LOCAL RULES FOR THE

SUPERIOR COURT OF CALIFORNIA

COUNTY OF FRESNO

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FRESNO COUNTY SUPERIOR COURT

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CHAPTER 1. ADMINISTRATIVE RULES

RULE 1.1 GENERAL

1.1.1 Citation of Rule

These rules shall be known and cited as the "The Superior Court of Fresno County, Local Rules." **(Effective January 1, 2008, Rule 1.1.1 renumbered effective January 1, 2006; adopted as Rule 1.1 effective July 1, 1999)**

1.1.2 Effective Date of Rules

Repealed. **(Effective January 1, 2009, Rule 1.1.2 renumbered effective January 1, 2006; adopted as Rule 1.2 effective January 1, 1997)**

1.1.3 Construction, Scope and Effect of Rules

A. These rules shall be construed to secure the efficient administration of the business of the court and to promote and facilitate the administration of justice by the court.

B. These rules shall govern all proceedings in the court.

C. These rules are supplementary and subject to, and at all times shall be construed and applied so as to be compatible with California statutes, the California Rules of Court and other rules adopted by the Judicial Council of California. When a specific California Rule of Court or code section designated in these rules is amended or renumbered, the successor Rule of Court or code section shall be applicable. **(Rule 1.1.3 renumbered effective January 1, 2006; adopted as Rule 1.3 effective January 1, 1999)**

1.1.4 Definitions

The definitions set forth in the California Rules of Court, or any other rules adopted by the Judicial Council, shall apply with equal force and for all purposes to these rules, unless the context or subject matter herein otherwise requires.

Alternative Dispute Resolution: "Alternative Dispute Resolution" or "ADR" means a process, other than formal litigation, in which a neutral person or persons resolve a dispute or assist parties in resolving their dispute. Examples include mediation, arbitration, neutral evaluation, and mini-trial.

Business Day or Days: The words "business day" or "business days" shall mean days, excluding weekends and Court holidays, when used for the purposes of counting time.

Clerk: The word "Clerk" means the Clerk of the court and any deputy clerks.

Complex Litigation: The words "complex litigation" mean cases that meet the definition of "complex case" found in Rule 3.400 of the California Rules of Court.

Court: The word "court" means the Superior Court of California, County of Fresno, and includes and applies to any duly appointed or elected judge, to any duly appointed commissioner or referee, to any judge or retired judge who has been assigned by the Chairperson of the Judicial Council to serve, and is serving, as a judge of the court, and to any attorney who is a member of the State Bar of California designated by the Presiding Judge or any other judge as a temporary judge, while the attorney is serving as a judge.

Court Day: A day the Court is open to the public and court is in session.

Court's Website: The court's website is http://www.fresno.courts.ca.gov.

Department: The word "department" means either a numbered courtroom or an administrative unit of a division.

General Civil Case: The words "general civil case" mean a limited or unlimited civil case, except probate, guardianship, conservatorship, family law, juvenile proceeding, other civil petition, complex litigation, unlawful detainer, and small claims cases.

Judgment: The word "Judgment" includes and applies to any judgment and to any other order or decree from which an appeal lies.

Judicial Council Rules: The words "Judicial Council Rules" mean any rules heretofore or hereafter adopted by the Judicial Council of the State of California for superior courts.

Judicial Officer: The words "judicial officer" mean any duly appointed or elected judge of the court, any duly appointed commissioner or referee, any judge or retired judge assigned by the Chairperson of the Judicial Council to serve as a judge of the court, and any attorney designated to serve as a temporary judge, while so serving.

Limited Civil Cases: The words "limited civil cases," mean limited civil cases as defined in Code of Civil Procedure § 86.

Meet and Confer: The words "meet and confer" mean a telephone conference between opposing parties or, whenever reasonably possible, a face-to-face meeting. A meet and confer obligation is not satisfied by an exchange of letters.

Paper: The word "paper" includes all pleadings, notices and other documents.

Party: Unless otherwise indicated, "party" means the party litigant, but if the litigant is represented by an attorney, then "party" means the attorney.

Person: The word "person" shall include and apply to corporations, partnerships, proprietorships, associations and all other entities, as well as natural persons.

Plaintiff: The word "plaintiff" means a plaintiff or petitioner; it also means cross-complainant in those cases where the plaintiff is no longer an active party.

Presiding Judge: The words "Presiding Judge" mean the elected Presiding Judge of the court, or the Presiding Judge's designee, unless a case has been filed in, or assigned to, a division other than the Central Division, in which event the words "Presiding Judge" mean the judge of that division.

Short Cause Case: The words "short cause case" mean any case in which the time estimated for trial by all parties is five (5) hours or less.

Unlimited Civil Case: The words "unlimited civil case" mean a civil action or proceeding other than a limited civil case. **(Effective January 1, 2016; Rule 1.1.4 renumbered effective January 1, 2006; adopted as Rule 1.4 effective January 1, 2005)**

1.1.5 Amendment, Addition or Repeal of Rules

Subject to the California Rules of Court, these rules may be amended or repealed, and new rules may be added, by a majority vote of the judges of the court. Written notice of the exact wording of the proposed amendment, addition or repeal shall be given to all of the judges prior to taking a vote. Written notice may be waived by a majority of the judges, if the Presiding Judge declares the proposed amendment, addition, or repeal to be an urgency measure. **(Rule 1.1.5 renumbered effective January 1, 2006; adopted as Rule 1.5 effective January 1, 1999)**

1.1.6 Failure to Comply with Rules

A. The failure of any party to comply with these rules, unless good cause is shown, or the failure of any party to participate in good faith in any hearing or conference required by these rules, is an unlawful interference with the proceedings of the court and may be punishable by contempt. The court may order the party at fault to pay the opposing party's reasonable expenses and counsel fees, to reimburse or make payment to the county, may order an appropriate change in the calendar status of the case and impose any other sanctions authorized by law. The appearance of a party in pro per does not excuse compliance with these rules.

B. The fact that the court does not strictly enforce some provision or requirement of these rules on some occasion should not be construed as an indication that the court cannot or will not strictly enforce that provision or requirement on other occasions. **(Rule 1.1.6 renumbered effective January 1, 2006; adopted as Rule 1.6 effective July 1, 2000)**

1.1.7 Court Security

Security in courtrooms shall be maintained by the Sheriff of the County of Fresno, unless otherwise ordered by the Presiding Judge. **(Rule 1.1.7 renumbered effective January 1, 2006; adopted as Rule 1.7 effective January 1, 1997)**

1.1.8 Court Attire

No person shall appear in court without a shirt, or barefoot, or wearing a tank top. Bailiffs of the court are to remove any person violating this rule. This rule does not limit any judge from prescribing appropriate attire in the courtroom. **(Rule 1.1.8 renumbered effective January 1, 2006; adopted as Rule 1.8 effective January 1, 1997)**

1.1.9 Appearance for Another Attorney

An attorney who appears for another attorney is representing the party then before the court. As provided by the California Rules of Professional Conduct such attorney is required to do so competently, and is expected to be prepared to carry out and perform any duties required by the court, to have authority to make appropriate dispositions or calendar settings and to communicate any orders the court may issue to the attorney of record. **(Rule 1.1.9 renumbered effective January 1, 2006; adopted as Rule 1.9 effective January 1, 1997)**

1.1.10 Filing and Format of Documents

All papers shall conform to these rules and the California Rules of Court, and shall be typewritten or legibly printed. The Clerk will not accept for filing any papers not in compliance unless otherwise ordered by the Court. **(Effective July 1, 2020; Rule 1.1.10 renumbered effective January 1, 2006; adopted as Rule 1.10 effective January 1, 1997)**

1.1.11 Forms of Payment

A. A personal check, bank cashier's check or draft, money order or traveler's check offered in payment of any fee, fine or bail deposit may be accepted by the Clerk as provided herein.

B. Personal checks shall be drawn on a banking institution located in California. Cashier's checks or money orders may be drawn on an issuing institution located in the United States.

C. The amount shall be the exact amount of the fee, fine or bail; change will not be given. The date on the check must not be over one month previous to the date presented; post-dated checks are not acceptable. The original payee must be the Fresno County Superior Court or other similar designee. Two-party checks are not acceptable. The numeric figures must agree with the amount written in words. The sum must be in U.S. currency.

D. Any check or money order which appears irregular on its face may be refused. Personal checks from persons known to have previously tendered dishonored checks may be refused. Checks returned to the court are subject to the applicable fees established by the Fresno County Superior Court.

E. Coinage of more than $50.00 shall be counted and rolled. **(Effective July 1, 2011; Rule 1.1.11 renumbered effective January 1, 2006; adopted as Rule 1.11 effective July 1, 2001)**

1.1.12 Custody of Court Files and Signed Orders

A. No papers, exhibits, or evidence on file with the Clerk in any civil or criminal case shall be taken from the Clerk's Office, except by order of the court or in response to a subpoena duces tecum.

B. Orders signed by a judge must be filed immediately in the Clerk's Office. An unfiled signed order shall not be taken from the courthouse. **(Rule 1.1.12 renumbered effective January 1, 2006; adopted as Rule 1.12 effective January 1, 1997)**

1.1.13 Attorney's Duty to Comply with Calendar

An attorney shall not accept representation of a client if the attorney does not have sufficient time to adequately prepare before the next scheduled court appearance, and shall comply with all applicable case disposition standards unless otherwise ordered by the court. **(Rule 1.1.13 renumbered effective January 1, 2006; adopted as Rule 1.13 effective January 1, 1997)**

1.1.14 Filing and Acceptance of Papers Not Subject to Mandatory Electronic Filing

All papers not subject to mandatory electronic filing are to be submitted for filing at the Clerk's Office during normal business hours, excluding court holidays, as posted on the court's website, www.fresno.courts.ca.gov. Acceptance of papers for filing with the Court shall be deemed to occur:

1. On the date the papers were submitted to the Clerk's Office for filing if the submission occurred during normal business hours of the Clerk's Office; and,

2. On the next Court day the Clerk's Office is open for business if the submission occurred after normal business hours of the Clerk's Office.

To be deemed submitted during the normal business hours of the Clerk's Office the person submitting the papers for filing must have gained entry to the Clerk's Office during normal business hours. In the event that the submission or entry to the Clerk's Office occurred after normal business hours the filing will occur on the next Court day. Nothing in this section shall limit the clerk's ability to reject filings.

Any exceptions to these rules can be effected by posting of a policy allowing filing through a drop-box. **(Effective July 1, 2020; adopted as Rule 1.1.14 effective January 1, 2009)**

1.1.15 Filing Notices of Appeal

Notices of Appeal must be filed in accordance with Rule 1.1.14 or 4.1.13, as applicable. They will not be accepted for filing in any individual courtroom. **(Effective January 1, 2023; adopted as Rule 1.1.15 effective July 1, 2010)**

1.1.16 Returned Checks

Notification will be mailed if a check is returned for any reason (e.g., insufficient funds, stop payment or account closed). A "returned check hold" will be placed on all accounts and cases of the person whose check is returned, which will block the ability to pay any fees and/or fines by check and may result in the striking of court filings. To remove the hold on the accounts and cases, the party must pay in cash or with certified funds the original check amount plus a returned check fee that is set by the Court. Once the hold is removed the person may again pay the fees and/or fines by check. **(Effective July 1, 2011; adopted as Rule 1.1.15 (now 1.1.16) effective January 1, 2010)**

1.1.17 Use of Recording Devices

A. This rule is for the protection of the public, all parties, and court personnel, and to facilitate the fair and orderly resolution of cases. This rule is subject to modification based upon specific circumstances and the discretion of an individual judicial officer in that judicial officer's courtroom, the supervising judge of a division, or the Assistant Presiding Judge in the event of the unavailability of the Presiding Judge.

B. No one may engage in photographing, recording, broadcasting, or activating any camera, microphone, recorder or broadcasting device while in Court, or in any courthouse, except:

1. Authorized court and court security personnel;

2. As permitted by California Rules of Court, rule 1.150, or by this rule;

3. In a courtroom where the judge has issued an order allowing media coverage under California Rules of Court, rule 1.150, or expressly granted permission, under California Rules of Court, rule 1.150(d) or otherwise, to photograph, record, and/or broadcast;

4. Outside the Court, if it is: i) in a designated media area, or ii) with prior written permission from the Presiding Judge, Assistant Presiding Judge or supervising judge. Designated media areas are described and depicted in Appendix "E".

C. For purposes of this rule, the following definitions apply:

1. “Court” means any courtroom or courthouse in the County where the court conducts business, including all entrances, exits, hallways, escalators, elevators, and secured court parking areas.

2. “Camera” means any device that has a primary function of recording images and is not part of a multifunction device such as a "smartphone."

3. “Wearable Electronic Device and Wearable Camera” means any miniature electronic device that is worn under, with, or on top of clothing and having a primary purpose of image capture or recording (such as Google Glass, Go Pro Cameras, Lapel Pin cameras).

4. “Personal Electronic Device” means any device capable of communicating, transmitting, receiving, or recording messages, images, sounds, data, or other information by any means including but not limited to a computer, tablet, cell phone, or blue-tooth device.

D. This rule shall not preclude any law enforcement officer from taking appropriate steps to ensure the orderly and peaceable conduct of court business at a courthouse, including the recording of criminal activity in progress. A law enforcement officer's use of a body camera for passive recording is allowed provided it is in conformity with agency policies and the camera is set to automatically overwrite data within the timeframe prescribed by the officer's departmental standards.

E. Except for representatives of media or media agencies as defined in California Rules of Court, rule 1.150(b)(2), no person shall bring into any courthouse a Camera, Wearable Electronic Device, or Wearable Camera, nor may any person operate a Personal Electronic Device in violation of this rule.

F. To establish whether a person is bringing a Camera into the courthouse for the purpose of media coverage security personnel may require that person to either provide a press pass issued by a local law enforcement agency, other verifiable press credentials, or a copy of a current filed petition seeking a court order.

G. Personal Electronic Devices may be brought into a court facility but may be used only in accordance with this rule and California Rules of Court, rule 1.150. All electronic devices may be inspected by court security personnel who shall comply with the Electronic Privacy Communications Act (Penal Code sections 1546; 1546.1, et seq.).

H. This rule does not prohibit the use of portable scanners, cameras, or copiers, provided such devices are used solely for the permissive purpose of imaging documents.

I. Prior to entering a courtroom, all Cameras, Wearable Electronic Devices and Wearable Cameras, Personal Electric Devices, pagers, and all other electronic communication or recording devices must be silenced or, in the discretion of the judicial officer, turned off. No such device shall be handled in any way as to indicate that a picture, audio or video recording is being taken except in compliance with this rule. Any such device which disrupts the proceedings shall be subject to confiscation and search. Nothing in this rule shall restrict a judicial officer's discretion to regulate the use of such devices in his or her courtroom.

J. A copy of this rule shall be made reasonably available or posted near every security entry point into each court building, and at such other locations as the court's Director of Security directs. Violation of this rule may result in seizure of the device, monetary sanctions pursuant to section 177.5 of the Code of Civil Procedure, and/or a finding of contempt pursuant to sections 128 and 1209 of the Code of Civil Procedure, and/or arrest pursuant to Penal Code sections 166(a)(4), 166(a)(5), and 632.

K. Any court staff, security personnel or peace officer who becomes aware that a person is using a device in violation of this rule is directed to advise such individual orally of this rule, and take steps to provide the person with a written copy of this rule as soon as practical. Security personnel or a peace officer who has reasonable cause to believe a violation of this rule has occurred are requested to prepare an incident report, and if the circumstances warrant immediate corrective action because the person persists in violating this rule despite being informed of it or has violated the rule in a way that appears to have a significant adverse impact upon court security or the fair and orderly resolution of cases, shall take possession of the device and bring the person without unnecessary delay to the courtroom of the judicial officer, division supervising judge, Assistant Presiding Judge or Presiding Judge. Such judicial officer may take such action or issue such orders to show cause regarding imposition of sanctions or contempt pursuant to Code of Civil Procedure sections 128, 177.5, and 1209, and concerning the device, as may be appropriate. **(Effective January 1, 2019, New)**

1.1.18 Services of the Official Court Reporters in Civil, Family Law and Probate Actions or Cases

Court reporters are provided by the Court for the designated family law departments. Court reporters are not routinely provided by the Court for the designated unlimited civil departments, limited civil departments, probate department (with the exception of mental health cases), family support department or the family law/probate/civil trial department. Further, other departments may be assigned unlimited civil, limited civil, probate or family support hearings for which no court reporters will routinely be provided by the Court.

If a party wishes to provide a court reporter for a hearing or trial, prior to the hearing or trial date, such party must file a statement with the Court requesting the presence of an official court reporter, stating therein their intent to provide their own official court reporter.

