount or not and include language required in Family Code §4065
☐ If below guideline, attach guideline support computer calculation
☐ Medical insurance and uninsured health care costs addressed

I certify that all of the information indicated in this checklist has been provided to the Court.

Date: _____

_____
Submitting party's signature

_____
Submitting party's printed name

(* "FL" preceding the number indicates it is a Judicial Council form)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 (530) 532-7009	
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT(S):	
FAMILY LAW PARENTAGE JUDGMENT CHECKLIST **PETITION TO ESTABLISH PARENTAL RELATIONSHIP**	CASE NUMBER:

INSTRUCTIONS:

Use this checklist to show the Court that you have turned in all the forms needed to get a Judgment in your case. There are three types of cases:

1. True Default - No Response filed, no written agreement
2. Default case with written agreement - No Response filed
3. Uncontested - Appearance by both parties and a written agreement

Check the box below for your type of case (one of the three listed above). Then complete all the items in that checklist. You only need to complete the checklist for your case type. All items must be completed either by checking each line to indicate you have filed that form or by marking "N/A" to indicate that an item is not applicable.

So that we can get your forms back to you, please turn in an envelope that is addressed to you, is large enough and has enough postage. If you do not want your forms mailed, give us other instructions.

CHECKLIST FOR ALL THREE (3) TYPES OF CASES (See Additional Checklists below):

1. FEE WAIVER - Government Code § 68637(d) & (e)

[Note: 1. The Court can look to one party for the payment of BOTH parties' or the other party's previously waived fees.
2. Be aware that the Judgment may not be entered except upon payment of all outstanding fees owed by one or both parties or upon the granting of new fee waivers upon submission of new applications by both parties.]

☐ There have been no fee waivers for any party in this case.
☐ Petitioner ☐ Respondent has received a fee waiver in this case.
☐ Petitioner ☐ Respondent has paid all previously waived fees and there are no unpaid fees outstanding. Written receipts are included herein.
☐ Petitioner ☐ Respondent contends he/she continues to qualify for a fee waiver and is requesting a new fee waiver.
☐ Updated fee waiver applications for BOTH parties are included herein.
☐ Other (please explain) _____
_____

2. ☐ Advisement and Waiver of Rights Regarding Parentage [FL-235]

3. ☐ Notice of Entry of Judgment [FL-190] and two (2) self-addressed envelopes with postage pre-paid (one for each party)

4. ☐ Judgment [FL-250]
☐ Notice of Rights and Responsibilities/Information Sheet on Changing a Child Support Order [FL-192]
☐ Child Support Case Registry Form [FL-191]
☐ Order/Notice to Withhold Income [FL-195]

ADDITIONAL CHECKLIST FOR:

☐ **TRUE DEFAULT CASE (No Response filed and NO WRITTEN AGREEMENT between the parties)**

1. ☐ Proof of Service of Summons [FL-115]* (check one of the following)
   ☐ Personal Service [FL-115]
   ☐ Notice and Acknowledgement of Receipt attached [FL-117]
   ☐ Service out-of-state by certified mail with receipt attached [FL-115 or out-of-state form]
   ☐ Other (please describe) _____

2. ☐ Request to Enter Default [FL-165] with one (1) self-addressed envelope with postage pre-paid
   ☐ Income and Expense Declaration [FL-150] (If you are requesting spousal support or attorney fees/costs)
   ☐ Financial Statement (simplified) [FL-155] (If you have a minor child, you are not requesting spousal support or attorney fees/costs, and you qualify for this form according to the instructions on page 2 of the form; if you have a minor child and you do not qualify, you must complete an Income and Expense Declaration)

3. ☐ Declaration for Default Custody and Visitation Orders and Proof of Service [FL-335]
   (submit endorsed-filed copy if previously filed)

4. ☐ Declaration for Default or Uncontested Judgment [FL-230]

5. ☐ Judgment [FL-250]
   ☐ Child Custody and Visitation Attachment [FL-341]
   ☐ Child Support Order Attachment [FL-342]
   ☐ Guideline Child Support Computer Calculation
   ☐ Non-Guideline Child Support Findings Attachment [FL-342(A)]

ADDITIONAL CHECKLIST FOR:

