

**CIVIL, CRIMINAL AND PROBATE RULES
EFFECTIVE JANUARY 1, 2017**

CHAPTER 2. CIVIL RULES

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

2.11.1 Assignment of CEQA Cases

A. ~~**Judge for All Purposes.** Unless otherwise specified in these rules or ordered by the Presiding or Supervising Judge, all CEQA cases will be assigned to a single judge for all purposes, including trial.~~

B. ~~**Notice of Assignment.** A Notice of Assignment indicating the name and department number of the assigned judge, as well as the assigned judge's departmental schedule for noticed motions and ex parte applications, will be prepared by the court.~~

C. ~~**Service of Notices.**~~

1. ~~Service of Notice by Clerk~~

~~The clerk will serve the Notice of Assignment either by mail on counsel of record for petitioner and on any self-represented petitioner, or personally on petitioner or petitioner's representative at the time the petition is filed.~~

2. ~~Service of Notice by Petitioner~~

~~The petitioner must serve the Notice of Assignment and the most recent case management conference notice on each named respondent or defendant either when that respondent or defendant is served with the summons and complaint, or as soon as petitioner receives the notice, whichever is later, and file a proof of service thereof.~~

D. ~~**Designation of Assigned Judge in Subsequent Documents.** After a CEQA case is assigned, all subsequent documents must state on the face page, under the case number, the following:~~

~~ASSIGNED FOR ALL PURPOSES TO:
JUDGE [insert name]
DEPARTMENT [insert number]~~

~~E. **Unavailability of Assigned Judge.** In the event of the temporary unavailability of the judge assigned to a CEQA case for all purposes, another judge may be assigned to hear matters in that case. Until and unless the court issues an order or notice revoking the existing single assignment or assigning a new judge for all purposes, any hearing that may take place before another judge does not affect the status of the case as originally assigned for all purposes.~~

A. **Judge for All Purposes.** Unless otherwise provided in these rules or ordered by the Presiding Judge or Supervising Judge, all CEQA cases will be assigned to a single judge for all purposes including trial.

B. **Notice of Assignment.** A Notice of Assignment indicating the name and department number of the assigned judge, as well as the assigned judge's departmental schedule for noticed motions and ex parte applications, will be prepared by the court. The Notice of Assignment will be issued by the clerk to the petitioner in the same manner as for an ordinary civil unlimited complaint. If the petition is combined with a complaint for injunctive and/or declaratory relief, the assignment shall apply to the complaint as well as the petition.

C. **Service of Notices.** The petitioner must serve the notice of assignment and the case management conference notice on each named respondent when that respondent is served with the summons and petition, and file a proof of service thereof with the court.

D. **Designation of Assigned Judge in Subsequent Documents.** After a CEQA case is assigned, all subsequent documents must state on the face page, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO:
JUDGE [insert name]
DEPARTMENT [insert number]

E. **Unavailability of Assigned Judge.** In the event of the temporary unavailability of the judge assigned to a CEQA case for all purposes, another judge may be assigned to hear matters in that case. Until and unless the court issues an order or notice revoking the existing single assignment or assigning a new judge for all purposes, any hearing that may take place before another judge does not affect the status of the case as originally assigned for all purposes. (Effective January 1, 2017; adopted as Rule 2.11.1 effective July 1, 2011, ~~New~~)

2.11.2 Preparation of the Administrative Record Notice of Case Management Conference

~~A. **Preparation by the Public Agency.** Within twenty (20) days after receipt of a statutory request that the public agency prepare the record of proceedings, the~~

~~public agency responsible for such preparation must personally serve on petitioner a preliminary cost notification of the estimated cost of preparation, stating the agency's normal costs per page, other reasonable costs, if any, the agency anticipates, and the likely range of pages. This preliminary cost notification must also state, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, must designate the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and must provide a listing of dates and times when those documents will be made available to petitioners or any party for inspection during normal business hours as the record is being prepared. This preliminary cost notification must be supplemented by the agency from time to time as additional documents are located or determined appropriate to be included in the record.~~