A party to an unlimited civil, family law or probate action who has been granted a fee waiver may file a request for an official court reporter to be provided by the Court for a specific hearing or trial. This request is required to be made separately from the above-mentioned statement and must be filed at the time the hearing is set or when notice of the hearing or trial is received. If the request is untimely, an official court reporter may not be available at the time of the hearing or trial. The "Request for Presence of a Court Reporter" form is mandatory when a party with an active fee waiver makes a request for an official court reporter to be provided by the Court. The form is available in the Family, Probate and Civil clerks' offices and on the Fresno County Superior Court website: http://www.fresno.courts.ca.gov/general-information/court-reporters. **(Effective July 1, 2019, New)**

1.1.19 Remote Appearances

A. General

1. The purpose of this Local Rule is to provide greater access to justice, promote court efficiency, and facilitate remote proceedings, and is adopted pursuant to Code of Civil Procedure section 367.75 and California Rules of Court, rule 3.672.

2. Definitions and notice requirements are as set forth in rule 3.672.

3. A remote court appearance is a court appearance. A person appearing remotely must observe the same degree of courtesy, decorum, and courtroom etiquette as required for an in-person appearance.

4. Pursuant to California Rules of Court, rule 1.150, any recording, reproduction, or re-broadcasting of a remote proceeding, including transcription, screen shots, or other visual or audio copying, is strictly prohibited.

5. Parties and witnesses who intend to appear remotely must ensure that they have sufficient technology to fully participate in all aspects of a hearing without disruption. Persons appearing by video must have a device capable of displaying a clear video stream. All persons appearing remotely must appear from an indoor location with limited background noise.

6. Nothing in this rule limits the discretion of a judicial officer to require an in-person appearance, even where a remote appearance has been authorized and commenced.

B. Remote Platforms

The Fresno County Superior Court utilizes the following audio/video platforms for appearances:

1. Zoom (Video & Audio)

2. CourtCall (Audio Only)

3. Telephonic

C. **Scheduling Remote Appearances**

Remote appearances are scheduled through different methods based on the case type, hearing type, and department.

1. For hearing types that require written notice of intent to appear remotely, the following procedures apply:

a. If the remote appearance is allowed by the judicial officer, the Court may schedule the remote appearance on behalf of the parties.

b. If the judicial officer determines that an in-person appearance would materially assist in hearing the matter before the Court, the Court will notify the party that they must appear in person.

2. Requirements and deadlines to notice the Court and all other parties of an intent to appear remotely for specific hearing type are listed on the Court's website https://www.fresno.courts.ca.gov/divisions/civil/remote-appearance-information.

3. Forms can be located on the Court's website or the Judicial Council's website https://www.courts.ca.gov/forms.htm.

4. Parties who are not assessed a filing fee or who have been granted a fee waiver will not be charged fees for video or audio appearances.

5. All parties mandated to file electronically should refer to Rule 4.1.2 (Electronic Filing). Parties not required to electronically file must include a Proof of Serve or Declaration of Notice. All Civil and Family Law requests must include a proposed order (Judicial Council Form RA-020).

6. Pursuant California Rules of Court, rule 1.150, any recording, reproduction or re-broadcasting of a court proceeding held remotely including transcription, screen shots or other visual or audio copying of a hearing is strictly prohibited.

7. Any requests to appear remotely must include an e-mail address or self-addressed, stamped envelope for noticing of the Court's Ruling. **(Effective September 15, 2022, New)**

(Rule 1.1 renumbered effective January 1, 2006; adopted as Rule 1 effective July 1, 1992)

RULE 1.2 COURT ORGANIZATION

1.2.1 Election, Term and Duties of Presiding Judge

A. Election and Term

The Presiding Judge shall be elected and may be removed by a majority of all judges by secret ballot. The election of the Presiding Judge shall take place at a regular meeting held in the fall of each year in which the term of the prior Presiding Judge expires. Nominations for the position of Presiding Judge shall be made in writing and delivered to the secretary of the Executive Committee not earlier than twenty-one (21) days prior to the meeting and no later than seven (7) calendar days prior to the regular meeting in which the election is to be held. Any Fresno County Superior Court Judge may be nominated by another judge or may nominate himself or herself for the position of Presiding Judge.

The Presiding Judge shall be elected to serve a two-year term commencing the following January 1. The Presiding Judge may be reelected.

B. Powers and Duties

The Presiding Judge shall have those powers and duties conferred on the Presiding Judge as provided by statute, California Rules of Court and rules as adopted by the Fresno County Superior Court.

The Presiding Judge's duties shall include, but are not necessarily limited to, the following:

Selecting the court's Assistant Presiding Judge.

Presiding over regular and special court's meetings.

Presiding over Executive Committee meetings.

Setting and implementing policies and procedures.

Planning for the court's future needs.

Supervising the Executive Officer.

Conducting the day-to-day affairs of the court.

Designating an Acting Presiding Judge, when the Presiding Judge is unavailable or absent. **(Effective July 1, 2012; Rule 1.2.1 renumbered effective January 1, 2006; adopted as Rule 2.1 effective April 6, 2002)**

1.2.2 Assistant Presiding Judge

A. Selection

The Presiding Judge shall select the Assistant Presiding Judge from among all Fresno County Superior Court Judges.

B. Duties

The duties of the Assistant Presiding Judge shall be the same as the Presiding Judge in his or her absence at the discretion of the Presiding Judge. Other duties may be delegated to the Assistant Presiding Judge by the Presiding Judge. The Assistant Presiding Judge shall be a member of the Executive Committee. **(Rule 1.2.2 renumbered effective January 1, 2006; adopted as Rule 2.2 effective January 1, 1999)**

1.2.3 Acting Presiding Judge

An Acting Presiding Judge may be designated by the Presiding Judge in the Presiding Judge's absence or unavailability. **(Rule 1.2.3 renumbered effective January 1, 2006; adopted as Rule 2.3 effective January 1, 1999)**

1.2.4 Regular and Special Meetings

A. Membership

All Fresno County Superior Court Judges created under Article VI of the California Constitution shall be voting members.

The Court Executive Officer shall be a non-voting ex officio member and shall serve as secretary at all judges' meetings.

Court Commissioners may attend all judges' meetings unless otherwise informed.

B. Judges' Meetings

1. Regular Meetings

The judges may hold regular meetings at least once every month unless otherwise determined by the Presiding Judge. The meetings shall be held at a reasonably fixed date, time and location. Agendas for all meetings shall be distributed no less than four (4) Court days prior to the meeting. Minutes of all meetings shall be distributed as soon as possible.

2. Semi-Annual Meetings

The judges shall hold extended meetings two (2) times each calendar year. One of those meetings shall be scheduled during the fall. Biennially, at the

fall meeting, one of the agenda items shall be the election of the Presiding Judge. The Executive Committee shall schedule these semi-annual meetings at a reasonably fixed date and location and provide all judges with at least thirty (30) calendar days written notice thereof. These meetings shall be designated as regular meetings. The purpose of these meetings is to discuss and formulate major policies, strategies and other issues which cannot be discussed adequately at a regular meeting.

3. Special Meetings

Special meetings may be called by at least twenty-five percent (25%) of the judges or by the Executive Committee, provided written notice of the date, time and place of the meeting is given to all judges at least seven (7) calendar days prior to the date of the meeting.

C. **Voting**

Each Judge shall have one (1) vote. Any judge who does not attend a regular or special meeting may authorize another Fresno County Superior Court Judge to exercise a written proxy, general or specific as stated in the proxy, and vote on his or her behalf.

D. **Quorum**

A quorum for the conduct of business shall require at least fifty percent (50%) of the total number of voting members (inclusive of general, but not of specific proxies) plus one (1). The proxy must be submitted to the secretary prior to the voting on any issue in which a proxy vote is to be cast. **(Effective July 1, 2012; Rule 1.2.4 renumbered effective January 1, 2006; adopted as Rule 2.4 effective January 1, 2002)**

1.2.5 Election, Term and Duties of Executive Committee

A. **Composition/Selection of Voting Members**

There is hereby established an Executive Committee. The committee shall be comprised of seven (7) judges, one of whom must be the Presiding Judge, and one of whom must be an Assistant Presiding Judge. The remaining judge members shall be elected by all Fresno County Superior Court Judges.

In addition, in an effort to ensure leadership continuity and a heightened awareness of court history and decision-making considerations, the immediately preceding Presiding Judge shall occupy an “emeritus” membership position for up to two consecutive one-year terms, at his or her option. The emeritus position shall be a non-voting member.

The Court Executive Officer shall be a non-voting member and shall serve as secretary of the Executive Committee.

At the fall semi-annual meeting and by written notice to each judge, the secretary of the Executive Committee shall notify each judge that nominations for judge members of the Executive Committee are open and shall close fourteen (14) calendar days after the date of the written notice. Nominations for Executive Committee judge members shall be made in writing and delivered to the secretary of the Executive Committee. Within three (3) court days after the close of nominations, the secretary shall distribute written ballots to all judges that must be returned to the secretary no later than fourteen (14) calendar days thereafter. Any judge may be nominated by another judge or by himself or herself for the position of Executive Committee member.

B. Executive Committee Membership

The five (5) judge members shall be elected at large from among all Fresno County Superior Court Judges. Vacancies in any member position, regardless of the reason – elevation, retirement, death, disability, resignation, etc. – shall be filled for the remainder of the term by a majority vote of the remaining members of the Executive Committee, unless just cause to leave the position vacant, such as the limited amount of time left on the departing member's term, is determined by the Executive Committee.

The Executive Committee shall announce the vacancy in writing to all judges. Any judge interested in serving in the vacant position shall have one (1) week to notify the Executive Committee of his or her interest.

C. Term of Office for Voting Members

The term of office for Executive Committee members shall be two (2) years, commencing January 1 of the calendar year following selection.

The terms of the members shall be staggered so that each January 1, no more than four (4) of the seven (7) members change, unless an exception is approved by the Executive Committee.

D. Voting

Each judicial member of the Executive Committee shall have one (1) vote. Any member who does not attend a committee meeting may authorize another judge to exercise a written proxy, general or specific as stated in the proxy, to vote on his or her behalf. No judicial member shall exercise more than two (2) proxies on behalf of other judicial members. The proxy should be provided to the secretary in advance of the meeting. All matters coming before the committee for approval shall require a majority vote of voting members present.

E. Quorum

At least four (4) voting members of the Executive Committee in attendance are necessary to establish a quorum. Submission of a general proxy shall not constitute presence at the meeting for the purpose of a quorum.

F. **Meetings**

The Executive Committee shall hold regular meetings at least once every month. Any Fresno County Superior Court Judge may attend any meeting of the committee. Notice of the time, place and agenda for committee meetings shall be provided to all judges at least twenty-four (24) hours before the meeting and minutes of the meeting shall be promptly prepared and immediately distributed to all judges. Voting on issues shall be limited to agenda items except for items designated as emergency items by a majority of the Executive Committee. Meetings of the Executive Committee shall be chaired by the Presiding Judge.

Any member of the Executive Committee, other than the Presiding Judge, who is absent from three (3) consecutive meetings without good cause as determined by the Executive Committee, or who is excessively absent as determined by the Executive Committee, may be removed as a member by majority vote of the Executive Committee. The remaining members of the Executive Committee shall by majority vote elect a replacement member to serve the remainder of the term of the removed member.

G. **Duties**

The duties of the Executive Committee shall include:

1. Recommending court policy and procedures for implementation by the Presiding Judge.

2. Reviewing, in its discretion, the decisions and actions of the Presiding Judge and Executive Officer and, where appropriate, making recommendations to the Presiding Judge.

3. Establishing budgetary priorities and approving budget for submission to the State Trial Court Budget Commission.

4. Recommending for hire an Executive Officer.

5. Conducting an annual evaluation of the performance of the Executive Officer.

6. Selecting and hiring Court Commissioners. **(Effective July 1, 2012; Rule 1.2.5 renumbered effective January 1, 2006; adopted as Rule 2.5 effective January 1, 2002)**

1.2.6 Committee Assignments

All committee members shall be appointed by the Presiding Judge. **(Rule 1.2.6 renumbered effective January 1, 2006; adopted as Rule 2.6 effective January 1, 1999)**

1.2.7 Court Executive Officer

Pursuant to Government Code § 69898, the Court Executive Officer, under the direction of the Presiding Judge, shall exercise all of the powers, duties and responsibilities as Clerk of the Fresno County Superior Court. These powers, duties and responsibilities shall include all of those previously performed by the County Clerk as Ex Officio Clerk of the Fresno County Superior Court, and those pertaining to the Grand Jury prescribed by Penal Code §§ 900 and 933. Pursuant to Government Code § 26800, the County Clerk is hereby relieved of any obligation imposed by law with respect to these powers, duties and responsibilities. Pursuant to Government Code § 69893 and Code of Civil Procedure § 195, the Court Executive Officer shall also serve as Jury Commissioners.

The duties of the Court Executive Officer shall include, but are not necessarily limited to, those set forth in California Rules of Court, Rule 10.610, and such other duties as may be assigned by the Presiding Judge. The Court Executive Officer shall be responsible for the selection, retention and direction of all non-judicial personnel of the court. The Court Executive Officer shall be an exempt employee whose selection shall be recommended by a majority of the Executive Committee and approved by a majority vote of all Fresno County Superior Court Judges, who may be terminated by a majority vote of all Fresno County Superior Court Judges. The Court Executive Officer shall serve as a non-voting member of the Executive Committee and shall serve as secretary. The secretary is responsible for conducting all elections and counting all votes. **(Effective July 1, 2007; Rule 1.2.7 renumbered effective January 1, 2006; adopted as Rule 2.7 effective January 1, 1999)**

1.2.8 Court Commissioners

Court Commissioners shall be exempt employees who shall serve at the pleasures of the judges of the Fresno County Superior Court. They shall be selected by the Executive Committee and may be terminated by a majority of all Fresno County Superior Court Judges. The court shall conduct an evaluation of any Court Commissioners as needed, at the discretion of the Presiding Judge. **(Effective January 1, 2020; Rule 1.2.8 renumbered effective January 1, 2006; adopted as Rule 2.8 effective January 1, 1999)**

1.2.9 Definition of a Judicial Vacation Day

Pursuant to Rule 10.603(c)(2)(E) of the California Rules of Court, the Presiding Judge of each Court is required to allow the judges of that court vacation days according to their number of years of service. Rule 10.603(c)(2)(H) requires each court to define a vacation day, for purposes of the above entitlement.

A "day of vacation" for a judge of the court shall be defined as an approved absence for one full business day. Consistent with the needs of the court and on approval of the Presiding Judge, a judge may nevertheless use accumulated unused vacation leave in half-day increments. **(Effective January 1, 2009, New)**

(Rule 1.2 renumbered effective January 1, 2006; adopted as Rule 2 effective July 1, 1992)

(Chapter 1 amended effective January 1, 2006; adopted as I effective July 1, 1992)

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CHAPTER 2. CIVIL RULES

RULE 2.1 ADMINISTRATION OF CIVIL CASES

2.1.1 Applicability

The provisions of Rule 2.1 shall apply to all general civil cases and complex litigation, as defined in Rule 1.1.4, unless otherwise specified in these rules. **(Rule 2.1.1 renumbered effective January 1, 2006; adopted as Rule 3.1 effective May 14, 2001)**

2.1.2 Case Disposition Time Standards

A. The court adopts the case disposition time standards set forth in §§ 2.1 and 2.3 of the California Standards of Judicial Administration.

B. The court shall endeavor to dispose of all general civil cases as follows: 90% within twelve (12) months after filing, 98% within eighteen (18) months after filing, 100% within twenty-four (24) months after filing. **(Effective January 1, 2012; Rule 2.1.1 renumbered effective January 1, 2006; adopted as Rule 3.2 effective July 1, 2000)**

2.1.3 Tracking Cases

All pending cases shall be calendared for a future event. No pending case shall go off calendar without a future event being set. **(Rule 2.1.3 renumbered effective January 1, 2006; adopted as Rule 3.3 effective May 14, 2001)**

2.1.4 Notice of Case Management Conference

A. At the time the complaint is filed, the Clerk will issue a Notice of Case Management Conference to plaintiff, designating a date for a Case Management Conference that is no less than 120 days after the filing of the complaint. Plaintiff shall serve a copy of the Notice of Case Management Conference on each defendant along with the summons and complaint.

B. Any party who files and serves a cross-complaint prior to the Case Management Conference shall serve on each cross-defendant who is a new party to the action a copy of the Notice of Case Management Conference along with the summons and cross-complaint. If a new cross-defendant is served after the initial Case Management Conference, the cross-complainant shall serve the new cross-defendant with notice of any pending Case Management Conference, any assigned trial or settlement conference dates, and any other dates set by the court or orders made at the Case Management Conference.

C. If plaintiff adds a new defendant or identifies a fictitiously named defendant after the initial Case Management Conference, along with the summons and complaint, plaintiff shall serve the newly named defendant with notice of any pending Case Management Conference, any assigned trial and settlement conference dates,

and any other dates set by the court or orders made at the Case Management Conference.

