

**CIVIL, JUVENILE, MISCELLANEOUS AND PROBATE RULES
EFFECTIVE JANUARY 1, 2021**

CHAPTER 2. CIVIL RULES

**RULE 2.11 CASES INVOLVING THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT (CEQA)**

2.11.4 Format of the Record of Proceedings

~~Format of the record of proceedings must comply with California Rules of Court, rules 3.2200 through 3.2208, except that the court prefers that the record of proceedings be submitted in a searchable, portable document format (PDF), and not a paper format. The party lodging the record of proceedings should submit two copies of the electronic record of proceedings, one for the court, and one for research. The record must comply with California Rules of Court, rules 3.2200 through 3.2208. However, pursuant to California Rule of Court, rule 3.2206, the court orders that the administrative record be submitted electronically, through e-filing. The court prefers that the record be submitted in a searchable, portable document format (PDF) with bookmarks.~~ (Effective January 1, 2021; adopted as Rule 2.11.4 effective January 1, 2017; New)

2.11.6 Trial Notebook and Appendix of Excerpts

A. **Separate Trial Notebook and Appendix of Excerpts.** The court requires a separate trial notebook and separate appendix of excerpts to provide the court with easy-to-use binders containing the pleadings, motions, briefs, and cited portions of the record of proceedings supporting the parties' respective positions.

The trial notebook and appendix of excerpts of exhibits are neither lodged nor filed. Instead, the party responsible for preparing the notebook or appendix shall call the Research Department Office Assistant at (559) 457-4945 to arrange delivery of the items. Do not send items via mail or overnight delivery service without prior arrangement.

A. B. **Trial Notebook.** Petitioner shall prepare a "hard copy" trial notebook that must be ~~submitted~~ lodged when its opening brief is filed. The trial notebook must consist of the petition, all answers, the opening briefs, any motions set to be heard at trial, the statement of issues, and any other documents agreed upon by the parties. The trial notebook shall contain a table of contents, tabbed sections consistent with the table of contents, and an index of the documents in the notebook referencing page numbers. The notebook's pages shall be sequentially numbered in the lower right-hand corner of each page and be bound in a "D-ring" binder no more than three (3) inches

thick. Should documents dictate, further notebooks with the same features should be used.

~~B.~~ **C. Appendix of Excerpts.** The court requires that each party filing a brief prepare and submit ~~ledge~~ a separate “hard copy” appendix of excerpts that contains the documents or pages of the record of proceedings cited in that party’s brief. The appendix shall be ~~submitted~~ ~~ledged~~ when that party’s brief is filed. If a party believes that it is necessary to provide context to a cited page of the record of proceedings, that party may include a cover page or other pertinent pages from a document even though not actually cited in its brief.

~~C.~~ ~~**Separate Trial Notebook and Appendix of Excerpts.**~~ The purpose of a separate trial notebook and separate appendix of excerpts is to provide the court with easy-to-use binders containing the pleadings, motions, briefs, and cited portions of the record of proceedings supporting the parties’ respective position. (Effective January 1, ~~2021~~ ~~2017~~; adopted as Rule 2.11.8 (now 2.11.6) effective July 1, 2011)

CHAPTER 4. MISCELLANEOUS RULES

RULE 4.1 RULES OF GENERAL APPLICATION

4.1.16 **Facsimile Machine (FAX) Filing and Notification**

No change. (Effective July 1, 2020; Rule 4.1.6 (now 4.1.1) renumbered effective January 1, 2006; adopted as Rule 20.6 effective July 1, 2000)

4.1.213 **Electronic Filing**

A. **Mandatory Electronic Filing**

No change.

B. **Permissive Electronic Filing of Charging Documents in Criminal Cases**

No change.

C. **Prohibited Electronic Filing**

No change.

D. **Rules Applicable to Eligible Case Types**

~~The electronic filing of documents must be effected using the Court’s electronic service providers. Electronic service provider information is available on the Court’s~~

~~website at www.fresno.courts.ca.gov. If a party with a fee waiver files documents electronically, that party is exempt from the fees and costs associated with the electronic filing.~~

~~Documents filed as confidential shall be designated as such by selecting the “confidential security group” security option on the filing details prompt in the Court’s electronic system.~~

~~For purposes of electronic filing of documents, pursuant to Code of Civil Procedure § 1010.6(b)(3), any document received electronically by the Court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a non-court day shall be deemed filed on the next court day. This provision concerns only the method and effective date of filing; any document that is electronically filed must satisfy all other legal filing deadlines and requirements. This rule does not affect the timing requirements for any documents that must be filed by a set time on the due date.~~