~~**B. Notification that Petitioner Elects to Prepare the Record.** Upon receipt of this preliminary cost notification, petitioners may elect to prepare the record of proceedings themselves provided they notify the agency within five (5) days of such receipt. If petitioners so elect, then within forty (40) days of service of the statutory request that the public agency prepare the record of proceedings, petitioner must prepare and serve on all parties a detailed document index listing the documents proposed by petitioners to constitute the record of proceedings. Within seven (7) calendar days of receipt of the detailed document index, the agency, or other parties if any, must serve the petitioners and all parties, with a document notifying them of any document or item that such parties contend should be added to, or deleted from, the record of proceedings. The agency must promptly notify petitioners of any required photocopying procedures or other conditions with which petitioners must comply in their preparation of the record. Service of the foregoing shall conform to the Code of Civil Procedure, Part 2, Title 14, Chapter 5, § 1010 et seq.~~

~~**C. Notice by Agency of Proposed Record.** If petitioners do not elect to prepare the record of proceedings themselves, then within forty (40) days after service of the statutory request to prepare the record of proceedings, the agency must prepare and serve on the parties a detailed document index listing the documents proposed by the agency to constitute the record and provide a supplemental estimated cost of preparation. Within seven (7) calendar days of receipt of the detailed document index, petitioners, or other parties if any, must serve the agency and all parties with a document notifying the agency of any document or item that such parties contend should be added to, or deleted from, the record. Service of the foregoing shall conform to the Code of Civil Procedure, Part 2, Title 14, Chapter 5, § 1010 et seq.~~

A. At the time the petition is processed by the Clerk's Office after it is filed, the clerk will issue a notice of case management conference to petitioner, designating a date for a case management conference that is approximately 120 days after the filing of the petition. Petitioner shall serve a copy of the notice of case management conference on each respondent and real party in interest along with the summons and the petition. The Court's issuance of a notice of case management conference hearing

date does not excuse petitioner from mandatory compliance with Public Resources Code section 21167.4, subdivision (a).

B. All parties are required to appear at the case management conference. The person attending the conference shall have sufficient understanding of the case and sufficient authority to make decisions and agreements.

C. In anticipation of the case management conference, the parties should be prepared to discuss at the hearing and submit written case management conference statements (in prose and details, not using the standardized Judicial Council form) seven (7) court days before the case management conference, as to the following:

1. Status of service upon or appearance by real parties in interest.

2. Status of the administrative record.

3. Status of settlement conference, and whether the parties believe that an early settlement conference before their assigned judge would be beneficial (a waiver under Public Resources Code § 21167, subdivision (d) will be required).

4. Anticipated motions, including briefing schedule and proposed hearing dates.

5. Setting of hearing/trial on the merits.

6. The need to set further case status hearing dates. (Effective January 1, 2017, New)

2.11.3 Format of the Administrative Record Preparation of the Administrative Record

~~A. **Binding and Length of Volumes of the Administrative Record.** The administrative record must be provided in one or more volumes of not more than 300 pages that are separately bound. The pages of the administrative record must be numbered consecutively and bound on the left margin. The cover of each volume of the records must be the same size as its pages and contain the same material as the cover of a brief, but must be labeled "Administrative Record".~~

~~B. **Index.** At the beginning of the first volume of the administrative record, there must be an index of each paper or record in the order presented in the record referring to each paper or record by title or description and the volume and page at which it first appears.~~

~~C. **Organization.** The administrative record must be organized in the following order:~~

- ~~1. The Notice of Determination;~~
- ~~2. All resolutions or ordinances adopted by the lead agency approving the project or required by law;~~
- ~~3. The Draft or revised Draft Environmental Impact Report and initial study;~~
- ~~4. The comments received on and the responses to those comments prepared for the Draft Environmental Impact Report or Negative Declaration, including any modification of the environmental documents and project made after the comment period;~~
- ~~5. The remainder of the Final Environmental Impact Report, including all appendices and other materials;~~
- ~~6. The staff reports prepared for the approving bodies of the lead agency;~~
- ~~7. Transcripts or minutes of all hearings; and~~
- ~~8. The remainder of the administrative record.~~

~~D. **Electronic Copy.** The administrative record must also be submitted in a *searchable*, .pdf file format. Indexing and organization should mirror the paper format. The party lodging the administrative record should simultaneously lodge two copies of the electronic administrative record — one for the court and one for research. (Effective July 1, 2011, New)~~

A. Preparation by the Public Agency. Within twenty (20) days after receipt of a statutory request that the public agency prepare the record of proceedings, the public agency responsible for such preparation must personally serve on petitioner a preliminary cost notification of the estimated cost of preparation. This preliminary cost notification must state, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, must designate the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and must provide a listing of dates and times when those documents will be made available to petitioner or any party for inspection during normal business hours as the record is being prepared. This preliminary cost notification must be supplemented by the agency from time to time as additional documents are located or determined appropriate to be included in the record.