D. Proof of service of notice of a Case Management Conference shall be filed with the court and may be included in the proof of service of the summons and complaint or cross-complaint. **(Rule 2.1.4 renumbered effective January 1, 2006; adopted as Rule 3.4 effective May 14, 2001)**

2.1.5 Service and Filing of Proof of Service

A plaintiff shall serve all named defendants with all pleadings and notices required by these rules or other law, including notice of a Case Management Conference, and shall file proof of service with the court, within sixty (60) days from the date the complaint is filed. **(Rule 2.1.5 renumbered effective January 1, 2006; adopted as Rule 3.5 effective July 1, 2002)**

2.1.6 Extensions of Time by the Court

A. The court may extend any time requirement for service of process or for filing proof of service or responsive pleadings upon a showing of good cause on noticed motion or by ex parte application, which may be made on the form available from the Clerk's Office and on the court's website. The motion or application must be filed before the expiration of the initial time period within which the act is required to be done. When a request for an extension is filed, the court may deny the request, grant an extension of time to a specified date, or conduct a hearing on the matter.

B. When applying to the court to extend time for service of process based on the conditions stated in Code of Civil Procedure § 583.240, the plaintiff shall set forth the earliest date by which service may reasonably be effected so that the court may set a date for service and for the filing of a proof of service. **(Rule 2.1.6 renumbered effective January 1, 2006; adopted as Rule 3.6 effective May 14, 2001)**

2.1.7 Case Management Plans

A. All general civil cases and complex litigation shall be assigned to one of the following case management plans:

1. Plan 1: cases to be disposed of within 12 months.

2. Plan 2: cases to be disposed of within 18 months.

3. Plan 3: cases to be disposed of within 24 months.

4. Exempt complex litigation: complex litigation as defined in Rule 1.1.4 that is not expected to be disposed of within 24 months.

B. Unless designated as a complex case in accordance with the California Rules of Court, all general civil cases shall be deemed to be assigned to Plan 1 upon the filing of the complaint. The court may reassign a case to a different plan at the time of a Case Management Conference or on noticed motion showing good cause for the reassignment.

C. All cases filed as class actions shall be initially assigned on a provisional basis as exempt complex litigation, subject to the Court reassigning any class action case to a different plan. **(Effective July 1, 2014; Rule 2.1.7 renumbered effective January 1, 2006; adopted as Rule 3.7 effective May 14, 2001)**

2.1.8 Stipulation for Trial Setting in Lieu of Case Management Conference

A. In general civil cases that are at issue before the Case Management Conference, if no jury is demanded and the time estimate for trial is two (2) hours or less, the parties may execute and file a Stipulation for Trial Setting in Lieu of Case Management Conference. The Stipulation shall be filed on a form that is available from the Clerk's Office and on the court's website. The Stipulation must be signed by all attorneys and self-represented parties.

B. If the filing of the Stipulation does not result in a trial date being set prior to the Case Management Conference, the Case Management Conference must be attended by all attorneys and self-represented parties as required by Rule 2.1.9.

C. Preference shall be deemed waived unless the At Issue Memorandum or Counter At Issue Memorandum states that the case is entitled to preference in setting. **(Effective July 1, 2010; Rule 2.1.8 renumbered effective January 1, 2006; adopted as Rule 3.8 effective January 1, 2002)**

2.1.9 Case Management Conference

A. 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 as necessary, including agreements regarding submission of the case to ADR (such as choosing the form of ADR and choosing an arbitrator or mediator), and decisions regarding demanding or waiving a jury trial, assignment of the case to a Plan and the dates to be set for trial and settlement conference.

B. Unless the court determines otherwise, all cases except complex litigation are deemed at issue and ready to be set for trial at the time of the Case Management Conference.

C. At the Case Management Conference, all at issue cases will be assigned a date for trial, mandatory settlement conference, and trial readiness hearing.

D. At the case Management Conference, the court may:

1. Reassign the case to Plan 2 or Plan 3;

2. Designate the case as complex litigation, refer it to the Presiding Judge for assignment of a judge for all purposes, and set it for a further Case Management Conference before the assigned judge;

3. Order or refer the case to ADR;

4. Direct one or more parties to effect service of process, file specified motions, or take other specified actions within specified time periods;

5. Record each party's demand or waiver of jury trial;

6. Schedule a further Case Management Conference;

7. Make a scheduling order, which may include a completion date for discovery and a final date for motions;

8. Schedule the matter for a dismissal hearing or issue an order to show cause;

9. Impose sanctions, including dismissal of the case;

10. Make such other orders as the court deems appropriate.

E. A Case Management Conference will be taken off calendar only if the case has been disposed of or has received a trial date prior to the Conference. For purposes of this rule, a case is disposed of if a judgment or dismissal of the entire action has been filed. If the case has been stayed or a notice of conditional settlement has been filed, the Conference will be continued. If any of these conditions has been met, it is the responsibility of the parties to notify the TCDR Clerk in writing and ask that the Conference be taken off calendar or continued. **(Rule 2.1.9 renumbered effective January 1, 2006; adopted as Rule 3.9 effective May 14, 2001)**

2.1.10 Trial Date and Conflicts

A. Ordinarily, Plan 1 cases will be assigned a trial date that is approximately 330 days after the date the complaint was filed.

1. At the request of all parties or at the request of any party without objection from any other party, a Plan 1 case may be set for trial on the earliest available court date. The request may be made at the At Issue Memorandum pursuant to Rule 2.1.8, or by stipulation. If the request is made in the At Issue Memorandum, it will be deemed unopposed if no Counter At Issue Memorandum is timely filed challenging the request. If an objection is made, the court will

determine at the Case Management Conference whether the case should be set for trial on the earliest available court date.

2. Limited civil cases in which an early trial date is not requested as described in subdivision (1) will ordinarily be assigned a trial date that is approximately 90 days after the initial Case Management Conference date.

B. Plan 2 cases will be assigned a trial date that is approximately 480 days after the date the complaint was filed.

C. Plan 3 cases will be assigned a trial date that is approximately 630 days after the date the complaint was filed.

D. No trial date may be continued merely on stipulation of the parties. On a showing of good cause, the trial date may be continued by court order, obtained by noticed motion or by ex parte application presented to the assigned Civil Judge for All Purposes, at least five (5) court days before trial. It may also be continued pursuant to (F) below.

E. If an application for a continuance is presented less than five (5) court days before the trial date, it shall contain a detailed factual declaration demonstrating good cause for the delay.

F. After a trial date has been assigned, any party who has a conflict with the trial date shall, immediately upon having knowledge of the conflict, submit a letter to the Civil Supervising Judge and to all other parties notifying them of the conflict. The court shall maintain the trial date until the trial readiness hearing unless: (1) a continuance has been granted pursuant to (D) above, or (2) a continuance is otherwise approved by the Court. **(Effective July 1, 2025; Rule 2.1.10 renumbered effective January 1, 2006; adopted as Rule 3.10 effective January 1, 2002)**

2.1.11 Complex Litigation

A. Cases designated as complex litigation shall be exempt from the case disposition time standards of Rule 2.1.2. When a case is designated as complex litigation, the case shall be referred to the Civil Supervising Judge or their designee, who may assign the case to one judge for all purposes or make other orders as appropriate.

B. If the case is assigned to one judge for all purposes, any pending or future Case Management Conference will be heard before the assigned judge. At or after the Case Management Conference, the assigned judge shall establish a case progression plan and assign a trial date designed to ensure that the case will progress to a disposition in a timely fashion, consistent with the purposes of the Trial Court Delay Reduction Act and with the particular needs of the case. After assignment, the assigned judge shall hear all of the proceedings in the case, except the mandatory settlement conference and except as otherwise ordered by the Civil Supervising Judge.

The assigned judge shall monitor the case to its conclusion, with the goal that it be disposed of within three (3) years after filing.

C. If the case is not assigned to one judge for all purposes, the case will be set for a further Case Management Conference before the Case Management Conference judge or another designated judge. The Case Management Judge or designated judge shall establish a case progression plan and monitor the case to ensure timely disposition consistent with the exceptional circumstances, with the goal of disposition within three (3) years after filing.

D. All cases initially filed as class actions shall be assigned to one judge for all purposes. Within one hundred twenty (120) calendar days of the filing of the action, an initial Case Management Conference will be heard before the assigned judge. Notice of the initial Case Management Conference will be given by the Court no later than forty-five (45) calendars days before the conference. The parties to the action must file a Case Management Conference Statement no later than fifteen (15) calendar days before the initial Case Management Conference, which shall address the following matters, among others:

1. Whether there are any related cases;

2. Whether all parties named in the complaint or cross-complaint have been served, have appeared, or have been dismissed;

3. Whether any additional parties may be added or the pleadings may be amended;

4. Whether any other matters (e.g., the bankruptcy of a party) may affect the Court's jurisdiction or processing of the case;

5. Whether the parties have stipulated to, or the case should be referred to, judicial arbitration in courts that have a judicial arbitration program or to any other form of alternative dispute resolution (ADR) process and, if so, the date by which the judicial arbitration or other ADR process must be completed;

6. Whether an early settlement conference should be scheduled and, if so, on what date;

7. What discovery issues are anticipated;

8. The date by which discovery will be completed concerning the class certification issues;

9. Any issues relating to the discovery of electronically stored information, including:

a. Issues relating to the preservation of discoverable electronically stored information;

b. The form or forms in which information will be produced;

c. The time within which the information will be produced;

d. The scope of discovery of the information;

e. The method for asserting or preserving claims of privilege or attorney work product, including whether such claims may be asserted after production;

f. The method for asserting or preserving the confidentiality, privacy, trade secrets, or proprietary status of information relating to a party or person not a party to the civil proceedings;

g. How the cost of production of electronically stored information is to be allocated among the parties;

h. Any other issues relating to the discovery of electronically stored information, including developing a proposed plan relating to the discovery of the information;

10. A proposed schedule for class certification motions, including any motions to strike class certification. The schedule shall include the proposed date for filing of any motions, the proposed date for filing any oppositions, the proposed date for filing any replies for motions and the proposed date for hearings on those motions;

11. Any other matters that should be considered by the Court or addressed in its case management order; and

12. Other relevant matters.

At the conclusion of the initial Case Management Conference, the Court may issue an order, including setting further Case Management Conferences. **(Effective January 1, 2026; Rule 2.1.11 renumbered effective January 1, 2006; adopted as Rule 3.11 effective July 1, 2003)**

2.1.12 Continuance or Modification

No time standard or deadline specified in these rules, nor any schedule, date, time limitation or other requirement imposed by any order made pursuant to these rules may be modified, extended or voided by any stipulation or agreement of the parties unless a written order approving it is obtained from the court. Continuances, extensions or modifications may be obtained by noticed motion or ex parte application, on a showing of good cause. **(Rule 2.1.12 renumbered effective January 1, 2006; adopted as Rule 3.12 effective May 14, 2001)**

2.1.13 Settlement and Conditional Settlement

A. When a case settles, whether by conditional settlement or otherwise, the plaintiff shall comply with Rule 3.1385 of the California Rules of Court. Written notice of settlement shall be given on the Notice of Settlement form, which is available from the Clerk's Office and on the court's website.

B. When a settled case has not been dismissed within 45 days of the notice of settlement or within 45 days of the dismissal date specified in the notice, if the settlement is conditional, the court will set the matter for a Rule 3.1385 hearing. An unexcused failure or plaintiff to appear at the hearing may result in the court's dismissal of the case.

C. An extension of time for filing the dismissal may be granted on a showing of good cause. Requests for extensions shall be made on the Request for Extension of Time to File Dismissal form, which is available from the Clerk's Office and on the court's website. **(Effective July 1, 2007; Rule 2.1.13 renumbered effective January 1, 2006; adopted as Rule 3.13 effective July 1, 2002)**

2.1.14 Entry of Default Judgment by the Court

A. **Written Declarations Preferred Practice.** The Court prefers that applications for entry of default judgment (commonly referred to as "default prove ups") be made on written declarations pursuant to Code of Civil Procedure section 585, subdivision (d). The Court reviews each submitted application for entry of default judgment in the order received.

B. **Hearings.** Parties should set default prove ups for hearing only in exceptional cases. The Court, in its discretion, may also set an application for entry of default judgment on declarations for a hearing. The court will give notice of any such hearing. Parties must obtain hearing dates from the Civil Unlimited Law and Motion Clerk. Default prove ups set for hearing shall be supported by proof by written declaration in accordance with this rule and California Rules of Court, rule 3.1800. Such papers must be filed no later than 16 calendar days prior to the hearing. Evidence of the parties' exceptional circumstances shall be included with their supporting papers. If, after reviewing the materials submitted, the Court determines that oral testimony or additional documentary evidence is necessary, the tentative ruling posted prior to the hearing pursuant to Local Rule 2.2.6, will so indicate.

Live testimony in support of default prove up may not exceed 10 minutes of court time without prior approval by the assigned judge. This approval may be sought by ex parte application. Ex parte applications must set forth the exceptional circumstances justifying a hearing and explain why more than 10 minutes of live testimony is required.

C. **Supporting Papers**. A party seeking a default judgment must present evidence in support of his or her claim by competent witnesses having personal knowledge of the essential facts, preferably by affidavit or declaration by such witnesses. In addition to the items required by California Rules of Court, rule 3.1800(a), the court also requires the submission of a "Default Prove Up Brief" that summarizes the evidence submitted, the relief requested, and provides any necessary legal analysis. The statement of the case required by rule 3.1800(a)(1) should be included in this brief. All materials in support of a default prove up should be submitted together as a single document, with each item listed separately in the caption of the combined pleading.

If attorneys' fees based on a contract are requested, the party must submit a copy of the contract with the language supporting such an award highlighted with their supporting papers. **(Effective July 1, 2025; Rule 2.1.14 renumbered effective January 1, 2006; adopted as Rule 3.14 effective July 1, 2000)**

2.1.15 Signatures on Orders

It is the policy of the court not to sign orders or judgments unless some portion of the text of the order or judgment appears on the page to which the judicial officer's signature is affixed, so that the connection between the signature page and the remainder of the order or judgment is apparent. **(Rule 2.1.15 renumbered effective January 1, 2006; adopted as Rule 3.15 effective July 1, 2000)**

2.1.16 Designation of Counsel

When a law firm is the attorney of record in a civil action, the attorney who signed the initial pleading shall be designated to receive notices in the case. If, after the filing of the initial pleading, the attorney who is to receive notices changes, then a Designation of Counsel must be filed with the court. The designation must include the name and state bar number of the designated attorney. The designation may be made on a form available from the Clerk's Office and on the court's website. **(Rule 2.1.16 renumbered effective January 1, 2006; adopted as Rule 3.16 effective May 14, 2001)**

2.1.17 Resolution of Discovery Disputes

A. No motion under sections 2017.010 through 2036.050, inclusive, of the California Code of Civil Procedure shall be heard in a civil unlimited case unless the moving party has first requested an informal Pretrial Discovery Conference with the Court and such request has either been denied and permission to file the motion is granted via court order or the discovery dispute has not been resolved as a result of the Conference and permission to file the motion is expressly granted. This rule shall not apply the following:

1. Motions to compel the deposition of a duly noticed party or subpoenaed person(s) who have not timely served an objection pursuant to Code of Civil Procedure section 2025.410;

2. Motions to compel initial responses to interrogatories, requests for production and requests for admissions;

3. Motions to quash or compel compliance regarding a subpoena served on a nonparty; and

4. Motions to compel compliance with initial disclosures.

B. Before filing a request for a Pretrial Discovery Conference, the requesting party must initiate and participate in a "meet and confer" process (see Local Rule 1.1.4) in an attempt to resolve or narrow any discovery dispute.

C. Any request for a Pretrial Discovery Conference must be filed with the Clerk's Office on the approved form (provided by the clerk), must include a brief summary of the dispute, must include a detailed explanation of meet and confer efforts, and must be served on opposing counsel on or before the date it is filed with the Court. Any opposition to a request for a Pretrial Discovery Conference must also be filed on an approved form (provided by the clerk), must include a brief summary of why the requested discovery should be denied, must be filed within five (5) court days of service of the request for a Pretrial Discovery Conference, extended five (5) days for service by mail, and must be served on opposing counsel.

D. Excepting a privilege log, if required pursuant to subsection B, below, no other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.

E. If the party opponent has *any* opposition to the dispute as stated in the request described in paragraph no. 1 above, a written opposition on the approved form shall be timely filed or it will be considered by the Court as a refusal to participate as defined in "I" below.

F. The parties will be notified by minute order whether the request has been granted or denied and, if granted, the date and time of the Pretrial Discovery Conference. If the Court has not issued a minute order within fifteen (15) court days after the due date of any opposition, then the request for pretrial conference shall be deemed denied with permission to file the motion expressly granted.