~~This rule is subject to the provisions set forth in Code of Civil Procedure § 1010.6 and California Rules of Court, Rules 2.250 thru 2.259.~~

~~The Court requires that electronic filing of documents be effected using a fully searchable .pdf file and include electronic bookmarks to each heading, subheading and component (including the table of contents, table of authorities, petition, verification, points and authorities, declaration, and proof of service if included within the petition), and to the first page of each exhibit or attachment, if any; that each bookmark to an exhibit or attachment include the letter or number of the exhibit or attachment and a description of the exhibit or attachment. The Court also requests that if exhibits or attachments are submitted in multi-part electronic files, each separate file have its own table or index of the contents of the file. The Court anticipates these requests will become mandatory at a future date.~~

~~When electronically filing Family Law documents required to be mailed by the court to the opposing party (such as Request to Enter Default, Notice of Entry of Judgment, Request for Status Conference, etc.) the Court requests that the following be provided to and received by the Court no later than the day prior to electronically filing.~~

~~1. Two printed copies of document(s) to be conformed.~~

~~2. Envelopes with sufficient postage addressed to both parties, or their attorney.~~

1. Method. The electronic filing of documents must be effected using the Court’s electronic service providers. Electronic service provider information is available on the Court’s website at www.fresno.courts.ca.gov.

2. Costs. If a party with a fee waiver files documents electronically, that party is exempt from the fees and costs associated with the electronic filing.

3. Confidential Documents. Documents filed as confidential shall be designated as such by selecting the “confidential security group” security option on the filing details prompt in the Court’s electronic system. This rule is subject to the provisions set forth in Code of Civil Procedure § 1010.6, California Rules of Court, rules 2.250 through 2.259 and Local Rules 4.1.3 and 4.1.4.

4. Time deemed filed. For purposes of electronic filing of documents, pursuant to Code of Civil Procedure § 1010.6(b)(3), any document received electronically by the Court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a non-court day shall be deemed filed on the next court day. This provision concerns only the method and effective date of filing; any document that is electronically filed must satisfy all other legal filing deadlines and requirements. This rule does not affect the timing requirements for any documents that must be filed by a set time on the due date.

5. Format. The Court requires that electronic filing of documents be effected using a fully searchable .pdf file and include electronic bookmarks to each heading, subheading and component (including the table of contents, table of authorities, petition, verification, points and authorities, declaration, and proof of service if included), and to the first page of each exhibit or attachment, if any. Each bookmark to an exhibit or attachment shall include the letter or number of the exhibit or attachment and a description of the exhibit or attachment. If exhibits or attachments are submitted in multi-part electronic files, each separate file must have its own table or index of the contents of the file.

6. Conformed copies. When electronically filing Family Law documents required to be mailed by the court to the opposing party (such as Request to Enter Default, Notice of Entry of Judgment, Request for Status Conference, etc.) the Court requests that the following be provided to and received by the Court no later than the day prior to electronically filing:

a. Two printed copies of document(s) to be conformed.

b. Envelopes with sufficient postage addressed to both parties, or their attorney.

E. **Limitations on Filings**

No change.

F. No change.

G. Labor Commissioner Appeals

No change. (Effective January 1, 2019 2021; adopted as Rule 4.1.13 effective January 1, 2016)

4.1.3 Records Confidential By Law

A. A “confidential” record is a record that, in court proceedings, is required by statute, rule of court, or other authority (except a court order under California Rules of Court, rules 2.550-2.551 or rule 8.46) to be closed to inspection by the public or a party.

B. Records required to be kept confidential as a matter of law may be submitted to the court electronically through the court’s e-filing system or physically through the clerk’s office or drop box. Failure to use the below procedure for filing confidential records will result in the records being rejected.

1. Documents filed as confidential shall be designated as such by selecting the “confidential security group” security option on the filing details prompt in the Court’s electronic system. Records not designated “confidential” in the e-filing process will automatically be accessible to the public.

When submitting confidential records through e-filing, the filing party must indicate the legal authority that mandates the confidentiality of the record in the “Comments to Court” field.

2. Records may be submitted for filing by physically submitting to a clerk’s office, if the clerk’s office is open. If the clerk’s office is not open, records may be deposited at a court drop box. If the records will not fit in the drop box, the party lodging them must contact the clerk of the assigned department and make arrangements for the physical delivery of the records. [Do not send records to be lodged to either the clerk’s office or any department via mail or overnight delivery service without prior arrangement.]