B. Notification that Petitioner Elects to Prepare the Record. Upon receipt of the preliminary cost notification, petitioner may elect to prepare the record of proceeding itself provided it notifies the agency within five (5) days of such receipt. If petitioner elects to prepare the record, then within forty (40) days of service of the notice on the public agency of petitioner's election, petitioner must prepare and serve on all parties a detailed document index listing the documents proposed by petitioner to constitute the record of proceedings. Within seven (7) calendar days of receipt of the detailed document index, the public agency, or other parties if any, must serve the petitioner and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record of proceedings. The public agency must promptly notify petitioner of any requested copying procedures or other conditions with which petitioner must comply in petitioner's preparation of the record. Service of the foregoing shall conform with the Code of Civil Procedure, Part 2, Title 14, Chapter 5, § 1010 et seq.

C. Notice by Public Agency of Proposed Record. If petitioner does not elect to prepare the record of proceedings, then within forty (40) days after service of the statutory request to prepare the record of proceedings, the public agency must prepare and serve on the parties a detailed document index listing the documents proposed by the public agency to constitute the record of proceedings and provide a supplemental estimated cost of preparation. Within seven (7) calendar days of receipt of the detailed document index; petitioner, or other parties if any, must serve the agency and all parties with a document notifying the agency of any document or item that such parties contend should be added to, or deleted from, the record. Service of the foregoing shall conform to the Code of Civil Procedure, Part 2, Title 14, Chapter 5, § 1010 et seq.

D. Time of Lodging of Administrative Record. If the public agency prepares the record, it shall be lodged with the court when it files its certification of the record. If the petitioner prepares the record, it shall be lodged within five (5) days of the date the public agency files its certification of the record. (Effective January 1, 2017, adopted as Rule 2.11.2 (now 2.11.3) effective July 1, 2011)

2.11.4 ~~Disputes Regarding the Contents of the Administrative Record Format of the Record of Proceedings~~

~~Once the administrative record has been filed, any disputes about its accuracy or scope should be resolved by appropriate noticed motion. For example, if the agency has prepared the administrative record, petitioners may contend that it omits important documents or that it contains inappropriate documents; if the petitioners have prepared the record, the agency may have similar contentions. A motion to supplement the certified administrative record with additional documents or to exclude certain documents from the record may be noticed by any party and should normally be filed concurrently with the filing of petitioner's opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should normally~~

~~be filed with the opposition and reply memoranda, respectively, regarding the writ. The motion should normally be calendared for hearing concurrently with the hearing on the writ. (Effective July 1, 2011, New)~~

~~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. (Effective January 1, 2017, New)~~

2.11.5 Briefing Schedule and Length of Memoranda

~~A. Parties requesting or applying for a hearing in a case brought under the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.) shall reserve with the law and motion clerk a date and time for hearing on the request or application.~~

~~B. Unless otherwise ordered by the court, the following briefing schedule must be followed:~~

~~1. Petitioner must file with the Civil Court Clerk's Office and concurrently a chambers copy and a research copy in the designated CEQA department an opening memorandum of points and authorities in support of the petitioner within thirty (30) days from the date the administrative record is served.~~

~~2. Respondent and Real Party in Interest must file with the Civil Court Clerk's Office and concurrently a chambers copy and a research copy in the designated CEQA department opposition points and authorities, if any, within thirty (30) days following service of petitioner's memorandum of points and authorities.~~

~~3. Petitioner has twenty (20) days from service of the opposition's points and authorities to file with the Civil Court Clerk's Office and concurrently a chambers copy and a research copy in the designated CEQA department a reply memorandum of points and authorities.~~

~~4. Service of the briefs shall conform to the Code of Civil Procedure, Part 2, Title 14, Chapter 5, § 1010 et seq.~~

~~5. California Rule of Court 3.1113 applies to the page limit in CEQA actions. Should the parties desire to submit longer memoranda, they must first file an application with the court stating good cause for exceeding that limit. If the pages exceed that in Rule 3.1113 without the court's prior approval, any pages in excess of the statutory limit will not be considered.~~