G. Filing a request for a Pretrial Discovery Conference tolls the time for filing a motion to compel discovery on the disputed issues for the number of days between the filing of the request and issuance by the Court of a subsequent order pertaining to the discovery dispute. The Court's order will specify the number of days the time for filing a motion is tolled. On the condition that the request is filed within the forty-five (45) day jurisdictional limit of the California Discovery Act, if the Court has not issued a minute order within fifteen (15) court days after the due date of any opposition, then the number of days the time for filing a motion shall be tolled for a period of fifteen (15) days if the request for Pre-Trial Conference was served personally and twenty (20) days if the request for Pre-Trial Conference was served by mail.

H. Where privilege is a basis for refusal to produce documents, privilege logs must be provided. The privilege log must include an identification of all sending and receiving entities, as well as details of the information sufficient to apprise the opposing party of the basis for the privilege.

I. Refusal of any counsel to participate in a Pretrial Discovery Conference shall be grounds, in the discretion of the Court, for entry of an order adverse to the party represented by counsel so refusing, or adverse to counsel. Failure to file a written opposition to the merits underlying a request for a Conference is considered a refusal to participate. Where there has been no written opposition to the merits of the request filed the Court may, in its discretion, enter an order adverse to the non-responding party. **(Effective July 1, 2024; adopted as Rule 2.1.17 effective January 1, 2013)**

(Rule 2.1 renumbered effective January 1, 2006; adopted as Rule 3 effective July 1, 1992)

RULE 2.2 CIVIL LAW AND MOTION

2.2.1 Setting Law and Motion Hearing

Prior to the filing of any law and motion matter, a date and time for hearing shall be reserved with the law and motion clerk. Parties may also obtain a date and time for hearing of the law and motion matter for the earliest available date at the filing counter in the civil clerk's office upon presentation of moving papers and payment of appropriate fees. When calling to reserve a hearing date for a discovery motion, the person setting the motion shall provide information regarding compliance with rule 2.1.17. The person setting the motion shall inform the Clerk of one of the following:

A. The motion is to compel initial responses and is, therefore, exempt from rule 2.1.17;

B. Rule 2.1.17 has been complied with and permission to file the motion has been granted by the Court; or

C. Rule 2.1.17 does not apply to the motion being set. Anyone claiming C must provide the name of the attorney or self-represented party making the claim and a brief explanation to support the claim. **(Effective July 1, 2016; Rule 2.2.1 renumbered effective January 1, 2006; adopted as Rule 4.1 effective January 1, 1997)**

2.2.2 Taking Law and Motion Hearing Off Calendar

A. Any party who reserves a date and time for hearing with the Clerk, but fails to timely file moving papers for a hearing on that date, shall promptly notify the Clerk and request that the hearing be taken off calendar.

B. Any reserved law and motion date may be vacated by the Court without further notice if the moving papers are not filed the required number of days before the hearing date.

C. Unless otherwise ordered by the Court, any moving party who wishes to have a law and motion hearing taken off calendar after the moving papers have been filed but before a response has been filed, may be required to give written notice to the Clerk, the assigned judge, and all parties at least five (5) court days before the scheduled hearing date. Notice to the Clerk may be sent by facsimile and shall be accompanied by proof that notification was given to all parties. Proof of notification to all parties may be made:

1. By proof of service by mail, or

2. By letter indicating that a copy thereof has been sent by facsimile to all parties, or

3. By a declaration stating when, and in what manner, notice was given to all parties.

D. A law and motion matter may also be taken off calendar by stipulation of the parties at least five (5) court days before the scheduled hearing, with written notice to the Clerk and assigned judge.

E. Any moving party who wishes to have a law and motion matter taken off calendar after the responsive papers have been filed shall do so by stipulation of the parties or shall obtain the permission of the assigned judge and give written notice to all parties. Proof of notification to all parties shall be made as described in (C) above.

F. Within five (5) court days of the hearing, permission to take the matter off calendar shall be obtained only from the assigned judge. **(Effective January 1, 2025; Rule 2.2.2 renumbered effective January 1, 2006; adopted as Rule 4.2 effective January 1, 2003)**

2.2.3 Continuing a Law and Motion Hearing

A. Any request for continuance of a law and motion hearing, may be required to be made in writing to the assigned judge at least five (5) court days before the scheduled hearing with proof of notification to all parties as described in Rule 2.2.2. The request may be submitted by facsimile. The request for continuance shall include a specific date for the continued hearing and a statement indicating whether the other parties consent or object to the continuance and/or the requested new hearing date.

B. If the request is made after the five (5) court day time limit has passed, the request shall contain a detailed factual explanation demonstrating good cause for the delay. **(Rule 2.2.3 renumbered effective January 1, 2006; adopted as Rule 4.3 effective January 1, 2003)**

2.2.4 Remote Appearances

When remote appearances are allowed, attorneys or parties may utilize the designated audio or video platform as identified by the Court. Attorneys or parties may

appear by "CourtCall," by making prior arrangements with the private company that administers the program. CourtCall may be arranged by calling (888) 882-6878, or the telephone number of any other vendor as approved by the Court. Attorneys or parties granted a remote appearance for video will receive the appropriate information via the email address provided in the original request. All requests for remote appearances must be submitted as set forth in The Superior Court of Fresno County, Local Rules.

(Effective January 1, 2025; Rule 2.2.5 (now 2.2.4) renumbered effective July 1, 2020; adopted as Rule 4.5 effective July 1, 2000)

2.2.5 Tentative Rulings

A. The court follows the tentative ruling procedure set forth in Rule 3.1308(a)(1) of the California Rules of Court. A tentative ruling on civil law and motion matter may be obtained by:

1. Telephoning the court at (559) 457-4943; or

2. Accessing tentative rulings on the court's website.

B. If a party wishes to appear for oral argument, the notice to be given to the court, as required by Rule 3.1308(a)(1) of the California Rules of Court, must be given by telephone to the clerk in the department to which the matter is assigned for hearing. **(Effective January 1, 2010; Rule 2.2.6 (now 2.2.5) renumbered effective July 1, 2020; adopted as Rule 4.6 effective January 1, 2005)**

2.2.6 Appendix of Authorities

If a party cites to out-of-state cases, statutes or rules, or authority cited through a "Lexis" or "Westlaw" citation, a copy of each authority shall be lodged in a separately bound appendix of authorities, and each authority shall be tabbed and indexed as an exhibit as required by California Rules of Court, rule 3.1110(f). **(Effective January 1, 2013; Rule 2.2.7 (now 2.2.6) renumbered effective July 1, 2020; adopted as Rule 2.2.7 effective January 1, 2013)**

RULE 2.3 EARLY MANDATORY MEDIATION PILOT PROGRAM

Repealed. **(Effective January 1, 2007)**

RULE 2.4 ALTERNATIVE DISPUTE RESOLUTION (ADR)

2.4.1 ADR Information

Attorneys shall provide their clients with a copy of the ADR information package at the earliest available opportunity. Upon request, the ADR information package and related forms may be obtained from the Civil Clerk's Office, ADR Department or the ADR section of the Court's website. Plaintiffs and cross-complainants shall serve a copy of the ADR information package on each defendant or cross-defendant as required by the California Rules of Court and complete ADR requirements in

accordance with Local Rule 2.4. **(Effective January 1, 2024; Rule 2.4.1 renumbered effective January 1, 2006; adopted as Rule 7.1 effective May 14, 2001)**

2.4.2 Participation in ADR

All parties must engage in some form of Alternative Dispute Resolution (ADR), such as mediation. The selected ADR process must be completed prior to the Mandatory Settlement Conference. Failure to do so may result in the Court imposing sanctions, unless excused by the Court upon a timely showing of good cause by written declaration. **(Effective January 1, 2020, New)**

2.4.3 Stipulation to ADR

If all named parties to the complaint have filed an appearance, the parties shall confer prior to the Case Management Conference (CMC) and file a Stipulation regarding Alternative Dispute Resolution (TADR-01 form) designated by the Court, at least ten (10) court days prior to the CMC. Parties who fail to file the ADR Stipulation may be subject to sanctions at an Order to Show Cause (OSC) hearing set by the Court. **(Effective January 1, 2020, New)**

2.4.4 ADR Status Report

At least ten (10) court days prior to the Mandatory Settlement Conference, the parties shall file an Alternative Dispute Resolution Status Report (TADR-03 form) designated by the Court. Parties who fail to file the ADR Status Report may be subject to sanctions at an OSC hearing held on the same date as the Trial Readiness hearing, or as otherwise set by the Court. **(Effective January 1, 2020, New)**

(Rule 2.4 renumbered effective January 1, 2006; adopted as Rule 7 effective July 1, 1992)

RULE 2.5 MANDATORY SETTLEMENT CONFERENCE

2.5.1 Mandatory Settlement Conference

A mandatory settlement conference shall be held pursuant to Rule 2.5 for every civil case set for trial on the master calendar, except as follows:

A. Small claims, unlawful detainers, and family law cases. (For Family Law Department requirements, refer to Rule 5.7.)

B. Short cause cases.

C. In any case where, at least thirty (30) days prior to the date set for trial, all parties have filed a written stipulation that they have previously engaged in one court-supervised settlement conference and do not believe another settlement conference would be productive. Plaintiff shall notify the ADR Department of the filing of the stipulation.

D. In any case where, at least thirty (30) days prior to the date set for trial, all parties have filed a written stipulation that they have engaged in mediation, conducted by a neutral mediator, and do not believe a settlement conference would be productive. Plaintiff shall notify the ADR Department of the filing of the stipulation.

E. By order of the court for good cause, based upon a petition addressed to the Civil Supervising Judge and submitted in care of the ADR Department citing this rule, filed and served on all other parties at least thirty (30) days prior to trial. Opposition to the petition shall be in writing, submitted to the Civil Supervising Judge in care of the ADR Department, filed and served on all parties no later than ten (10) days after service of the petition. There will be no oral argument on such petitions. Parties will be notified of the court's ruling. Good cause requires facts supporting the conclusion that it would be extremely unlikely that a settlement conference will resolve the case.

F. Failure to comply with Rule 2.4.2 requiring the completion of ADR prior to a Mandatory Settlement Conference. **(Effective January 1, 2020; Rule 2.5.1 renumbered effective January 1, 2006; adopted as Rule 8.1 effective January 1, 1997)**

2.5.2 Meet and Confer Prior to Settlement Conference

A. In all cases set for a settlement conference where the parties are not excused from attending the settlement conference, the parties shall meet and confer prior to the date set for the settlement conference in a good faith attempt to settle all issues. The requirement of this rule is met by a face-to-face meeting between the parties, or by engaging in mediation before a neutral mediator. If, however, an attorney's office is located outside of Fresno County, or a party in pro per resides outside of Fresno County, that party may meet the requirement of this rule by meeting and conferring telephonically in a good faith attempt to settle all issues. Communication by writing will not suffice.

B. The fact of compliance with this rule, and the results of the meet and confer conference shall be set forth in the settlement conference statement. **(Rule 2.5.2 renumbered effective January 1, 2006; adopted as Rule 8.2 effective January 1, 1998)**

2.5.3 Further Settlement Conference on Day of Trial

Notwithstanding Rule 2.5.1, the Presiding Judge may order any case to a further settlement conference on the day the case is set for trial. **(Rule 2.5.3 renumbered effective January 1, 2006; adopted as Rule 8.3 effective January 1, 1997)**

2.5.4 Conflicts in Scheduling and Special Requests

A. Any party who wishes to request a change in a settlement conference date due to a scheduling conflict, or who wishes to make any other special request regarding a settlement conference, shall present that request to the ADR Department by letter, with a copy provided to each party, at least thirty (30) days prior to the date set for the settlement conference. Any party wishing to respond to the request shall respond

by letter to the Civil Supervising Judge in care of the ADR Department, with a copy provided to each party, within two (2) days of receipt of the request letter.

B. If the request is made after the thirty-day limit has passed, the request shall include a detailed factual declaration demonstrating good cause for the delay.

C. The party making the request may submit a stipulation or joint request reflecting the consent of all other parties to the proposed change. The court will generally not grant a request for a change of date for the settlement conference unless all parties have been contacted by the requesting party and have agreed to a new date and time.

D. Parties will be notified of the court's ruling.

E. On the request of an attorney whose office is located outside the County of Fresno, the court will attempt, if possible, to reschedule a settlement conference at a different time, but on the same date, when such request is made pursuant to subparagraph A above. **(Effective July 1, 2017; Rule 2.5.4 renumbered effective January 1, 2006; adopted as Rule 8.4 effective January 1, 1997)**

2.5.5 Attendance

A. **Parties**. All parties shall be personally present at the settlement conference except that an insured party is not required to appear where that party's insurance carrier admits coverage for all causes of action alleged against that party, full authority has been granted by such insured party to the carrier and attorney to settle within policy limits, and the highest demand for settlement is within policy limits. However, where the carrier assumes the defense pursuant to a reservation of rights, the insured shall attend the settlement conference also.

A party who is not an individual shall appear by a representative who shall be fully familiar with the facts of the case and have full authority to settle. If the party's governing body is a board, council, or committee which is required to approve settlement, the representative attending the settlement conference on behalf of that party shall have authority to recommend approval directly to such governing body, without seeking approval from any other person prior to making such recommendation.

B. **Attorneys**. The trial attorney for the case shall be personally present. The only exception shall be where the trial attorney is engaged in another trial at the same time as the settlement conference, in which case another attorney from the trial attorney's office shall attend, who is fully familiar with the facts of the case and has full authority to settle and who has discussed the case thoroughly with the client prior to the settlement conference.

C. **Insurance Claims' Employee**. In any case which requires consent of an insurance carrier to settle, an employee of the insurance carrier, who is fully familiar with the case and who has full authority to settle, shall be personally present. A claims

adjuster retained only for the purpose of attending the settlement conference will not be acceptable.

D. **Consent of Others**. Where the consent of a spouse, business partner or other person is necessary to achieve settlement, even though this person is not a named party, every reasonable effort shall be made to either secure the attendance of such person at the settlement conference or have that person immediately available by telephone until released by the court.

E. **Structured Settlements for Minors**. In any case involving possible settlement for the benefit of a minor, where the settlement value might reasonably exceed $25,000.00, the defendant seeking settlement with the minor shall bring to the settlement conference, or, throughout the settlement conference shall have immediate access to, a person qualified to compute present values under a structured settlement.

F. **Excused Attendance**. Subject to the above the court will not excuse parties, attorneys, or insurance carrier employees from required attendance except upon a timely showing of good cause by written declaration.

G. **"Full Authority to Settle Defined"**. In the case of a plaintiff or cross-complainant, "full authority" to settle means the attendee shall have the individual discretion and authority to negotiate, without consultation with others, and dismiss the complaint or cross-complaint in return for no consideration from the defendant or cross-defendant. In the case of a defendant or cross-defendant, "full authority" to settle means the attendee shall have the individual discretion and authority to negotiate, without consultation with others, and pay the highest demand made to date by the plaintiff or cross-complainant.

In the case of public entity parties whose elected bodies (e.g., City Council, Board of Supervisors) must approve a settlement, the attendee must be an authorized representative of the public entity who is fully informed as to the parameters under which the entity will approve a settlement. **(Effective January 1, 2025; Rule 2.5.5 renumbered effective January 1, 2006; adopted as Rule 8.5 effective January 1, 2005)**

2.5.6 Settlement Conference Statement

A. Each party shall submit their settlement conference statement to the ADR Department and serve on all parties, in pleading or letter form, preferably at least ten (10) days prior to the settlement conference, but no later than five (5) court days prior to the settlement conference. Settlement conference statements will be marked as received and will not be kept in the court file, and must be submitted anew for each additional settlement conference.

B. In addition to the subject matter required by Rule 3.1380(c) of the California Rules of Court, the settlement conference statement shall contain:

1. The names of parties and their attorneys.

2. Whether or not an insurance carrier employee is required to be personally present, and, if so, the identity of the carrier.

3. Whether or not a board, council or other committee must approve of settlement, and, if so, the identity of that body.

4. Whether or not the consent of a person who is not a named party is necessary to achieve settlement, and, if so, the identity of that person.

5. The fact and results of compliance with Rule 2.5.2 and the results of prior mediation or arbitration.

6. Prior settlement negotiations.

7. Code of Civil Procedure § 998 demands.

8. Whether or not further discover contemplated, and, if so, a description of it. **(Effective July 1, 2017; Rule 2.5.6 renumbered effective January 1, 2006; adopted as Rule 8.6 effective July 1, 1999)**

2.5.7 Further Settlement Conferences Before Trial

To ensure a meaningful settlement conference prior to trial, the court may set the matter for further settlement conferences prior to the date set for trial, or, with the consent of the Civil Supervising Judge, may remove the case from the trial calendar and order the parties to obtain a new settlement conference and trial date. **(Effective July 1, 2017; Rule 2.5.7 renumbered effective January 1, 2006; adopted as Rule 8.7 effective January 1, 1997)**

RULE 2.6 TRIAL READINESS

2.6.1 Meet and Confer

In all civil cases, except short cause cases, the attorneys for the parties shall meet and confer at least five (5) days prior to the date set for trial in order to accomplish the following:

A. All in limine motions and motions for judgment on the pleadings shall be in writing and exchanged by the parties. The trial court will not hear oral in limine motions or those not exchanged except for good cause shown.