When submitting confidential records physically, the filing party must attach a cover sheet stating the case title, case number, and “CONFIDENTIAL [basis] – May Not Be Examined Without Court Order.” The basis must be a citation to or other brief description of the statute, rule of court, case, or other authority that establishes that the record must be closed to inspection in the court proceeding.

C. This rule does not apply to any case type that does not permit e-filing.
(Effective January 1, 2021, New)

4.1.4 Lodging Items With the Court

A. Pursuant to California Rule of Court, rule 2.550(b)(3), a “lodged” record is a record that is temporarily placed or deposited with the court, but not filed. (Lodged records are a limited exception to mandatory e-filing.)

B. Records may be lodged with the court by submitting them to the court electronically through the court’s e-filing system or physically through the clerk’s office or drop box.

Failure to use the procedure for lodging records specified in California Rule of Court, rule 2.551(d) will result in the records being rejected.

1. All records submitted for lodging must be clearly identified as such. The party submitting the lodged record must affix to the electronic transmission, the envelope, or the container a cover sheet that:

a. Contains all the information required on a caption page under California Rule of Court, rule 2.111; and

b. If lodged in connection with a motion to seal, is marked “CONDITIONALLY UNDER SEAL” and states the enclosed record is subject to a motion or an application to file the record under seal; or

c. If lodged for trial, is marked “LODGED FOR TRIAL [date] [department] – DO NOT FILE,” or

d. If lodged for any other reason, is marked “LODGED RECORD [purpose] – DO NOT FILE.” The purpose must be a short description of the reason for lodging the records and any related court date.

2. Records lodged through e-filing must be designated “confidential” during the e-filing process. Documents submitted for lodging shall be designated as such by selecting the “confidential security group” security option on the filing details prompt in the Court’s electronic system. When submitting records for lodging through e-filing, the filing party must provide the following information in the “Comments to Court” field, as applicable: 1) the reason for lodging (ex. pending motion to seal, lodged for trial); and 2) any related court date (ex. motion on [date], trial: [date]). Records not designated “confidential” in the e-filing process will automatically be accessible to the public.

3. If the materials are submitted physically, the envelope or container lodged with the court must be labeled “CONDITIONALLY UNDER SEAL.” Records may be lodged by physically submitting them to a clerk’s office, if the

clerk's office is open. If the clerk's office is not open, records may be deposited at a court drop box. If the records will not fit in the drop box, the party lodging them must contact the clerk of the assigned department and make arrangements for the physical delivery of the records. If no department has been assigned, the submitter must contact the clerk's office by phone to make arrangements for delivery of the records. [Do not send records to be lodged to either the clerk's office or any department via mail or overnight delivery service without prior arrangement.]

C. The clerk's office will not accept electronic storage media for lodging in any unlimited civil or limited civil action, unless pursuant to a court order. "Electronic storage media" includes internal and external hard drives, CDs, DVDs, Floppy Disks, USB drives, ZIP disks, magnetic tapes, SD cards, and any other similar purposed device.

D. Lodged records will be returned to the tendering party after the resolution of the calendared matter, unless the party requests their destruction. Therefore, when submitted, lodged records must be accompanied either by a self-addressed envelope with sufficient postage or, if the clerk's offices are open, an attorney service pick-up slip. Following the return of the lodged documents by the court, the tendering party should retain them until the applicable appeal period has expired. (Effective January 1, 2021, New)

4.1.5 Records Under Seal

A. Pursuant to California Rule of Court, rule 2.550(b)(3), a "sealed" record is a record that by court order is not open to inspection by the public. This rule does not apply to records that are required to be kept confidential by law.

B. Parties seeking to file records under seal must follow California Rules of Court, rules 2.550 and 2.551. No records may be filed under seal without a court order. The court will not permit a record to be filed under seal based solely on the agreement or stipulation of the parties.

C. An order allowing filing records under seal will only be issued on noticed motion, or, in the appropriate circumstances, ex parte application. In civil cases, the party seeking the sealing order must obtain a date and time for the hearing of the motion or application from the law and motion clerk. E-filed motions or ex parte applications without a calendared hearing date, department, and time will be rejected.

D. The records that a party is requesting be placed under seal must be lodged conditionally under seal in conformity with California Rule of Court, rule 2.551(d) and Local Rule 4.1.____ when the motion or application is made, unless good cause exists for not lodging them or the records has previously been lodged.