A. Unless otherwise ordered by the court, points and authorities prepared for a hearing on the merits of a writ petition shall be filed in accordance with the following schedule and page limits: The opening memorandum of points and authorities shall be filed at least forty-five (45) calendar days prior to the hearing date; and opposition shall be filed at least twenty-five (25) calendar days prior to the hearing date; and the reply shall be filed at least fifteen (15) calendar days prior to the hearing date. The opening and opposition memorandum shall not exceed thirty (30) pages in length with double-spaced lines (or twenty-two (22) pages with one and one-half spaced lines.) The reply shall not exceed twenty (20) pages in length with double-spaced lines (or fifteen (15) pages with one and one-half spaced lines). The court prefers that all memoranda use double-spaced lines. Points and authorities for any motion to be heard prior to the hearing on the merits of the writ petition shall comply with the filing schedule and page limits specified in California Rules of Court, rules 3.1113 and 3.1300, unless otherwise ordered. Except for the trial notebook and appendix of excerpts requirement in Local Rule 2.11.6, papers must be filed in the same manner as for general civil unlimited cases.

B. Applications to exceed the page limit pursuant to California Rules of Court, rule 3.1113, must be submitted directly to the judge assigned for all purposes without a hearing as provided in accordance with California Rules of Court, rule 3.1207, and the Superior Court of Fresno County, Local Rules, rule 2.7.2. The application to exceed the page limit must attach as an exhibit that party's statement of issues filed pursuant to Public Resources Code section 21167.8, and state reasons why the argument cannot be made within the stated page limit in A above. (Effective January 1, 2017, adopted as Rule 2.11.5 effective July 1, 2011, New)

2.11.6 Settlement Meeting Trial Notebook and Appendix of Excerpts

~~The initial notice must provide that, if the parties agree, the first settlement meeting will be continued so as to take place no later than thirty-five (35) days after the administrative record is served. (Effective July 1, 2011, New)~~

A. **Trial Notebook.** Petitioner shall prepare a "hard copy" trial notebook that must be lodged when its opening brief is filed. The trial notebook must consist of the petition, all answers, the 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. **Appendix of Excerpts.** The court requires that each party filing a brief prepare and lodge 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 lodged 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, 2017, adopted as Rule 2.11.8 (now 2.11.6) effective July 1, 2011, ~~New~~)

2.11.7 Statement of Issues

~~The statement of issues must identify those portions of the administrative record that are directly related to the contentions and issues remaining in controversy. (Effective July 1, 2011, ~~New~~)~~

2.11.8 Trial Notebook

~~Petitioner must prepare a trial notebook that must be filed with the designated CEQA department fourteen (14) days after lodging the Administrative Record. The trial notebook must consist of the petition, all answers, the 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 must contain a table of contents, tabbed sections consistent with those outlined above and an index of the documents in the notebook referencing page numbers. The notebook's pages should 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 requirements above should be used.~~

~~A court copy and a research copy of the above must be provided simultaneously. (Effective July 1, 2011, ~~New~~)~~

CHAPTER 3. CRIMINAL RULES

RULE 3.1 GENERAL CRIMINAL RULES

3.1.12 Payment of Criminal Fines

- A. No change.

B. No change.

C. **Transferring Overpayments.** In the event a defendant remits more money than is due on a case, the overpayment shall be refunded to the defendant, unless the defendant has an outstanding balance in any other case with a disposition, in which case ~~the Court may authorize the overpayment to be transferred to the case with an outstanding balance~~ Court staff is authorized to transfer the overpayment to the case with an outstanding balance. Any remaining balance will then be refunded to the defendant. (Effective January 1, 2017, adopted as Rule 3.1.12 effective January 1, 2015, ~~New~~)

RULE 3.2 MISDEMEANOR CASE RULES

3.2.2 Case Assignment

Upon the filing of a misdemeanor action the case is assigned to a specific department. The judge normally assigned to that department is the judge ~~that will preside over that case and is expected to preside over all remaining aspects of the case, including motions and trial.~~ This assignment is an assignment for all purposes who shall preside over that case and over all remaining aspects of the case, including motions and trials estimated to last two (2) days or less, unless circumstances require assignment of the trial to another department. Trials estimated to last more than two (2) days shall be assigned from the assigned misdemeanor department to an available courtroom on the morning of the trial. All parties shall report to the assigned misdemeanor department at 8:30 a.m. on the morning of the trial. (Effective January 1, 2017, adopted as Rule 3.2.2 effective January 1, 2010, ~~New~~)