B. If a jury has been requested, the parties shall prepare and exchange proposed jury instructions and shall prepare a jointly signed neutral statement of the case.

C. If a jury has not been requested, the parties shall prepare and exchange trial briefs. The trial court will not accept trial briefs not exchanged except for good cause shown.

D. The parties shall identify and list the proposed exhibits, and exchange such lists.

E. The foregoing papers shall be e-filed before trial readiness and submitted to the assigned trial judge immediately after trial readiness per Local Rule 2.6.2D. **(Effective January 1, 2026; Rule 2.6.1 renumbered effective January 1, 2006; adopted as Rule 9.1 effective January 1, 1998)**

2.6.2 Trial Readiness Hearing

A. Except for short cause cases, the Civil Supervising Judge shall set and conduct a trial readiness hearing on the Friday prior to the date set for trial. The Civil Supervising Judge, in their discretion, may excuse a case from the trial readiness hearing.

B. The trial attorney for the case shall be personally present. The only exception shall be where the trial attorney is engaged in another trial at the same time as the settlement conference, in which case another attorney from the trial attorney's office shall attend, who is fully familiar with the facts of the case and has full authority to settle and who has discussed the case thoroughly with the client prior to the settlement conference.

C. No party may appear remotely unless previously approved by the Civil Supervising Judge on a showing of extenuating circumstances.

D. The parties shall provide the Court with the following documents at the Trial Readiness Hearing: motions in limine, motions for judgment on the pleadings, proposed jury instructions, a joint neutral statement of the case, trial briefs, exhibit lists and witness lists.

E. All parties to Unlimited and Limited Civil Cases for which a Trial Readiness Hearing has been calendared are required to attend a mandatory settlement conference at the time and place of the Trial Readiness Hearing. The settlement conference shall be subject to the provisions of Local Rule 2.5.5. **(Effective January 1, 2026; Rule 2.6.2 renumbered effective January 1**, 2006**; adopted as Rule 9.2 effective July 1, 2000)**

(Rule 2.6 renumbered effective January 1, 2006; adopted as Rule 9 effective July 1, 1992)

RULE 2.7 EX PARTE APPLICATIONS

2.7.1 Format and Filing

A. All applications for ex parte orders failing to comply with Rules 3.1200 through 3.1207 of the California Rules of Court will be rejected. Parties making ex parte applications should obtain a date and time for the hearing of the application from the law and motion clerk. Parties making ex parte applications may also obtain a date and time

for hearing of the application at the filing counter in the civil clerk's office upon presentation of moving papers and payment of appropriate fees.

B. The party seeking an ex parte order must submit the application and all supporting papers and fees to the Clerk for filing not later than 2:00 p.m. on the day preceding the hearing, if the hearing is set in the morning, and not later than 9:00 a.m. on the date of the hearing, if the hearing is set in the afternoon. **(Effective January 1, 2024; Rule 2.7 renumbered effective January 1, 2006; adopted as Rule 10 effective July 1, 2000)**

2.7.2 Cases in Which Hearings Not Required

An ex parte application will be considered without a hearing in the following cases:

1. Application to file a memorandum of points and authorities in excess of the applicable page limit;

2. Stipulation by the parties for an order;

3. Application for appointment of a guardian ad litem in a civil case;

4. Application for an order extending time to serve pleading;

5. Application to serve by publication;

6. Extension of time by the court pursuant to the Superior Court of Fresno County, Local Rules, rule 2.1.6;

7. Motion to continue trial pursuant to the Superior Court of Fresno County, Local Rules, rule 2.1.10;

8. Application to substitute Doe under CCP 474.

9. Application for Certificates of Merit and Findings of Merit under CCP 340.1. **(Effective July 1, 2023; adopted as Rule 2.7.2 effective July 1, 2008)**

RULE 2.8 MISCELLANEOUS CIVIL RULES

2.8.1 Jury Fees

A. **Fees Due.** A party demanding a jury in a civil case shall pay the nonrefundable jury fee mandated by Code of Civil Procedure section 631, unless the fee has been paid by another party on the same side of the case. For the purposes of this rule, all plaintiffs will be considered one side of the case, and all other parties will be considered the other side of the case. Payment of the fee by a party on one side of the case will not relieve parties on the other side of the case from waiver of trial by jury.

B. **Time Due.** Jury fees shall be due on or before the date scheduled for the initial case management conference in the action. If no case management conference is scheduled in a civil action, the fee shall be due no later than 365 calendar days after the filing of the initial complaint. If the party requesting a jury has not appeared before the initial case management conference, or first appeared more than 365 calendar days after the filing of the initial complaint, the fee shall be due 25 calendar days before the date initially set for trial. In unlawful detainer actions, or other case entitled to priority setting, the fees shall be due five days before the date set for trial.

C. **Waiver.** Failure to timely pay jury fees as set forth above shall constitute a waiver of trial by jury, unless another party on the same side of the case has paid the fee. **(Effective July 1, 2025; Rule 2.8.1 renumbered effective January 1, 2006; adopted as Rule 11.1 effective January 1, 1997)**

2.8.2 Use of Interpreters

In civil or small claims matters interpreter services are available in the priority order of case types listed below:

1. Protective order sought in family law domestic violence cases, in elder or dependent adult physical abuse or neglect cases, or in civil harassment cases;

2. Unlawful detainers;

3. Termination of parental rights;

4. Conservatorship or guardianship;

5. Actions by a parent to obtain sole legal or physical custody of a child or visitation;

6. Elder/dependent adult abuse cases NOT involving physical abuse or neglect, or all other civil harassment proceedings;

7. All other family law (i.e., family law cases not involving domestic violence, sole legal or physical custody, or visitation);

8. All other civil cases (based on availability of interpreters).

If interpreter services are not available, parties may contact the Court's interpreter coordinator for information about how to make other arrangements for interpreting services. **(Effective January 1, 2018; Rule 2.8.1 renumbered effective January 1, 2006; adopted as Rule 11.2 effective January 1, 1997)**

2.8.3 Attorney's Fees

A. Attorney's fees in default cases, when allowable in designated cases, shall be fixed in accordance with Appendix A1, except as otherwise ordered by the court.

B. When an attorney is appointed to represent a party in designated cases, the attorneys' fees are governed by the Fresno County Courts Appointed Counsel/Expert General Claim Processing Practices (FCCAC/EGCPP), a copy of which is available from the Clerk. **(Rule 2.8.3 renumbered effective January 1, 2006; adopted as Rule 11.3 effective January 1, 2005)**

2.8.4 Compromise of Claims of Minors or Incompetent Persons

A. Petitions to compromise the claims of minors or incompetent persons shall be made on the appropriate Judicial Council forms, in accordance with Rule 7.950, et seq., of the California Rules of Court. Such petitions will be calendared for hearing in accordance with Probate Code section 3505, and thus should be filed with no hearing date reserved beforehand. The calendar clerk will schedule the petition for hearing and will notify the moving party of the hearing date, time and department. If the moving party has not received this notification within five (5) court days, they may contact the Law and Motion clerk. If the original petition is denied without prejudice and the petitioner wishes to renew the request, the petitioner must file an amended petition, with appropriate supporting papers and proposed orders.

B. If the court enters an Order to Deposit Funds in Blocked Account (MC-355), the court will set an order to show cause hearing within ninety (90) days to monitor the deposit of the funds. The order to show cause hearing would come off calendar if an Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356) is filed at least ten (10) court days before the order to show cause hearing.

C. If a petition to withdraw from deposit is made:

1. The certificate of deposit must have been completed and filed prior to filing of the petition for withdrawal.

2. In the event the petition to withdraw funds is based upon the denial of a public agency providing public assistance to provide funds because of the existence of the account, a copy of the written notice from the agency concerned, so stating, shall be attached to the petition.

D. If an order for withdrawal of funds is made, within fifteen (15) days from the date of the order, a declaration of expenditures made with the funds shall be filed with the Clerk.

E. Attorney's fees, if awarded, shall be awarded in conformity with Rule 7.955 of the California Rules of Court. In computing fees, parents claiming reimbursement for medical and other expenses shall pay their proportionate share of the attorneys' fees, except in cases of hardship. **(Effective January 1, 2024; Rule 2.8.4 renumbered effective January 1, 2006; adopted as Rule 11.4 effective July 1, 2002)**

2.8.5 Court Reporter Fees

A. In any civil case in which a trial or hearing is expected to last more than one (1) hour, but not more than four (4) hours, and official reporting services (by court reporter or electronic recording) are required, the parties shall deposit with the Clerk their pro rata shares of the fee for one-half (1/2) day of official reporting services.

B. In any civil case in which a trial or hearing is expected to last more than four (4) hours and official reporting services are required, the parties shall deposit with the Clerk their pro rata shares of the fee for one (1) full day of official reporting services.

C. The fee shall be deposited no later than the conclusion of each day's court session. The fee for any subsequent day of the trial or hearing shall be deposited with the Clerk not later than the conclusion of each day's court session.

D. Attorneys must be prepared to produce receipts for fees on demand of the court or the trial or hearing may not proceed at the discretion of the Court. **(Effective January 1, 2008; Rule 2.8.5 renumbered effective January 1, 2006; adopted as Rule 11.5 effective July 1, 2000)**

2.8.6 Firearms Forfeiture Default

On a petition for order of default regarding a firearms forfeiture pursuant to Welfare and Institutions Code § 8102, subdivision (g), the agency seeking the default shall file their petition for default ten (10) court days preceding the date set for the hearing. **(Effective January 1, 2008; Rule 2.8.6 (was 2.8.7) renumbered effective January 1, 2016)**

2.8.7 Petitions for Approval of Transfers of Structured Settlements

A. All parties to a petition for approval transferring structured settlement payments must appear at the hearing on such petitions, including the payee and the payee's counsel (if any). The petitioner filing a petition for approval of transfer of any structured settlement payments pursuant to Insurance Code § 10134 et seq. shall include with their petition the following information and documents.

1. The jurisdiction and case number of any other petition by the petitioner seeking approval to purchase any structured settlement payments from the payee;

2. A copy of the entire court file for any prior petition by the petitioner seeking approval for purchase of any structured settlement payments from the payee;

3. A declaration from the payee's counsel wherein he or she provides the total number of and lists all other petitions (along with their case numbers and court) wherein he or she has represented a payee who attempted to sell payments to the same petitioner;

4. A declaration from the payee's attorney listing any professional, financial, or personal relationship with the petitioner's employees or petitioner's counsel, past or present, as well as how counsel first came into contact with the payee if other than by a referral from a bar association as described in the statute;

5. A declaration from the petitioner describing any contacts by its personnel with the payee's counsel, including copies of each written communication;

6. A declaration from any of petitioner's personnel having contact with the payee describing all communications, to include any and all documentation of such communications whether on paper or stored electronically;

7. A declaration from petitioner as to any communications it conducted or facilitated with the annuity issuer, owner, or beneficiary, and a copy of all such communications whether on paper or stored electronically;

8. A declaration from petitioner which includes all documents it plans to or has used with regard to the attempted purchase of any structured settlement payments from the payee, including UCC filings. If such documents exist whether on paper or stored electronically, they are to be attached. **(Effective July 1, 2010; Rule 2.8.7 (was 2.8.8) renumbered effective January 1, 2016)**

(Rule 2.8 renumbered effective January 1, 2006; adopted as Rule 11 effective July 1, 1992)

RULE 2.9 UNLAWFUL DETAINER CASES

2.9.1 Case Disposition Time

The court shall endeavor to dispose of all unlawful detainer cases as follows: 90% within thirty (30) days after filing; and 100% within forty-five (45) days after filing. **(Rule 2.9.1 renumbered effective January 1, 2006; adopted as Rule 12.1 effective July 1, 2000)**

2.9.2 Notice of Dismissal Hearing

Approximately two (2) weeks after the filing of the case Clerk will issue a Notice of Dismissal Hearing to plaintiff, designating a date for a Dismissal Hearing that is within 45 days after the filing of the complaint. **(Effective July 1, 2010; Rule 2.9.2 renumbered effective January 1, 2006; adopted as Rule 12.2 effective May 14, 2001)**

2.9.3 Service and Filing of Proof of Service

Within fifteen (15) days from the date the unlawful detainer complaint was filed, plaintiff shall serve all named defendants and file proof of service with the court or shall file an application for a posting order, unless a responsive pleading has been filed. **(Rule 2.9.3 renumbered effective January 1, 2006; adopted as Rule 12.3 effective May 14, 2001)**

2.9.4 Request to Set Case for Trial

Within twenty-five (25) days after the date the unlawful detainer complaint was filed, plaintiff shall file a Request to Set Case for Trial, unless there has been a final disposition of the case or a notice of settlement or stay has been filed. The Request to Set Case for Trial shall be submitted on a form which is available from the Clerk's Office or on the court's website. By filing a Request to Set Case for Trial a party represents that the case is at issue and will be ready to proceed to trial on the date assigned. **(Effective July 1, 2010; Rule 2.9.4 renumbered effective January 1, 2006; adopted as Rule 12.4 effective May 14, 2001)**

2.9.5 Dismissal Hearing

A. Plaintiff shall attend the Dismissal Hearing, either in person or by remote appearance. At the hearing, the status of the case will be discussed, including whether the case should be set for trial or dismissed. Appropriate orders will be made.

B. Failure of the plaintiff to appear may result in dismissal or the case.

C. A dismissal hearing will be taken off calendar if a trial date has been set, a Request to Set Case for Trial has been filed, or there has been a final disposition of the case. A dismissal hearing will be continued if a notice of settlement or stay has been filed with the court prior to the date of the dismissal hearing. If any of these conditions exists, it is the responsibility of the parties to notify the TCDR Clerk in writing and ask that the Conference be taken off calendar or continued. **(Effective January 1, 2023; Rule 2.9.5 renumbered effective January 1, 2006; adopted as Rule 12.5 effective May 14, 2001)**

2.9.6 Assignment of Case for Trial

If the Request to Set Case for Trial complies with these rules in all respects, the Clerk shall assign the case for trial within twenty (20) days after the date the Request to Set Case for Trial was filed, and mail notice of the trial date to the parties at least ten (10) days before the trial date. **(Effective July 1, 2010; Rule 2.9.6 renumbered effective January 1, 2006; adopted as Rule 12.6 effective May 14, 2001)**

2.9.7 Hearing to Prove Damages

A. After a Clerk's judgment for restitution of the premises has been entered, a plaintiff seeking to recover money damages shall set the case for a hearing to prove damages within six (6) months after the judgment is entered.

B. A personal appearance will not be required if a declaration is submitted pursuant to § 585(b) and (d) of the Code of Civil Procedure. **(Rule 2.9.7 renumbered effective January 1, 2006; adopted as Rule 12.7 effective July 1, 2000)**

2.9.8 Undertaking for Immediate Possession of Premises

Unless otherwise ordered by the court, the minimum amount of undertaking required for an order for immediate possession of premises, pursuant to § 1166a of the Code of Civil Procedure, shall be ten (10) times the amount of monthly rental, but not less than $500.00. **(Rule 2.9.8 renumbered effective January 1, 2006; adopted as Rule 12.8 effective July 1, 2000)**

2.9.9 Judgment

When a judgment for restitution or possession of the premises under Code of Civil Procedure § 1169 or 1174 is prepared and submitted by plaintiff, it shall describe with reasonable certainty the real property that is the subject of the judgment, giving its street address (including the zip code), if any, or other common designation, if any. **(Rule 2.9.9 renumbered effective January 1, 2006; adopted as Rule 12.9 effective January 1, 2003)**

2.9.10 Notice of Restricted Access

Each plaintiff who files an action for Unlawful Detainer, for which a Notice of Restricted Access must be mailed to the defendants pursuant to Code of Civil Procedure § 1161.2(c), must provide to the court prior to the time of filing the action, (1) a separate stamped, legal-size envelope addressed to each defendant named in the action at the address provided in the complaint, and (2) a stamped, legal-size envelope addressed to "All Occupants" at the subject premises. **(Effective January 1, 2018; Rule 2.9.10 renumbered effective January 1, 2006; adopted as Rule 12.10 effective January 1, 2005)**

RULE 2.10 SMALL CLAIMS CASES

2.10.1 Case Disposition Time

The court shall endeavor to dispose of all small claims cases as follows: 90% within seventy (70) days after filing; and 100% within ninety (90) days after filing. **(Rule 2.10.1 renumbered effective January 1, 2006; adopted as Rule 13.1 effective July 1, 2000)**

2.10.2 Unserved Defendants

A. If proof of service on the defendant in a small claims case has not been filed by the date set for trial, the case will not be heard on that date. The court or the Clerk may reset the case for trial.