E. If the court denies the motion or application to seal, the moving party may notify the court that the conditionally lodged records are to be filed unsealed. This notification must be received within ten (10) days of the order denying the motion or application to seal, unless otherwise ordered by the court. On receipt of this notification, the clerk will unseal and file the record.

If the moving party does not notify the court within ten (10) days of the order, the clerk will contact the moving party to arrange return of the lodged records to the moving party. [If the moving party does not make arrangements for the return of the records within thirty (30) days of a written notice to do so, the clerk will permanently delete the conditionally lodged records on the 15th day following the court's order denying the motion or application to seal.

F. Any motion or application, any opposition, and any supporting documents referring to material lodged conditionally under seal, or material that has been ordered sealed, must be filed in a public redacted version and lodged in a complete, unredacted version conditionally under seal. The cover of the redacted version must identify it as "Public—Redacts materials from conditionally sealed record" or "Public – Redacts Sealed Material," as appropriate. (Effective January 1, 2021, New)

4.1.86 Identification of Document Preparers

No change. (Rule 4.1.8 (now 4.1.6) renumbered effective January 1, 2006; adopted as Rule 20.8 effective July 1, 2000)

4.1.7 Trial Readiness Hearing

~~Repealed. (Effective July 1, 2007; Rule 4.1.7 renumbered effective January 1, 2006; adopted as Rule 20.7 effective July 1, 2000)~~

4.1.97 Electronic Mail Communication with the Court

No change. (Rule 4.1.9 (now 4.1.7) renumbered effective January 1, 2006; adopted as Rule 20.9 effective January 1, 2005)

4.1.97(a) Electronic Mail Communication with the Court

No change. (Rule 4.1.9(a) (now 4.1.7(a)) renumbered effective January 1, 2021; adopted as Rule 4.1.9(a) Effective April 14, 2020, New)

4.1.48 Requests to Conduct Media Coverage

No change. (Effective July 1, 2007; Rule 4.1.4 (now 4.1.8) renumbered effective January 1, 2006; adopted as Rule 20.4 effective July 1, 2000)

4.1.19 Jury Instructions and Verdict Forms

No change. (Effective July 1, 2007; Rule 4.1.1 (now 4.1.9) renumbered effective January 1, 2006; adopted as Rule 20.1 effective July 1, 2004)

4.1.210 Sound Recordings to be Offered as Evidence at Trial

No change. (Effective July 1, 2018; Rule 4.1.2 (now 4.1.10) renumbered effective January 1, 2006; adopted as Rule 20.2 effective July 1, 2000)

4.1.511 Dangerous, Large or Bulky Exhibits

No change. (Rule 4.1.5 (now 4.1.11) renumbered effective January 1, 2006; adopted as Rule 20.5 effective January 1, 2004)

4.1.1412 Juror Panel List

No change. (Rule 4.1.11 (now 4.1.12) renumbered effective January 1, 2021; adopted as Rule 4.1.11 effective July 1, 2013, New)

4.1.313 Confidentiality of Jurors' Declarations

No change. (Rule 4.1.3 (now 4.1.13) renumbered effective January 1, 2006; adopted as Rule 20.3 effective July 1, 2004)

4.1.1214 Delivery of Court Reporter Transcripts to the Court

No change. (Rule 4.1.12 (now 4.1.14) renumbered effective January 1, 2021; adopted as Rule 4.1.12 effective January 1, 2016, New)

4.1.1015 Protocol for Communication Between Courts Regarding Domestic Violence Orders

No change. (Rule 4.1.10 (now 4.1.15) renumbered effective January 1, 2021; adopted as Rule 4.1.10 effective January 1, 2010, New)

RULE 4.2 APPEALS TO THE APPELLATE DIVISION

4.2.6 Interlocutory Appeals

A party taking an interlocutory appeal from an order denying a motion to suppress pursuant to Penal Code section 1538.5, shall file with the Notice of Appeal a declaration certifying the appeal complies with Penal Code section 1510. (Effective January 1, 2021, New)

CHAPTER 6. JUVENILE RULES

RULE 6.1 GENERAL PROVISIONS

6.1.1 Authority

These Juvenile Rules apply to matters heard in Juvenile Court, with the exception of juvenile traffic hearings and juvenile traffic hearing appeals.