3.2.5 Misdemeanor Trial Calendar

Misdemeanor trials shall be called at ~~4:30 p.m. on Wednesday~~ 8:30 a.m. on ~~Thursday~~. Trial counsel shall appear unless excused by the Court and shall be ready to proceed at the scheduled time. (Effective ~~January 1, 2010~~ January 1, 2017; Rule 3.2.4 (now 3.2.5) renumbered effective January 1, 2006; adopted as Rule 15.4 effective July 1, 2000)

RULE 3.6 TRAFFIC INFRACTION CASES

3.6.3 Remote Video Trials and Proceedings in Traffic Infraction Cases

A. Pursuant to California Rules of Court, rule 4.220(a), the Court ~~establishes a pilot project to permit~~ traffic infraction trials and proceedings to be conducted by two-way remote video communications. ~~The length of the pilot project shall not exceed three (3) years.~~

B. The following are designated as locations where eligible defendants may appear for remote video trials of traffic infraction cases:

1. Coalinga

2. Mendota

Additional locations may be designated ~~during the course of the pilot project~~. All designated locations shall be at least ten (10) miles outside the Fresno-Clovis Metropolitan Area and the city in which the site is located may not have regular public transportation servicing the area.

C. No change.

D. No change.

E. No change.

F. Upon receipt of a subpoena setting out the hearing date and remote location, law enforcement officers may make a request to appear in court instead of at the remote location. The request must be made via form ~~FTR-70~~ PTR-506. The form may be substituted in person or by mail at the addresses set out above. Forms submitted in person must be presented for filing at least five (5) court days before the date of the video proceeding set out in the subpoena. Forms submitted by mail must be postmarked at least ten (10) days before the date of the video proceeding set out in the subpoena.

G. It is the Court's preference that all exhibits intended to be used at the remote video trial be submitted prior to the hearing date so they will be available at the Court location for the judge's reference. Defendant and Law Enforcement designee should submit any exhibits he/she intends to use in presentation of his/her case prior to the trial date. All exhibits shall be accompanied by form ~~FTR-74~~ PTR-507 to assist in identifying the case associated with the exhibits. The form and exhibits may be submitted in person or by mail at the addresses set out above. Exhibits that are submitted in advance in person must be presented at least five (5) court days before the remote video trial date. Exhibits that are submitted in advance by mail must be postmarked at least ten (10) days before the remote video trial date.

Defendant and Law Enforcement designee shall bring two (2) copies of all documentary evidence he/she intends to use in presentation of his/her case to the remote location on the day of the hearing. Documentary evidence includes written documents, and standard sized photographs.

Defendant and Law Enforcement designee may bring one (1) copy of all demonstrative or other physical evidence he/she intends to use in presentation of his/her case to the remote location on the day of the hearing. Demonstrative or other physical evidence includes oversized maps or diagrams, three dimensional objects, and blown up photographs. (Effective January 1, ~~2016~~ 2017; Rule 3.6.3 (was 3.6.4) renumbered effective January 1, 2016)

CHAPTER 7. PROBATE RULES

RULE 7.2 PROBATE APPEARANCES

7.2.2 Telephonic Appearances

~~When telephone appearances are allowed, a~~ Attorneys or parties may appear by “Court Call,” by making prior arrangements with the private company that administers the program. Court Call may be arranged by calling (888) 882-6878, or the telephone number of any other vendor as approved by the Court. (Effective ~~January 1, 2016~~ July 1, 2008; Rule 7.2.2 renumbered effective January 1, 2006; adopted as Rule 71.2 effective January 1, 2004)

RULE 7.3 PRE-APPROVED MATTERS/PROBATE EXAMINERS

A. No change.

~~B. The telephone “Probate Examiner’s Hot-Line” is recorded daily at 4:00 p.m., and contains a~~ A list of pre-approved, continued, and off calendar cases on the next day’s calendar ~~will be posted on the Court’s web site by 4:00 p.m. daily. The telephone number is (559) 457-1888 (option 1).~~

C. No change.

D. No change.

E. If a matter is not pre-approved due to procedural irregularities ~~or omissions~~, parties may submit to the Probate Filing Clerk additional documents to cure the irregularities or omissions, up to 24 hours before the hearing. Any additional documents received less than 24 hours before the hearing may not be considered by the court, and the matter may need to be continued. (Effective ~~January 1, 2017~~ July 1, 2016; Rule 7.3 renumbered effective January 1, 2006; adopted as Rule 72 effective January 1, 2004)