B. If more than one defendant is named in the plaintiff's claim, and proof of service as to some, but not all, of the defendants has been filed prior to the date set for trial, the court may continue the trial of the case as provided in § 116.570 of the Code of Civil Procedure, or trial may proceed only as to those defendants who have been served. The court or the Clerk may reset the case for trial as to any remaining defendants. **(Rule 2.10.2 renumbered effective January 1, 206; adopted as Rule 13.2 effective July 1, 2000)**

2.10.3 Untimely Small Claims Appeals

No notice of appeal from a small claims judgment shall be accepted for filing after the statutory period for filing such an appeal has expired, unless a writ of mandate ordering the Clerk to file the notice of appeal has been issued. **(Rule 2.10.3 renumbered effective January 1, 2006; adopted as Rule 13.3 effective July 1, 2001)**

(Rule 2.10 renumbered effective January 1, 2006; adopted as Rule 13 effective July 1, 1992)

(Chapter 2 amended effective January 1, 2006; adopted as II effective July 1, 1992)

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 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 either when that respondent is served with the summons and petition, or within 2 business days of the petitioner's receipt of the notice of assignment from the court. The petitioner shall promptly file all proofs 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 July 1, 2025; adopted as Rule 2.11.1 effective July 1, 2011)**

2.11.2 Notice of Case Management Conference

A. When the petition is filed, the Civil Case Cover Sheet filed must check the box for Miscellaneous Civil Petition and "Other petition" (not specified above) and indicate it is a CEQA case.

B. 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).

C. 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.

D. 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 July 1, 2017; adopted as Rule 2.11.2 effective January 1, 2017)**

2.11.3 Preparation of the Administrative Record

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 Format of the Record of Proceedings

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)**

2.11.5 Briefing Schedule and Length of Memoranda

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)**

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 and 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.

B. **Trial Notebook.** Petitioner shall prepare a "hard copy" trial notebook that must be submitted when its opening brief is filed. The trial notebook must consist of the petition, all answers, the opening brief, 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.

C. **Appendix of Excerpts.** The court requires that each party filing a brief prepare and submit 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 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. **(Effective January 1, 2021; adopted as Rule 2.11.8 (now 2.11.6) effective July 1, 2011)**

(Rule 2.11, New effective July 1, 2011)

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CHAPTER 3. CRIMINAL RULES

RULE 3.1 GENERAL CRIMINAL RULES

3.1.1 Request for Warrants

During non-court hours, all requests for emergency search or arrest warrants shall be submitted to the designated duty judge. Non-emergency warrant requests shall be submitted during regular court hours (8:30 a.m. to noon and 1:30 p.m. to 5:00 p.m.)

"Emergency" in this context is defined as follows:

1. **Imminent Threat:** There is an immediate risk to public safety, such as a threat of violence or harm to individuals.

2. **Destruction of Evidence:** There is a reasonable belief that evidence related to a crime may be destroyed or removed if law enforcement does not act quickly, which would include DUI blood draws.

3. **Flight Risk:** There is a concern that a suspect may flee or evade arrest if law enforcement dose not act promptly.

4. **Public Safety:** Situations that pose an imminent or immediate risk to the safety of the community or individuals. **(Effective January 1, 2026, Rule 3.1.1 renumbered effective January 1, 2006; adopted as Rule 14.1 effective July 1, 2000)**

3.1.2 Release on Own Recognizance

Motions regarding release on own recognizance or for bail modification prior to the first court appearance should be made, in all cases, before the arraignment department judge or commissioner during normal court hours. After the first court appearance, such motions shall be made in the arraignment department or the department assigned to hear such motions, in open court. **(Rule 3.1.2 renumbered effective January 1, 2006; adopted as Rule 14.2 effective July 1, 2000)**

3.1.3 Resubmission of Motions Previously Acted Upon

A. When any motion, or other application for an order has been made to any judge of the court, and has been denied in whole or in part or has been granted in whole or in part, or granted conditionally or with limiting terms, any subsequent motion made by the same party in the same case for the same relief, upon materially changed circumstances, shall be accompanied by a declaration that:

1. A prior motion has been made,

2. The date and judge involved in the prior motion,

3. The nature of the motion,

4. The ruling, decision or order made thereon, and

5. The new or different facts or materially changed circumstances claimed to warrant relief, and the reason facts or circumstances were not presented to the judge who earlier ruled on the motion.

B. Any order made on subsequent applications failing to comply with these requirements may be vacated or set aside on ex parte application or on the court's own motion at any time. **(Effective July 1, 2020; Rule 3.1.3 renumbered effective January 1, 2006; adopted as Rule 14.3 effective July 1, 2000)**

3.1.4 Defendant's Clothing

The attorney representing a defendant in the custody of the Sheriff in a criminal matter shall make timely and appropriate arrangements to ensure that the defendant is suitably dressed for trial before the case is assigned to a trial department. **(Rule 3.1.4 renumbered effective January 1, 2006; adopted as Rule 14.14 effective July 1, 2000)**

3.1.5 Continuances

A. All criminal cases set for trial will proceed to trial on the date scheduled in the absence of good cause. No continuances will be granted unless the court is presented convincing proof of good cause for a continuance in accordance with Penal Code § 1050. A stipulation of counsel to a trial continuance does not necessarily constitute good cause.

B. Motions for trial continuances shall be made in writing and served in accordance with Penal Code § 1050(b), unless the necessary showing is made under § 1050(c).

C. In felony cases after arraignment on the information or indictment, all motions for trial continuances shall be made to the judge in the Designated Department.

D. If, on the date set for trial, counsel is actually engaged in the trial of another case, the case scheduled for trial will trail from day to day until completion of the trial in the other case, or to such other date as set by the court under § 1050(c). **(Effective July 1, 2007; Rule 3.1.6 (now 3.1.5) renumbered effective January 1, 2006; adopted as Rule 14.6 effective July 1, 2000)**

3.1.6 Habeas Corpus Writs

A. All petitions for writ of habeas corpus shall be prepared as specified by the California Rules of Court and filed with the Clerk. Unless otherwise directed by the court, each petition will be assigned a unique case number by the Clerk and immediately forwarded to the research staff for review.

B. Once this initial review has been completed, the petition will be sent to the designated judge. Unless otherwise specified by the Presiding Judge, all such petitions will be acted upon by the judge assigned to hear criminal law and motion matters. Action on the petition will be taken in accordance with the provisions of the California Rules of Court.

C. Priority will be given to emergency petitions, i.e., those alleging that time is of the essence to protect the petitioner from death or permanent disability. Ex parte communications are discouraged.

D. Petitions that do not comply with the California Rules of Court and these rules may be summarily denied. Habeas Corpus petitions are not a substitute for a timely appeal, and should not be sought until all legal and administrative remedies have been exhausted.

E. The repeated filing of unmeritorious petitions may be deemed an abuse of process, and may subject the petitioner to appropriate sanctions as ordered by the court. **(Effective July 1, 2007; Rule 3.1.7 (now 3.1.6) renumbered effective January 1, 2006; adopted as Rule 14.7 effective July 1, 2000)**

3.1.7 Writs of Mandate and Prohibition

A. Petitions for extraordinary relief by way of mandamus and/or prohibition in misdemeanor or traffic cases shall be filed and processed in the Appellate Division. Such relief should not be sought until all existing legal and administrative remedies have been exhausted.

B. Petitions for extraordinary relief by way of mandamus and/or prohibition in felony cases, which challenge a ruling by a magistrate made prior to defendant being held to answer, shall be filed and processed in the underlying felony criminal case. The supervising judge of the Criminal Division will then assign the petition to a single superior court judge for determination. In the event the supervising judge of the Criminal Division acted as the magistrate whose ruling is being challenged the assignment of the petition shall be made pursuant to rule 3.4.2.

C. When an emergency situation exists, it is the responsibility of the petitioner to clearly indicate the nature of the emergency in the petition, and to also inform the Clerk at the time the petition is filed. For the purposes of these petitions, emergency situations include actions in which time is of the essence to prevent denial of a fundamental constitutional right or undue hardship.

D. Petitions that are defective, incomplete, lack adequate supporting documentation, or fall outside the scope of the court's jurisdiction may be summarily denied. Abuse of the writ process may subject the petitioner to appropriate sanctions. **(Effective January 1, 2010; Rule 3.1.8 (now 3.1.7) renumbered effective January 1, 2006; adopted as Rule 14.8 effective July 1, 2003)**

3.1.8 Attorney, Expert and Investigation Fees

The fees for an attorney appointed to represent a defendant in a criminal case, the investigator and interpreter fees and fees for medical, psychological and psychiatric services are governed by the Fresno County Courts Appointed Counsel/Expert General Claim Processing Practices, a copy of which is available from the Clerk. **(Effective July 1, 2007; Rule 3.1.9 (now 3.1.8) renumbered effective January 1, 2006; adopted as Rule 14.9 effective July 1, 2000)**

3.1.9 Retention of Exhibits Prior to Final Determination of Action or Proceeding

A. Clerk to Retain Custody of Exhibits: The Clerk shall retain custody of any exhibit introduced into evidence in a criminal proceeding, including the preliminary hearing, until the final determination or dismissal of the action or proceeding, or as otherwise required by law. No exhibit, having been introduced into evidence, may be returned absent a court order, consistent with Penal Code § 1417.2.

B. Hazardous Materials: Hazardous materials may only be brought to the courtroom or received into evidence consistent with Penal Code § 1417.3(b). **(Effective January 1, 2009, New)**

3.1.10 Sound and/or Video Recordings to be Offered as Evidence in Criminal Cases

Any party intending to offer any sound and/or video recording in evidence shall lodge with the Court on the first day of trial, or prior to the commencement of the motion or hearing, a copy converted to a format compatible with the equipment used by the Court. In the discretion of the Court, such evidence may be lodged at another time. **(Effective January 1, 2023; adopted as Rule 3.1.10 effective July 1, 2010)**

3.1.11 Penal Code Sections 1203.4, 1203.4a, and 1203.41

A. **Petition for Dismissal.** Submission of a petition for dismissal, pursuant to Penal Code §§ 1203.4, 1203.4a or 1203.41 without a calendared hearing date will require that the defendant seeking such relief also submit with their petition a completed income and expense declaration, providing the information required on Judicial Council form TCR-105A.

Failure to include the required income and expense declaration may result in summary denial of the petition, without prejudice.

B. **Proof of Service.** All petitions for dismissal, including those filed by Fresno County Probation on behalf of a defendant, submitted for filing pursuant to Penal Code §§ 1203.4, 1203.4a (only as to infractions), or 1203.41 shall include proof of service of the petition on the Office of the District Attorney. (Pen. Code §§ 1203.4, subd. (e); 1203.4a, subd. (f) & 1203.41, subd. (e)(1).)

Failure to provide proof of service of the petition on the Office of the District Attorney, at the time of filing, will result in summary denial of the petition, without prejudice. **(Effective January 1, 2020; adopted as Rule 3.11.11 effective July 1, 2011)**

3.1.12 Payment of Criminal Fines

A. **Continuances.** Court Staff is authorized to grant one sixty (60) day continuance for the initial payment of criminal fines; one sixty (60) day continuance once monthly payments have been established; and one request to change the specific day of the month that the monthly payment is due. Any requests for a continuance of more than sixty (60) days shall be made to a judicial officer either in writing or through a personal court appearance.

B. **Requests for Monthly Payments Following an Order That the Fine Be Paid in One Payment**

1. Defendants who appear in Court are currently given several options for paying, including: (1) pay in full on the date of their Court appearance; (2) pay in full [including an additional thirty dollar ($30.00) administrative fee] by a future date; or (3) a monthly payment plan [including an additional fifty dollar ($50.00) installment fee.]

2. For defendants who elect in Court to pay their fine in full on the date of their court appearance and fail to do so, Court staff is authorized on that same day to either: (1) add the thirty dollar ($30.00) administrative fee and give the defendant sixty (60) days to pay in full; or (2) add the fifty dollar ($50.00) installment fee and convert the defendant to a monthly payment plan.

3. For defendants who elect in Court to either pay their fine in full by a future date or by monthly payments, Court staff is authorized to delete the thirty dollar ($30.00) administrative fee or the fifty dollar ($50.00) installment fee if the defendant pays in full on the date of their court appearance.

4. For defendants who elect in Court to pay their fine in full by a future date, Court staff is authorized to convert those defendants to a monthly payment plan if the defendant's request is made prior to the date by which the fine was ordered to be paid in full. When this request is made, Court staff is authorized to delete the thirty dollar ($30.00) administrative fee and add the fifty dollar ($50.00) installment fee.

5. For defendants who elect in Court to pay by monthly payments, Court staff is authorized to vacate the fifty dollar ($50.00) installment fee and add a thirty dollar ($30.00) administrative fee if the defendant pays in full by the first monthly payment due date.

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 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)**

3.1.13 Video Conferencing in Involuntary Medication Hearings

Involuntary medication hearings held pursuant to 9 California Code of Regulations § 4210, 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 facility and will appear for the hearing by video. The video equipment provided by the facility must provide two-way video and audio communication compatible with the video conference equipment of the court. **(Effective July 1, 2018, New)**

3.1.14 Petitions to Terminate Sex Offender Registration

A. **Applicability.** This rule applies to all petitions to terminate sex offender registration, whether filed in Fresno County Superior Court or Fresno County's Juvenile Justice Court.

B. **Service and Proof of Service.** In every case, a copy of the petition and proof of current registration must be served on the law enforcement agency with whom petitioner currently registers in Fresno County and the Fresno County District Attorney's Office, either by petitioner of someone acting on their behalf no later than 15 court days after the date the petition was filed with the court. Proof of such service must also be filed within 15 court days from the petition's filing.

C. **Registerable Offense Conviction Outside Fresno County.** If petitioner's conviction for a registerable offense occurred in a county other than Fresno, a copy of the petition and proof of current registration must also be served on the law enforcement agency and the District Attorney's Office of the county in which petitioner was convicted of the registrable offense. Service of these entities must occur no later than 15 court days after the date the petition was filed with the court. Proof of such service must also be filed with the court within 15 court days from the petition's filing.

D. **Registerable Offense Conviction in Federal or Military Court.** If petitioner's conviction for a registerable offense occurred in federal court, a copy of the petition and proof of current registration must also be served on the United States Attorney's Office for the District Court from which petitioner's registration requirement originated, as well as the law enforcement agency that investigated the charges(s) filed in the District Court case. If petitioner's conviction for a registerable offense occurred in a military court, a copy of the petition and proof of current registration must additionally be served on the prosecuting and investigating agencies of the registration offense. Service on these entities must occur no later than 15 court days after the date the petition was filed with the court. Proof of such service must also be filed with the court within 15 court days from the petition's filing.

E. **Form of Proof of Service.** If the petition and proof of current registration were filed in Juvenile Justice Court and were served by mail and/or personal delivery, petitioner is required to use Proof of Service – Juvenile Sex Offender Registration Termination (form PJV-61). If the petition and proof of current registration were filed in Superior Court and were served by mail and/or personal delivery, petitioner is encouraged, but not required, to use Proof of Service – Sex Offender Registration Termination (form CR-416). **(Effective July 1, 2025; Rule 4.1.2 (now 4.1.10) renumbered effective January 1, 2006; adopted as Rule 20.2 effective July 1, 2000)**

(Rule 3.1 renumbered effective January 1, 2006; adopted as Rule 14 effective July 1, 1992)

RULE 3.2 MISDEMEANOR CASE RULES

3.2.1 Misdemeanor Filings

The court shall endeavor to dispose of misdemeanor cases as follows: 90% within thirty (30) days after the defendant's first court appearance, 98% within ninety (90) days after the defendant's first court appearance, and 100% within 120 days after the defendant's first court appearance. **(Rule 3.2.1 renumbered effective January 1, 2006; adopted as Rule 15.1 effective July 1, 2000)**

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 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)**

3.2.3 Continuances

All motions for a continuance of a trial shall be made in the assigned trial department. **(Effective January 1, 2010; Rule 3.2.2 (now 3.2.3) renumbered effective January 1, 2006; adopted as Rule 15.2 effective July 1, 2000)**

3.2.4 Misdemeanor Pretrial Hearing

A. **Pretrial Hearing**. At such time as designated by the court, a pretrial hearing (formerly jury motion) will be held. Unless otherwise ordered by the court, the defendant shall personally appear at the hearing, unless appearing by counsel.