The Juvenile Court hears both dependency and juvenile justice actions. Juvenile justice actions were formerly called “delinquency” actions. All references to Juvenile Delinquency Court, Delinquency judicial officers, delinquency, juvenile delinquency, and delinquency actions, cases, calendars, or matters shall now be referred to as Juvenile Justice Court, Juvenile Justice judicial officers, juvenile justice, and juvenile justice actions, cases, calendars, or matters. (Effective January 1, 2021; Rule 6.1.1 renumbered effective January 1, 2006; adopted as Rule 50.1 effective January 1, 1999)

6.1.2 Administrative Presiding Judges of the Juvenile Court

There shall be ~~one~~ an Administrative Presiding Judge of the Juvenile Delinquency Court and an Administrative Presiding Judge of the Juvenile Dependency Court. The Presiding Judges of the Juvenile Courts shall be selected by the Presiding Judge of the Superior Court.

The ~~respective Administrative~~ Presiding Judges of the Juvenile Courts shall have the powers granted to and obligations imposed by law on the “Presiding Judge of the Juvenile Court”, as such is used in California statute, case law and regulations.

To the extent possible, the ~~Administrative Presiding~~ Judges of the Juvenile Courts shall remain in ~~those respective~~ ~~that~~ positions for at least three years. (Effective January 1, 2021 July 1, 2012; Rule 6.1.2 renumbered effective January 1, 2006; adopted as Rule 50.2 effective January 1, 1999)

6.1.3 Supervising Judge in the Juvenile Court

There shall be a Supervising Judge of both the dependency and juvenile justice actions in the Juvenile Court. The Presiding Judge of the Juvenile Court will be the Supervising Judge of either the dependency or the juvenile justice calendars. (Effective January 1, 2021, New)

6.1.4 Juvenile Court Committees

The ~~Administrative Presiding~~ Judges of the Juvenile Courts may authorize and establish such informal committees related to Juvenile Court work and activities as they

deem appropriate. Membership on such committees shall be as determined by the ~~Administrative~~ Presiding Judges of the Juvenile Courts.

The ~~Administrative~~ Presiding Judge of the Juvenile ~~Delinquency~~ Court shall be the Chair of the Fresno County Interagency Council for Children and Families, assist in the selection of members to the Juvenile Justice Commission and select the Court's appointment of a board member to the EOC Board of Directors.

The ~~Administrative~~ Presiding **Supervising** Judge of the Juvenile Dependency Court shall be the superior court judge to whom CASA is accountable as required by Welfare & Institutions Code § 201, et seq. (Effective **January 1, 2021** ~~July 1, 2012~~; Rule 6.1.3 **(now 6.1.4)** renumbered effective January 1, 2006; adopted as Rule 50.3 effective January 1, 1999)

6.1.54 **Assignment of Juvenile Court Cases**

No change. (Effective July 1, 2012; Rule 6.1.4 **(now 6.1.5)** renumbered effective January 1, 2006; adopted as Rule 50.4 effective January 1, 1999)

6.1.65 **Abbreviations**

No change. (Effective July 1, 2012; Rule 6.1.8 **(now 6.1.56)** renumbered effective July 1, 2012; adopted as Rule 6.1.8 effective January 1, 2007)

CHAPTER 7. PROBATE RULES

RULE 7.15 CONSERVATORSHIPS AND GUARDIANSHIPS

7.15.3 **Temporary Conservatorships and Guardianships**

A. **Filing Procedure**. No change.

B. **Hearings**. All temporary requests are considered by the Court ex parte ~~as well as set for hearing~~. In each instance, the Court will advise counsel or the self-represented petitioner if the request is granted ex parte and Letters may be made available. Appearance and notice are required at the hearing set for the temporary petition pursuant to Probate Code § 2250 et seq.

C. **Voluntary Mediation**. No change.

D. **Requirements**. No change. (Effective ~~January 1, 2015~~ **2021**; Rule 7.15.3 renumbered effective January 1, 2006; adopted as Rule 84.3 effective January 1, 2004)

RULE 7.23 VIDEO CONFERENCING IN MEDICATION CAPACITY / RIESE HEARINGS AND WRIT OF HABEAS CORPUS MENTAL HEALTH HEARINGS

Medication capacity hearings held pursuant to Welfare & Institutions Code § 5332, and writ of habeas corpus mental health hearings held pursuant to Welfare & Institutions Code § 5275, shall be held via video conference, unless otherwise ordered by the court for good cause shown. The patient, doctor and attorneys ~~will be present at the medical facility and~~ will appear for the hearing by video. The video equipment provided by the medical facility must provide two-way video and audio communication compatible with the video conference equipment of the court. (Effective January 1, 2021; ~~adopted as Rule 7.23 effective July 1, 2018, New~~)