RULE 7.4 CONTINUANCES

7.4.1 Regularly Calendared Matters

On the call of the calendar, matters not ready for hearing shall be continued by the court. The length of continuance shall be determined upon the facts and size of the calendar. A matter is considered not ready for hearing if notices, supplements, or other documentation curing all discrepancies ~~or omissions~~, other than strictly court-determined matters, are not submitted to the Probate Examiner’s Office at least twenty-four (24) hours in advance of the hearing date. If the matter is not ready on the continued date, it may be ordered off calendar or may be denied without prejudice unless a request for continuance is granted by the court upon the personal appearance

by counsel or the petitioner, if self-represented. (Effective January 1, 2017, Rule 7.4.1 renumbered effective January 1, 2006; adopted as Rule 73.1 effective January 1, 2004)

7.4.3 Limitations on Continuances

Status hearings and hearings for 30-day review of ex-parte temporary guardianship or conservatorship orders may only not be continued except by the judge at the time of hearing. For all other matters, the Probate Examiners Clerk's Office may, upon a showing of good cause, grant a maximum of two continuances on any particular matter on a request made by the petitioning party made no later than the close of business two days prior to the hearing. Any further continuances must be made in court, by the Judge, at the time set for hearing. (Effective January 1, 2017, Rule 7.4.3 renumbered effective January 1, 2006; adopted as Rule 73.3 effective January 1, 2004)

7.4.4 Notification of Parties

A party obtaining a continuance is responsible for noticing shall notify all parties who have received notice of the hearing by close of business the day prior to the hearing. If there are unnecessary appearances made and notice was not given, the party requesting a continuance may be assessed and held responsible for costs of those persons appearing. and shall pay the costs of any person who appears who was originally noticed but was not noticed of the continuance. Confirmation of the continuance and method of notification of parties shall be made to the court in a letter prior to the original hearing date. (Effective January 1, 2017, Rule 7.4.4 renumbered effective January 1, 2006; adopted as Rule 73.4 effective January 1, 2004)

RULE 7.5 STATUS HEARINGS AND STATUS REPORTS

A. No change.

B. In all matters set for Status Hearing, (except as provided in the following paragraph) verified Status Reports must be filed no later than ten (10) five (5) days before the hearing. Status Reports must comply with the applicable code requirements. A Proof of Service Notice of the Status Hearing, together with a copy of the Status Report, shall be served on all necessary parties who are legally entitled to notice of the underlying petition. Failure to comply with any part of this rule may result in the immediate imposition of sanctions.

C. If the required account, report, or petition for distribution is filed at least ten (10) five (5) days before the date set for the Status Hearing, no Status Report is required. The filing party shall notify the Probate Filing Clerk or Probate Examiner, in writing or via email or FAX that the necessary documents have been filed and the date of the hearing thereon. Upon such timely notification, the Status Hearing will be taken off calendar. (Effective January 1, 2017 2008; Rule 7.5 renumbered effective January 1, 2006; adopted as Rule 74 effective January 1, 2004)

RULE 7.6 ORDERS

7.6.2 Pre-Approved Orders

Orders on uncontested matters may be approved by the court at the time noticed for hearing. A copy of the signed order will be immediately available to appearing counsel. Unrepresented parties may generally obtain a copy of the order at the Probate Filing Clerk's Office after 4:00 1:30 p.m. on the day of the hearing. (Effective January 1, 2017, Rule 7.6.2 renumbered effective January 1, 2006; adopted as Rule 75.2 effective January 1, 2004)

RULE 7.7 EX PARTE PROCEEDINGS

A. No change.

B. No change.

C. All ex parte applications and stipulations, shall be accompanied by a separate order complete in itself. It is not sufficient for such an order to state that the application has been granted, or that the sale of property as set forth in the application has been approved.

D. No change.

E. No change. (Effective January 1, 2017 July 1, 2016; Rule 7.7 renumbered effective January 1, 2006; adopted as Rule 76 effective January 1, 2004)

RULE 7.8 BLOCKED ACCOUNTS

7.8.1 General Provisions

A. No change.

B. No change.

C. No change.

D. No change.

E. **Separate Petitions and Blocked Accounts for Each Minor or Person.**

A separate petition shall be filed for each minor or person whose funds are to be deposited into a blocked account. A separate blocked account shall be established for the funds of each minor or person.