☐ **DEFAULT CASE WITH WRITTEN AGREEMENT (No Response filed)**

1. ☐ Proof of Service of Summons [FL-115] (check one of the following)
   ☐ Personal Service [FL-115]
   ☐ Notice and Acknowledgement of Receipt attached [FL-117]
   ☐ Service out-of-state by certified mail with receipt attached [FL-115 or out-of-state form]
   ☐ Other (please describe) _____

2. ☐ Request to Enter Default [FL-165] with one (1) self-addressed envelope with postage pre-paid
   ☐ Income and Expense Declaration [FL-150] (If you are requesting attorney fees/costs)
   ☐ Financial Statement (simplified) [FL-155] (If you have a minor child, you are not requesting spousal support or attorney fees/costs, and you qualify for this form according to the instructions on page 2 of the form; if you have a minor child and you do not qualify, you must complete an Income and Expense Declaration)
   ☐ Written Agreement

3. ☐ Declaration for Default or Uncontested Judgment [FL-230]

4. ☐ Stipulation for Entry of Judgment Regarding Establishing Parental Relationship [FL-240]

5. ☐ Judgment [FL-250] with Written Agreement
   ☐ Child custody/visitation and Family Code §3048 issues addressed
   ☐ Child Support - State whether child support is at guideline amount or not and include language required in Family Code §4065
   ☐ If below guideline, attach guideline support computer calculation
   ☐ Medical insurance and uninsured health care costs addressed
   ☐ Signatures of both parties are notarized by a separate notary and the notaries' seals are affixed
   ☐ Attorney has signed and approved Judgment for represented parties

ADDITIONAL CHECKLIST FOR:

☐ **UNCONTESTED CASE (Appearance by both parties and Written Agreement)**

1. ☐ Appearance, Stipulations, and Waivers [FL-130] (along with Respondent's first appearance fee if not already paid)

2. ☐ Declaration for Default or Uncontested Judgment [FL-170]

3. ☐ Stipulation for Entry of Judgment Regarding Establishing Parental Relationship [FL-240]

4. ☐ Judgment [FL-250] with Written Agreement
   ☐ Child custody/visitation and Family Code §3048 issues addressed
   ☐ Child Support - State whether child support is at guideline amount or not and include language required in Family Code §4065
   ☐ If below guideline, attach guideline support computer calculation
   ☐ Medical insurance and uninsured health care costs addressed
   ☐ Signatures of both parties are notarized by a separate notary and the notaries' seals are affixed
   ☐ Attorney has signed and approved Judgment for represented parties

I certify that all of the information indicated in this checklist has been provided to the Court.

Date: _____

_____
Submitting party's signature

_____
Submitting party's printed name

(* "FL" preceding the number indicates it is a Judicial Council form)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 (530) 532-7009	
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT(S):	
FAMILY LAW CASE MANAGEMENT: STATUS CONFERENCE STATEMENT	CASE NUMBER:

STATUS CONFERENCE **DATE:** _____ **TIME:** _____ **DEPT:** _____

1. I am: (a) ☐ attorney for ☐ petitioner or ☐ respondent

(b) ☐ self-represented petitioner or ☐ self-represented respondent

(c) ☐ other (explain): _____

The other party ☐ is ☐ is not represented by an attorney.

Opposing attorney or self-represented party's name, address, and telephone number is:

Name: _____ Representative: _____

Address: _____

Phone: _____

☐ Additional parties and representative information attached.

2. NATURE OF CASE

a. Have the parties reconciled . . . . . ☐ Yes ☐ No

b. Has the Respondent been served with the Summons and Petition . . . . . ☐ Yes ☐ No

c. Do the parties expect to make an agreement . . . . . ☐ Yes ☐ No

d. Has this case settled . . . . . ☐ Yes ☐ No Judgment will be filed on/before: _____

e. Parties working on an agreement and request the CMC be continued . . . . . ☐ Yes ☐ No

f. Has the Petitioner served Respondent with Disclosure Documents . . . . . ☐ Yes ☐ No

g. Has the Respondent served Petitioner with Disclosure Documents . . . . . ☐ Yes ☐ No

h. Have the parties had a meeting to try and settle all issues . . . . . ☐ Yes ☐ No

i. Are the parties involved in any private mediation . . . . . ☐ Yes ☐ No

NOTICE: You must file this document at least five (5) calendar days before the hearing date listed above.