B. **Duties at Pretrial Hearing**. All motions for continuance, waiver of jury, change of plea or other procedural matters shall be presented at the hearing. If the case is not settled at the hearing, the court may order the defendant to appear at the

trial readiness hearing prior to the trial date. On the date set for trial there shall be no continuances or other delay of the trial, except on a showing of good cause based on facts not known by the moving party at the time of the pretrial hearing. **(Effective January 1, 2010; Rule 3.2.3 (now 3.2.4) renumbered effective January 1, 2006; adopted as Rule 15.3 effective July 1, 2000)**

3.2.5 Misdemeanor Trial Calendar

Misdemeanor trials shall be called at 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, 2017; Rule 3.2.4 (now 3.2.4) renumbered effective January 1, 2006; adopted as Rule 15.4 effective July 1, 2000)**

(Rule 3.2 renumbered effective January 1, 2006; adopted as Rule 15 effective July 1, 1992)

RULE 3.3 MOTIONS AND HEARINGS IN MISDEMEANOR CASES

3.3.1 Assignment of Motions

All motions or other matters not connected directly with trial, including, but not limited to motions to suppress, to amend the accusatory pleading, for discovery, dismissal, sanctions, interpreters, or substitution of counsel shall be made in the assigned department. **(Rule 3.3.1 renumbered effective January 1, 2006; adopted as Rule 16.1 effective July 1, 2000)**

3.3.2 Filing of Motions

A. Absent an order shortening time, or provided by statute, motions in misdemeanor cases shall be filed in writing no later than ten (10) court days before the hearing.

B. Motions shall contain a notice of motion, the motion itself, a declaration or affidavit in support thereof and a memorandum of points and authorities. Proof of service shall be filed no later than five (5) court days prior to the date of the hearing.

C. All opposition papers shall be filed no later than five (5) court days prior to the hearing, with proof of service on all parties. All reply papers shall be filed no later than two (2) court days prior to the hearing, with proof of service on all parties.

D. Each paragraph of any declaration shall be numbered sequentially. The original and all copies of exhibits and attachments shall be tabbed and shall be referred to in the pleadings or papers by tab identification. Each exhibit must be separated by a hard 8 ½ x 11 sheet with hard paper or plastic tabs extending below the bottom of the page, bearing the exhibit designation. **(Effective January 1, 2012; Rule 3.3.2 renumbered effective January 1, 2006; adopted as Rule 16.2 effective July 1, 2000)**

3.3.3 Motions to Suppress Evidence

A. Motions to suppress evidence and all responses shall comply with Penal Code § 1538.5 and controlling case law. (E.g., for searches allegedly conducted

without a warrant, see *People v. Williams* (1999) 20 Cal.4th 119 and its progeny.) If any factual assertions are based on cited documentation (such as a police report) and this documentation has not previously been filed with the court, the party making those assertions shall attach a copy of the cited document.

B. Each party is responsible for insuring that its witnesses are present for the hearing. **(Rule 3.3.3 renumbered effective January 1, 2006; adopted as Rule 16.3 effective July 1, 2004)**

3.3.4 Renewal of Motions

Motions decided prior to trial shall not be renewed unless the motion could not, with due diligence, have been made earlier. Any renewed motion shall be based upon grounds of new evidence which could not, with due diligence, have been discovered earlier, or if the original motion as denied without prejudice and leave to renew has been granted by the court. **(Rule 3.3.4 renumbered effective January 1, 2006; adopted as Rule 16.4 July 1, 2000)**

3.3.5 Submission of Electronic Documentation to the Court

Any items electronically submitted for the Court's consideration (e.g. certificates of completion, letters in support, proof of attendance, etc.) must be as a PDF file no larger than 5 GB in size. **(Effective January 1, 2023, New)**

(Rule 3.3 renumbered effective January 1, 2006; adopted as Rule 16 effective July 1, 1992)

RULE 3.4 FELONY CASE RULES

3.4.1 Felony Filings

The court shall endeavor to dispose of felony filings (by plea, finding of probable cause, or dismissal) excluding murder cases in which the prosecution seeks the death penalty as follows: 90% within thirty (30) days after the defendant's first court appearance, 98% within forty-five (45) days after the defendant's first court appearance, and 100% within ninety (90) days after the defendant's first court appearance. **(Rule 3.4.1 renumbered effective January 1, 2006; adopted as Rule 17.1 effective July 1, 2000)**

3.4.2 Designated Department

Unless otherwise assigned by the Presiding Judge, all proceedings in each felony case, from arraignment through settlement conference shall be heard in one of the felony departments. For each case, the appropriate department shall be known as the "Designated Department." Felony cases shall be assigned to the Designated Department alphabetically by last name of defendant. Multiple defendant cases shall be assigned by last name of the first named defendant. **(Effective January 1, 2016; adopted as Rule 3.4.2 effective July 1, 2007)**

3.4.3 Schedule of Hearings

Hearings shall be set in the Designated Departments according to a schedule available from the Clerk's Office, or by order of the court if not specifically noted. **(Effective July 1, 2007, New)**

3.4.4 Certification

A court which has suspended criminal proceedings pursuant to Penal Code § 1368 shall appoint a psychiatrist or licensed psychologist or two such professions in accordance with Penal Code § 1369(a) and refer the matter to the Designated Department. **(Effective July 1, 2007; Rule 3.4.2 (now 3.4.4) renumbered effective January 1, 2006; adopted as Rule 17.2 effective July 1, 2000)**

3.4.5 Preliminary Examinations

Except as provided in Rule 3.4.2A, preliminary examinations shall be calendared in the Designated Department and motions for continuance of a preliminary examination shall be made in the Designated Department. **(Effective July 1, 2007; Rule 3.4.3 (now 3.4.5) renumbered effective January 1, 2006; adopted as Rule 17.3 effective July 1, 2000)**

3.4.6 Trial Setting

A. At the time of the arraignment and plea, the court will set a date for trial within the statutory period. This is the only notice of the trial date that will be given counsel and the defendant.

B. Reciprocal informal discovery, pursuant to Penal Code § 1054, will be ordered at the time of the arraignment. Any additional discovery requests must be made in a duly filed and noticed written motion, complying with all statutory requirements applying to such motions and Rule 3.5.1. **(Effective July 1, 2007; Rule 3.4.5 renumbered effective January 1, 2006; adopted as Rule 17.5 effective July 1, 2000)**

3.4.7 Settlement Conference

A. Trial Confirmations shall be renamed as Settlement Conferences. All felony Settlement Conferences will be set in the Designated Department, on Thursdays. The initial Settlement Conference will be set up two (2) weeks before the date set for trial, or on such other date as set by the Designated Department.

B. Trial attorneys who will try the case shall personally appear at the Settlement Conference. In the event a trial attorney has a conflict preventing that attorney's presence, that attorney shall make arrangements to have another attorney present who is familiar with the case. The appearing defense attorney shall have previously conferred with the client. **(Effective July 1, 2007, New)**

(Rule 3.4 renumbered effective January 1, 2006; adopted as Rule 17 effective July 1, 1992)

RULE 3.5 MOTIONS AND HEARINGS IN FELONY CASES

3.5.1 Motions in General

A. Except for motions to set aside the indictment or information pursuant to Penal Code § 995 and special hearings on motions to suppress under Penal Code § 1538.5, subdivision (i), where a motion to suppress was made at the preliminary hearing, all motions or other matters not connected directly with trial, including, but not limited to, motions to suppress, to amend the accusatory pleading, for discovery, dismissal, sanctions, interpreters, or substitution of counsel shall be made in the Designated Department. Dates and times for hearings shall be cleared with the individual Designated Department, an authorization form indicating the pre-approved date shall be submitted with the motion.

B. Motions to set aside the indictment or information pursuant to Penal Code § 995, and special hearings on motions to suppress under Penal Code § 1538.5, subdivision (i), where a motion to suppress was made at the preliminary hearing, shall be set in the department of the supervising judge of the Criminal Division, or his or her designee, at the time designated by that judge for motions. No pre-approval of the date is required. In the event that judge (supervising judge or his or her designee) acted as the magistrate at the preliminary hearing, the motion to set aside the information, or for renewal of the suppression motion made at the preliminary hearing, shall be set in the Designated Department pursuant to the procedure for other motions set forth in rule 3.5.1A and D.

C. Except as otherwise authorized by the court or required by statute, all motions and accompanying papers must be filed with the Clerk.

D. All motions shall contain a notice of motion, the motion itself, a declaration or affidavit in support thereof, a memorandum of points and authorities, and the face sheet indicating approval by the Designated Department of the dates as required by rule 3.5.1A. All motions shall contain, in the area below the Motion Title of the first page of the filing party's motion, the hearing date, time, and department number, and the filing party's estimate of the overall time required for the hearing of the matter.

A request for a transportation order should be included if a defendant or necessary witness is in custody. If the court has not previously ordered the defendant to be present at the motion hearing and the defendant is not in custody, counsel for the defendant shall give written notice of the hearing date to the defendant and file proof of service of same at the time the motion is filed. Failure to request a transportation order when one is required or to give such notice to a non-custody defendant may result in the motion being taken off calendar.

E. Motions to suppress that are to be heard at the preliminary hearing must be personally served and filed at least five (5) court days before the preliminary hearing. Any written response by the People to the motion shall be filed with the Court and

personally served on the self-represented defendant or the attorney of record at least two (2) court days prior to the hearing.

F. All other motions and accompanying papers shall be filed not less than ten (10) court days prior to the hearing, unless otherwise provided pursuant to an order shortening time or a statute. Proof of service shall be filed no later than five (5) court days prior to the date of the hearing.

G. All opposition papers shall be filed no later than five (5) court days prior to the hearing, with proof of service on all parties. All reply papers shall be filed no later than two (2) court days prior to the hearing, with proof of service on all parties.

H. Any papers filed with the Clerk in connection with the motion or response thereto shall be accompanied by two complete copies in addition to the original.

I. Continuances of hearings on motions shall not be granted except for good cause shown and upon the filing of a written notice of intention to move for such continuance with the Clerk, together with proof of service on all other parties two (2) court days prior to the hearing.

J. Motions and accompanying papers pursuant to Penal Code § 995 shall include the following:

1. A brief statement in summary form of the facts as set forth in the preliminary examination transcript;

2. A statement of the issues, specifically identifying why the information or indictment should be set aside;

3. Where defendant intends to rely upon some testimony in the transcript, the moving papers shall contain references to the testimony, identified by page and line number of the transcript; and,

4. A statement of the authorities upon which defendant relies with explanation as to why they are applicable. Mere citation of sections of the California Penal Code and the U.S. Constitution will not be sufficient.

K. Each paragraph of any declaration shall be numbered sequentially. The original and all copies of exhibits and attachments shall be tabbed and shall be referred to in the pleadings or papers by tab identification. Each exhibit must be separated by a hard 8 ½ x 11 sheet with hard paper or plastic tabs extending below the bottom of the page, bearing the exhibit designation. **(Effective January 1, 2023; Rule 3.5.1 renumbered effective January 1, 2006; adopted as Rule 18.1 effective July 1, 2004)**

3.5.2 Motions to Suppress Evidence

A. In addition to the requirements of Rule 3.5.1, motions to suppress evidence and all responses shall comply with Penal Code § 1538.5 and controlling case law. (See, e.g., *People v. Williams* (1999) 20 Cal.4th 119 and its progeny when a warrantless search is at issue.)

B. Pursuant to Penal Code § 1538.5(b), hearings to challenge searches, based upon a warrant, should first be heard by the issuing magistrate, if available. Defendants seeking to challenge such a warrant shall comply with the procedure in Local Rule 3.5.1A, in the calendaring and filing of said motion with the issuing magistrate as the "Designated Department."

In cases where the motion is brought to coincide with the preliminary hearing the hearing on the motion shall instead be heard by the magistrate assigned to conduct the preliminary hearing. (Pen. Code § 1538.5 subd. (f).)

C. All motions to suppress must comply with the filing, notice, and content requirements of Local Rule 3.5.1.

1. Moving papers shall include the following:

a. If factual assertions are based on cited documentation (such as police reports) and this documentation has not previously been filed with the court, the moving party shall attach a copy of the cited document.

b. Where a motion to suppress was made at the preliminary examination, any references in the supporting papers to such testimony shall be identified as to volume number, if more than one volume, and page and line number in the transcript.

c. Where no motion to suppress was made at the preliminary examination and if the moving party requests testimony be received by the court at the hearing, the first page of the notice of motion, or motions, shall so indicate. The failure to so indicate shall be construed by the court as a request by the moving party to submit the matter on the statement or statements of fact and the argument of counsel.

d. Where a motion to suppress was made at the preliminary examination and if the moving party requests additional testimony be received by the court at such hearing, the first page of the notice of motion, or motions, shall so indicate. The failure to so indicate shall be construed by the court as a result on the part of the moving party that the matter be submitted on the transcript(s) of prior proceedings and the argument of counsel.

2. Responding papers shall include the following:

a. If factual assertions are based on cited documentation and this documentation has not yet been filed with the court, the responding party shall attach a copy of the cited document.

b. If the responding party intends to present testimony at the hearing, the first page of the response shall so indicate. Failure to so indicate may be construed by the court as a waiver of any right to call or recall witnesses.

c. Where no motion to suppress was made at the preliminary hearing and if the responding party requests testimony be received by the court at the hearing, the first page of the notice of motion or motions shall so indicate. The failure to so indicate shall be construed by the court as a request by the responding party to submit the matter on the statement or statements of fact and the argument of counsel.

D. Each party is responsible for insuring that its witnesses are present for the hearing.

E. Motions for Traverse of Search Warrant:

1. In accordance with *Franks v. Delaware* (1978) 438 U.S. 154, 90 S.Ct. 2674, as explained in *People v. Wilson* (1986) 182 Cal.App.3d 742, 227 Cal.Rptr. 528, the moving party must do the following:

a. Make a Penal Code § 1538.5 motion.

b. Establish standing to contest the search.

c. Point to specific portions of the affidavit which contain false information, or demonstrate with specificity what information it is claimed was omitted.

d. Allege that the misstatements or omissions were made by the officer/affiant with the intent to deceive, or were made recklessly (i.e., with utter disregard for the truth). Allegations of negligence, or allegations failing to refer to the state of mind of the affiant, are insufficient.

e. Demonstrate that the alleged misstatements or omissions were material. Materiality in this context means that the affidavit with the objectionable language taken out or omissions added would be lacking sufficient probable cause.

f. Submit affidavits or other competent evidence demonstrating the probable truth of the defense allegations, or satisfactorily explain the absence of such affidavits.

F. If any motion involves a warrant, the moving papers shall include a copy of the warrant and its affidavit.

G. Failure to comply with the above-stated rules may result in appropriate sanctions. In the case of the moving party, this may include a summary denial of the motion. **(Effective July 1, 2008; Rule 3.5.2 renumbered effective January 1, 2006; adopted as Rule 18.2 effective July 1, 2004)**

(Rule 3.5 renumbered effective January 1, 2006; adopted as Rule 18 effective July 1, 1992)

RULE 3.6 TRAFFIC INFRACTION CASES

3.6.1 Trial by Declaration

A. Pursuant to Vehicle Code § 40903, a defendant charged with Vehicle Code infractions or violations of local ordinances adopted pursuant to the Vehicle Code who fails to (1) appear in court to plead or set a trial date, (2) post bail and request a trial by written declaration by mail, (3) request an extension, or (4) pay and forfeit bail by the date shown on the notice to appear may be deemed to have elected to have a trial by written declaration upon any alleged infraction or violation, as charged by the citing officer. A defendant deemed to have elected this procedure will be mailed a TTR-206 Form. Failure to return a written declaration by the date shown on Form TTR-205.2 may result in a trial upon such evidence as provided by Vehicle Code § 40903(b) and the case may be adjudicated solely on the merits of the citing document.

B. A trial by written declaration is also available to any defendant who wishes to contest the citation and who timely requests a trial by written declaration in writing. A trial by written declaration shall be requested and conducted in accordance with rule 4.210 of the California Rules of Court. A trial by declaration is not available if defendant has been notified that a personal appearance is mandatory. A defendant electing this procedure shall complete and return to the Clerk Forms TR-205, Election by Trial By Written Declaration, and TR-200, Instructions to Defendant and shall notify the Clerk of his or her current address and of any changes thereof. Failure to return a written declaration by the date shown on Form TR-205 may result in a trial upon such evidence as provided by Vehicle Code § 40902(c). **(Effective January 1, 2016; Rule 3.6.2 (now 3.6.1) renumbered effective January 1, 2006; adopted as Rule 19.2 effective January 1, 2002)**

3.6.2 Traffic Infraction Appeals

A party may appeal an unfavorable decision made in the trial court to the Appellate Division of the Superior Court pursuant to Rules 8.800 through 8.821 and 8.60 through 8.880 of the California Rules of Court. The Notice of Appeal (form TR1-55) must be filed with the Clerk of the trial court within thirty (30) CALENDAR DAYS after the rendition of judgment. No extension of time is allowed.