F. No change.

G. No change.

H. No change.

I. No change. (Effective January 1, 2017 ~~2012~~; Rule 7.8.1 renumbered effective January 1, 2006; adopted as Rule 77.1 effective January 1, 2004)

7.8.2 Accounting Requirements for Blocked Accounts

A. No change.

B. If the guardian of the estate requests authority to deposit the minor's funds into a blocked brokerage account, mutual fund or similar investment account to allow greater flexibility in investments, the court will not dispense with accountings but will continue to require annual and biennial accountings even though all assets are blocked. If accountings are not dispensed with, the Court will set a status hearing for the filing of the next accounting. (Effective January 1, 2017 ~~2015~~; Rule 7.8.2 renumbered effective January 1, 2006; adopted as Rule 77.2 effective January 1, 2004)

7.8.3 Withdrawals from Minor's Blocked Account During Minority

A. No change.

B. If a withdrawal is requested for the purchase of a car, a copy of the proposed purchase/sale agreement shall be attached to the application showing the type of car, year, purchase price, and whether payment will be made in full or in specified installments. A binding agreement shall not be entered into before obtaining a court order. A casualty and liability insurance quote shall be attached to the application showing public liability coverage at (i) current state minimum limits or greater limits if ordered by the court, or (ii) per person and per accident for automobile insurance or policy limits equal to the funds which will remain on deposit after the purchase, whichever is greater. The application shall contain an explanation of who will pay for the insurance. A copy of the minor's current report card; a statement as to who will pay for the automobile's maintenance; and a statement of the current availability of public and alternate transportation shall also be submitted.

C. No change.

D. No change. (Effective January 1, 2017 ~~July 1, 2012~~; Rule 7.8.3 renumbered effective January 1, 2006; adopted as Rule 77.3 effective January 1, 2004)

RULE 7.9 PUBLICATION

A. If the decedent resided or a non-resident decedent, owned property within the city limits of the following cities, publication shall be made as follows:

If the residence or property owned was in:

Publish in

Fowler	Fowler Ensign
Fresno or Clovis	Fresno Bee, or Fresno Business Journal
Kerman	Kerman News
Kingsburg	Kingsburg Recorder
Mendota	Firebaugh Mendota Journal, or Mendota Times
Prather	Mountain Press
Reedley	Reedley Exponent
Sanger	Sanger Herald
San Joaquin	Westside Advance
Selma	Selma Enterprise

B. If the decedent lived outside the city limits of the cities listed above, or anywhere else within the County of Fresno, publication shall be in the Fresno Bee or the Fresno Business Journal. This includes but is not limited to the following areas: Auberry, Big Creek, Biola, Cantua Creek, Caruthers, Centerville, Clovis, Coalinga, Del Rey, Dunlap, Friant, Firebaugh, Five Points, Fowler, Friant, Huron, Kings Canyon, Laton, Miramonte, Orange Cove, Parlier, Piedra, Pinedale, Raisin City, Riverdale, Shaver Lake, Squaw Valley, Tollhouse, or Tranquility. (Effective January 1, 2017 July 1, 2016; Rule 7.9 renumbered effective January 1, 2006; adopted as Rule 78 effective January 1, 2004)

RULE 7.12 PETITIONS FOR DISTRIBUTION

7.12.4 Distribution of Real Property

A. The court will not order distribution of real property in undivided interests ~~absent the written consent of all distributees~~ without factual allegations showing good cause or the written consent of all distributees.

B. No change. (Effective January 1, 2017 July 1, 2016; adopted as Rule 7.12.4 effective January 1, 2008)

7.12.5 Distribution to Inter Vivos Trusts

If property in the estate is to be distributed to a pre-existing trust, the current trustee must file a declaration setting forth the name of the trust, its establishment date, that a taxpayer identification number has been obtained, verifying that the trust is in full force and effect, and that the trustee has an executed copy of the trust in possession. (Effective January 1, 2017, Rule 7.12.4 effective January 1, 2006; adopted as Rule 81.4 effective January 1, 2004)

7.12.6 Retention of Closing Reserve

- A. No change.
- B. No change.
- C. No change.

D. No closing reserve funds shall be used for attorney fees or personal representative ~~commissions~~ compensation. (Effective January 1, 2017, adopted as Rule 7.12.6 effective July 1, 2015, New)

RULE 7.15 CONSERVATORSHIPS AND GUARDIANSHIPS

7.15.9 Compensation of Court-Appointed Attorney

- A. No change.
- B. No change.