3. ISSUES. This case involves the following issues (*check all that apply*):

a. CHILD CUSTODY/VISITATION has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

b. CHILD SUPPORT has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

c. SPOUSAL SUPPORT has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

d. DIVISION OF ASSETS has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

e. DIVISION OF DEBTS has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

f. ATTORNEY'S FEES & COSTS have been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

4. TRIAL READINESS. I ☐ am ☐ am not ready for trial.

a. If not ready for trial, when will you be ready (*date*): _____

b. If ready for trial, this case will take _____ ☐ days ☐ hours to complete.

c. If ready for trial, what dates are you unavailable for trial: _____

_____

_____

_____

5. ADDITIONAL INFORMATION: _____

_____

_____

_____

_____

_____

NOTICE: You must file this document at least five (5) calendar days before the hearing date listed on the first page.

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

_____
DATE

_____
SIGNATURE OF PARTY OF PARTY'S ATTORNEY

_____
TYPE OR PRINT NAME

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 **(530) 532-7009**	
PLAINTIFF(S): DEFENDANT (S):	
☐ **AT ISSUE MEMORANDUM** ☐ **COUNTER AT ISSUE**	CASE NUMBER:

1. Date of Prior At-Issue: _____ 2. Time Estimated for Trial: _____ Hours _____ Days

3. Indicate parties:

a. Petitioner: _____ b. Respondent: _____

Attorney: _____ Attorney: _____

Address & Tel. No.: _____ Address & Tel. No.: _____

_____ _____

I hereby represent to the Court that all essential parties have been served with process or have appeared herein and that this case is at issue as to all such parties; that no amended or supplemental pleading remains unanswered.

Dated: _____ _____

Signature of: ☐ Petitioner ☐ Respondent ☐ Counsel

Any party not in agreement with the information or estimates given in an at-issue memorandum shall within ten days after service thereof serve and file a memorandum in his behalf. **PLEASE BE ADVISED: Strict compliance with Local Rules 16.15 is required in order to proceed to trial.**

PROOF OF SERVICE BY MAIL – 1013a 2015.5 C.C.P.

I am a citizen of the United States and a resident of the County of _____. I am over the age of eighteen years and not a party to the within above entitled action; my residence/business address is: _____. On _____, 20_____, I served a copy of this document and _____

_____

on the (*Check One*) ☐ Respondent ☐ Petitioner, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at _____,

to the address indicated in(*Check One*) ☐ 3a ☐ 3b above.

I declare under penalty of perjury under the laws of the State of California that the foregoing, including any attachment, is true and correct and that this declaration is executed on (date): _____, at (place): _____.

_____ _____

(Type or print name) (Signature of Declarant)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name & Address)*: TELEPHONE NO: ATTORNEY FOR *(Name)*:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street Oroville, CA 95965 (530) 532-7002 ☐ Chico Courthouse 655 Oleander Chico, CA 95926 **(530) 532-7009**	
PLAINTIFF(S): DEFENDANT (S):	
CERTIFICATE OF COMPETENCY TO PRACTICE IN JUVENILE DEPENDENCY COURT	CASE NUMBER:

I, _____, Attorney at Law, have completed the following within the past three (3) years:

[ ] Eight (8) hours of training or education in juvenile dependency law as set forth in Butte County Local Rule 17
OR
[ ] Six (6) months of recent regular appearances in dependency proceedings which occurred on and between _____ in the county of _____.

The eight (8) hours of training or education was completed on _____. The name of the course and provider of the training or education was _____.

_____ Date

_____ Attorney

VERIFICATION

I have read Butte County Superior Court Rule 17.5 and California Rule of Court 5.660(d) - Competent Counsel, and know its contents.

The matters stated in the foregoing document are true of my own knowledge.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and that this Verification was executed on _____, at Butte County, California.

_____
Attorney

Each attorney certified to practice before the juvenile court shall complete eight (8) hours of continuing education related to dependency and submit a new certificate of competency to the court within three (3) years. Butte County Local Rule of Court 17.5(d).