C. **Payment by County.** If the conservatee or person represented does not have the ability to pay compensation and expenses of counsel, as indicated on the Order Appointing Counsel, the attorney shall request payment by filing the form entitled "Application and Order for Payment of Attorney's Fees" which is available from the Probate Filing Clerk. The application shall be accompanied by:

1. A complete statement of the services rendered, including the date, hours spent and narrative description of the services rendered, and
2. A detailed breakdown of all expenses paid, if any, including photocopies of receipts.

The application may be submitted to the Probate Filing Clerk, Room 300 of the B.F. Sisk Courthouse, for delivery to the Clerk designated to review and process the application. Questions regarding content and requirements may be directed to the Clerk prior to submission of the application. The attorney may thereafter file a separate ex parte application to be submitted to the Probate Judge for discharge as attorney of record for the conservatee or person represented, without a filing fee.

- D. No change.

E. **Time for Submission of Request for Compensation by Court Appointed Attorney.** If an attorney is appointed by the Court to represent a proposed conservatee in connection with appointment of a conservator, any request for attorney

fees in relation to the appointment shall be made within ninety (90) days of the appointment of a conservator. If the attorney fees requested related to any other matter involving the conservatee, such as sales or accountings, said fee request shall be made no later than ninety (90) days after the hearing on or conclusion of the matter. If the Court does not discharge counsel for a conservatee at the hearing of a matter and continues the appointment, any final fee request of Court appointed counsel shall be made within ninety (90) days after the Court later discharges counsel, but in no event later than the hearing on a final account. (Effective January 1, 2017 July 1, 2015; Rule 7.15.10 (now 7.15.9) renumbered effective January 1, 2006; adopted as Rule 84.10 effective January 1, 2004)

RULE 7.17 REIMBURSEMENT OF ATTORNEY'S, CONSERVATOR'S, GUARDIAN'S OR PERSONAL REPRESENTATIVE'S COSTS ADVANCED

A. No change.

1. No change.
2. No change.
3. No change.
4. No change.
5. No change.

B. The following expenses are considered by the court to be a business expense part of the cost of doing business, and are not reimbursable costs or fees:

1. No change.
2. ~~Local~~ Telephone charges including appearances such as Court Call.
3. No change.
4. No change.
5. Travel to and from court including parking fees and telephonic appearance costs.
6. No change.

7. Runner services and service fees associated with electronic filing.

C. Requests for reimbursement of allowable costs must be supported by itemized declarations and are subject to the court's discretion. Allowable costs include but are not limited to:

1. Postage and photocopy expense when more than ten people are entitled to notice, or in unusual circumstances upon a showing of good cause.

2. No change. (Effective January 1, 2017 2015, Rule 7.17 renumbered effective January 1, 2006; adopted as Rule 86 effective January 1, 2004)

RULE 7.21 ACCOUNT STATEMENTS AND SUPPORTING DOCUMENTS FOR CONSERVATORSHIP AND GUARDIANSHIP ACCOUNTINGS

A. All conservatorship and guardianship accounts must be supported by financial account statements verifying the balances and assets of accounts at financial institutions, including banks, credit unions security, brokerage and similar financial accounts as of the closing date of the accounting. If the accounting is the first account, financial account statements shall also be provided to show the account balance immediately preceding the first account period. The financial institution statements must be the originals must show the vesting of the account, the date, the balance and assets in the account. If a financial institution does not produce statements or records required by this rule, the fiduciary shall submit a declaration stating this fact and what records are available. The declaration shall include the following:

1. The name of the financial institution representative who represented that the institution does not or cannot on request produce statements or records required by this rule;

2. The date the fiduciary spoke with the representative;

3. Any other basis the fiduciary bases the claim that the financial institution does not produce or provide such statements or records.

B. If financial institution records and/or residential care facility statements required to be submitted with an accounting are only received electronically, the report should so allege and copies of the electronic statements should be printed and provided or copies filed electronically.

C. The financial institution account statements shall be filed separately from the accounting and attached to a separate affidavit or declaration describing the

character of the document and shall be captioned “confidential financial statements.” The Court shall keep the financial institution account statements confidential, except such shall be available to the Court and Court personnel for use in reviewing accountings and reports and shall be subject to further disclosure only upon order of the Court. (Effective January 1, 2017, New)