The appeal must be directed toward errors of law only. An appeal is not a retrial, and introduction of new evidence will not be permitted. The forms and instructions on appeal procedures are available in all traffic court locations in Fresno County. **(Effective January 1, 2009; Rule 3.6.3 (now 3.6.2) renumbered effective January 1, 2006; adopted as Rule 19.3 effective January 1, 2002)**

3.6.3 Online Adjudication and Ability to Pay Determinations – Pilot Program

The Fresno Superior Court is participating in a pilot program which will include online adjudication and ability to pay determinations in traffic infraction cases. This pilot program is sponsored by the Judicial Council and authorized in division 17, chapter 1.5 of the Vehicle Code (sections 40280-40288). Once implemented a defendant will be able to:

1. Adjudicate and request and ability to pay determination using the procedures authorized in section 40283 of the Vehicle Code, and
2. Elect to have an online trial pursuant to section 40287 of the Vehicle Code.

The request may be made through an online tool, accessible through the Court's website, or in person. Because this program is in its pilot stage, notice will be posted on the Court's website when the program becomes available and the program may be subject to change. **(Effective July 1, 2020, New; Rule 3.6.4 (now 3.6.3) renumbered effective September 15, 2022; adopted as Rule 3.6.4 effective July 1, 2020)**

3.6.4 Zoom Proceedings in Infraction Cases

A. This rule becomes effective on January 1, 2022, or the date upon which Fresno Superior Court Emergency Rules 3.7.2 and 3.7.3 expire, whichever occurs later.

B. The Court permits infraction arraignments, trials and related proceedings to be conducted remotely. These remote hearings will be heard by videoconference/phone, using Zoom. Appearance by Zoom is free. Instructions for how to attend a hearing remotely by Zoom can be found at www.fresno.courts.ca.gov/divisions/traffic. Additional information can be obtained by contacting the Traffic Department at (559) 457-1700, by fax at (559) 457-1710 or by email at Infodeskcrim@fresno.courts.ca.gov. Any person wishing to appear remotely, but lacking internet access, may request to appear by phone by calling the phone number that will be provided in the Notice of Calendar Setting. Sentence modification hearings may not be calendared for Zoom proceedings.

C. Judges and court staff may appear remotely. Defendants and attorneys may appear in person in the courtroom or elect to appear remotely. When a defendant or his/her attorney elects to appear remotely for trial the witnesses may appear in person in the courtroom or elect to appear remotely.

D. Any defendant or attorney who is requesting to attend remotely must notify the Traffic Department at least three (3) court days before the scheduled hearing date.

Failure to comply with this notice requirement may result in the request for a remote appearance being denied or the hearing being rescheduled.

E. Any documents or evidence to be considered at the remote hearing must be filed with the Court at least two (2) court days before the scheduled hearing date. Failure to timely file documents with the Court may result in the hearing being continued and/or the documents or evidence not being considered.

F. All persons electing to appear remotely must have a good internet connection, be in a quiet location and conduct themselves as if they were in a courtroom. Failure to comply with this rule may result in the Court terminating the remote appearance and ordering the person to appear in a courtroom. **(Effective January 1, 2022, New; Rule 3.6.5 (now 3.6.4) renumbered effective September 15, 2022; adopted as Rule 3.6.5 effective January 1, 2022)**

(Rule 3.6 renumbered effective January 1, 2006; adopted as Rule 19 effective July 1, 1992)

(Chapter 3 amended effective January 1, 2006; adopted as III effective July 1, 1992)

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CHAPTER 4. MISCELLANEOUS RULES

RULE 4.1 RULES OF GENERAL APPLICATION

4.1.1 Facsimile Machine (FAX) Filing and Notification

A. The Superior Court of California, County of Fresno hereby adopts rule 2.300 et seq. of the California Rules of Court, allowing for facsimile filing of civil, probate and family law documents by self-represented litigants. The Superior Court of California, County of Fresno also allows for facsimile filing of specified documents in juvenile cases as set out in California Rules of Court 5.522. The Superior Court of California, County of Fresno allows for facsimile filing of only the following documents in a criminal case: the Declaration of Conflict of Interest executed under oath by the Fresno County Public Defender or appointed counsel; a proposed Order Substituting Attorney of Record for Defendant, FCR-33, or a proposed Order Substituting Attorney of Record for Defendant (Multiple Defendant Case), FCR-34; Petitions for Revocation of Supervision, and Warrants for Revocation of Supervision.

B. Fax filings will be accepted during normal business hours. A document may be faxed to the court at any time of the day. Acceptance of the document for filing with the court shall be deemed to occur:

1. On the date the document was faxed to the court if the submission occurred during normal business hours of the Clerk's Office; and,

2. On the next business day the Clerk's Office is open for business if the submission occurred after normal business hours of the Clerk's Office.

For purposes of this section, normal business hours shall be 8:00 a.m. through 4:00 p.m., Monday through Friday, excluding court holidays. Nothing in this section shall limit the clerk's ability to reject filings.

C. A party who has established a filing fee account in advance may file pleadings and documents by facsimile machine directly with the Clerk. All such filings must fully comply with the provisions of the California Rules of Court. Any party electing to file by facsimile shall be deemed to have consented to service of notices by the Court by facsimile machine. The Fresno County Public Defender and appointed counsel are exempt from this requirement.

D. In addition to other fees imposed by law, a party filing by fax directly with the court shall pay a fee of $1.00 for each page of the paper.

E. Any document received with missing or partial pages, or other facial defects, shall not be filed but shall be returned by the Clerk to the sending party by mail.

F. Where these rules require notification by letter, to court or counsel, such notification may be by fax. The court has several fax numbers, and notification to a specific judge shall be addressed to him or her by name and shall be transmitted to the fax number nearest his or her chambers.

G. A list of fax numbers may be obtained from the Clerk by a fax request to (559) 457-1624, citing this rule. **(Effective July 1, 2020; Rule 4.1.6 (now 4.1.1) renumbered effective January 1, 2021; adopted as Rule 20.6 effective July 1, 2000)**

4.1.2 Electronic Filing

A. Mandatory Electronic Filing

1. Pursuant to Code of Civil Procedure § 1010.6(g), documents filed by represented parties or entities, including but not limited to an attorney representing the public interest such as the District Attorney's office, the Attorney General's office and the Department of Child Support Services, in all civil (including unlawful detainer initial filings), family law, and probate actions must be filed electronically unless the Court excuses parties from doing so. Although not required, self-represented parties are encouraged to participate in electronic filing and service.

2. Charging Documents in Adult Criminal Cases: A prosecuting agency shall electronically file charging documents (the criminal complaint, information, will prosecute, and/or indictment) in all adult Felony, Misdemeanor, and Domestic Violence cases, including Arrest Warrants. Additional documentation normally filed in conjunction with charging documents must also be filed electronically. Criminal charging documents filed after 4:00 p.m. will be processed on the next business day, and deemed filed as of the day submitted for filing pursuant to Code of Civil Procedure § 1010.6(b)(3).

3. Criminal Failure to Appear/Past Time to File Arrest Warrants: A prosecuting agency shall electronically file Arrest Warrants excluding Criminal Infractions.

4. Dependency Cases: Department of Social Services shall electronically file documents in dependency cases. Additional documentation normally filed in conjunction with dependency petitions must also be filed electronically.

B. Permissive Electronic Filing

1. Charging Documents in Juvenile Criminal Cases: Petitions may be filed electronically in juvenile criminal cases.

2. Documents in Infraction Cases: Any party to an infraction case may electronically file documents, unless prohibited under Rule 4.1.2(C).

3. Criminal Motions: Parties, including self-represented parties, are encouraged to electronically file all motions, oppositions, briefs, and any other moving papers for Criminal cases unless prohibited under Rule 4.1.2(C). For motions requiring prior department approval pursuant to the procedure for other motions set forth in Rules 3.5.1A and D, an electronic form is available on the Fresno County Superior Court's website to be completed and submitted to the department for prior approval. Motions currently requiring a filing fee (i.e. Bond Forfeiture Motions) will be assessed as part of the electronic filing process, including secondary filing fees per the current fee schedule.

4. Criminal Failure to Appear/Past Time to File Arrest Warrants: Law Enforcement Agencies may file Arrest Warrants electronically excluding Criminal Infractions.

C. Prohibited Electronic Filing

No electronic filing is permitted for criminal or juvenile cases, other than those filings described in Rules 4.1.2A and 4.1.2B, including amended charging documents, dismissed and re-filed charging documents, consolidated charging documents, Criminal Protective Orders, or subsequent filings into confidential case types including confidential name change, developmentally disabled and dangerous, forfeiture of confiscated weapon, involuntary medication, mental health, Murphy LPS conservatorship, petition to consent for medical treatment, petition for Electroconvulsive Therapy (ECT), Riese hearing, relief of firearm prohibition, certificate of rehabilitation and pardon, sexual violent predator, TB petition, petition for consent LPS conservatorship, writ of habeas corpus, adoption, appointment of confidential intermediary, petition to declare minor free, petition to establish parental relationship, set aside declaration of paternity, surrogacy, termination of parental rights, and unseal birth records. Criminal motions for case types which are currently prohibited from being electronically filed (Criminal Writ of Habeas Corpus, Relief of Firearms Prohibition, Forfeiture of Confiscated Deadly Weapon, Certificate of Rehabilitation and Pardon, Involuntary Medication, Sexually Violent Predator).

D. Rules Applicable to Eligible Case Types

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.

7. Remote Appearance. The Notice of Remote Appearance (form RA-010), along with the Declaration of Notice or a proof of service, shall be filed in a separate e-filing envelope. A proposed order must also be filed with the Notice of Remote Appearance in all Civil and Family Law matters.

E. **Limitations on Filings**

Notwithstanding any other provision of law or this rule, the following documents may not be filed electronically.

1. Affidavit re: Real Property of Small Value;

2. Bonds (except as detailed in Local Rule 4.13G);

3. Documents for cases under seal;

4. Labor Commissioner deposit of cash or check (see Local Rule 4.1.2G for details);

5. Subpoenaed documents;

6. Undertakings (except as detailed in Local Rule 4.1.2G); and

7. Wills/Codicils; or

8. Any exhibits that cannot be accurately transmitted via electronic filing due to size or type.

F. Upon e-filing a petition to Probate a Decedent's Estate, a Spousal or Domestic Partner Property Petition or a Petition to Determine Succession to Real Property, the original will must be deposited with the clerk's office within ten (10) court days to avoid the fee associated for depositing a will.

G. **Labor Commissioner Appeals**

Upon e-filing an appeal of a decision, order, or other award of the Labor Commissioner in the Civil Division pursuant to Labor Code § 98.2(a), where the filing party is initiating the action has obtained a bond or undertaking, the bond or undertaking documentation must be e-filed with the initiated case in order to comply with Labor Code § 98.2(b). Pursuant to California Rules of Court 2.252(e), the original bond or undertaking must then be delivered to the Court within ten (10) court days. Failure to do so can have consequences on the ability of the appeal to move forward.

A party filing such an appeal of a decision, order, or other award of the Labor Commissioner in the Civil Division pursuant to Labor Code § 98.2(a), where the filing party is initiating the action will be depositing cash or a check to satisfy the requirements of Labor Code § 98.2(b) will be excused from the mandatory e-filing requirements set forth in Rule 4.1.2A. Such a filing must be directly filed with the Court outside of the e-filing system. **(Effective January 1, 2024; 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)**

4.1.6 Identification of Document Preparers

A. In this section:

1. "Document preparer" means a person, other than an attorney or an employee of an attorney, who prepares for compensation a paper for filing; and

2. "Paper for filing" means any paper, as defined in Rule 1.1.4, prepared for filing on behalf of a party.

B. A document preparer who prepares a paper for filing shall print on a separate sheet of paper the preparer's name, address, telephone number, FAX number and e-mail number, if any. This separate paper identifying the preparer shall be served on the opposing party, filed with the court, and identified in the proof of service.

C. An attorney, or an employee of an attorney, who prepares a paper for filing as "in pro per" shall print on a separate piece of paper the preparer's name, address, telephone number, FAX number and e-mail address, if any. This separate paper identifying the preparer shall be served on the opposing party, filed with the court, and identified on the proof of service.

D. As an additional requirement, document preparers shall type their initials or the initials of their business and the runner numbers in the caption under the heading "Attorney or Party Without Attorney" on the face sheet of the moving papers.

E. A document preparer shall, not later than the time at which a paper for filing is presented for the party's signature, furnish to the party a copy of the paper.

F. A document preparer shall not execute any paper on behalf of a party.

G. Nothing in this rule shall be construed to permit activities that are otherwise prohibited by law, including rules and laws that prohibit the unauthorized practice of law.

H. These requirements are in addition to those regarding legal document assistants set forth in the Business and Professions Code. **(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 Electronic Mail Communication with the Court

Consistent with the Canons of Ethics relating to Ex-Parte Communications with the court, an attorney for a party, or a party appearing in pro per, may direct electronic mail communications to the clerk of the department to which a case has been assigned, relating to a case pending before that court.

However, unless otherwise approved by the court, consistent with the Canons of Judicial Ethics and the California Rules of Professional Conduct, no attorney or party to an action shall, either with or without prior notice to opposing counsel, contact any judge directly by e-mail concerning a case pending before the court, or a matter relating to a case pending before the court. **(Rule 4.1.9 (now 4.1.7) renumbered effective January 1, 2006; adopted as Rule 20.9 effective January 1, 2005)**

4.1.8 Requests to Conduct Media Coverage

A. Requests for media coverage (photographing, recording or broadcasting of court proceedings by the media using television, radio, photographic or recording equipment) shall comply with the provisions of California Rules of Court, Rule 1.150.

B. The court will rule on the request at the hearing. **(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)**

4.1.9 Jury Instructions and Verdict Forms

A. Where there is a trial by jury, the parties shall request instructions by submitting proposed instructions to the trial judge on the first day of trial. The latest edition of CALCRIM or CACI (Judicial Council of California Civil Jury Instructions) forms shall be used wherever applicable.

B. Proposed pattern jury instructions, which have been modified by a party, shall clearly indicate any proposed change.

C. The party requesting a CALCRIM or CACI instruction which contains one or more blanks shall type in the blank space all the words required to adapt the form for use in the pending case.

D. Instructions shall be submitted either on a form with a detachable top or in a multi-page format. If a form with a detachable top is used, the top portion of the instruction shall contain the name of the party upon whose behalf it is requested and citation to supporting authority. If that instruction is used, the detachable bottom of the form will be given to the jury for use during deliberations. If a multi-page format is used, one page shall contain the name of the party upon whose behalf it is requested and citation to supporting authority. A separate page or pages shall contain the instruction itself. If that instruction is used, only the page or pages containing the instruction itself will be given to the jury for use during deliberations.

E. In civil cases each party shall submit proposed verdict forms suitable for used by the jury in the pending case. In criminal cases the court may order the prosecution to submit proposed verdict forms, including lesser offenses, suitable for use by the jury in the pending case. Each verdict must be submitted on a separate form, must contain the caption of the case, and must not indicate the party upon whose behalf the verdict is submitted. **(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)**

4.1.10 Sound Recordings to be Offered as Evidence at Trial

A. Any party intending to offer a sound recording in evidence at trial shall prepare a transcript of the sound recording and serve such transcript and a copy of the recording on all other parties at least two (2) weeks before trial. Any party disputing the accuracy of the transcript shall prepare his or her own transcript of the sound recording identifying the disputed portions and serve that transcript on all other parties no later

than three (3) days before trial. When disputed, the parties shall meet and confer in a good faith effort to resolve their differences.

B. In the event that the differing versions cannot be resolved by the parties, they shall alert the Presiding Judge at the trial readiness hearing to reserve an appropriate amount of time in the assigned trial court to settle the dispute before summoning a jury panel.

C. Nothing herein is intended to contravene the applicable rules of discovery or valid claims of confidentiality provided by law. If a party is entitled to maintain the confidentiality of a sound recording and chooses to do so until trial, a proposed settled transcript shall be lodged with the court when the sound recording is marked for identification. The opposing party shall be allowed a reasonable opportunity to listen to the sound recording, prepare a proposed transcript and lodge objections before the sound recording is received as evidence.

D. Each transcript shall identify its preparer. In the event the sound recording is originally in a language other than English, the transcript will identify the preparer and include a certification by the person translating the sound recording from its original language into English. A preparer includes any person who reviewed the transcripts and confirmed its accuracy.

E. The propounding party shall prepare a sufficient number of copies of the transcript for distribution as ordered by the court. **(Effective January 1, 2025; Rule 4.1.2 (now .1.10) renumbered effective January 1, 2006; adopted as Rule 20.2 effective July 1, 2000)**

4.1.11 Dangerous, Large or Bulky Exhibits

A. Permission from the judge assigned to the hearing or trial must be obtained before a party may bring dangerous, large or bulky exhibits into the courthouse. If possible, the party should substitute a photograph, technical report, or dummy object for proposed exhibits which are either:

1. Inherently dangerous, such as:

   a. Firearms;

   b. Any type of explosive powder;

   c. Explosive chemicals, toluene, ethane;

   d. Explosive devices, such as grenades or pipe bombs;

   e. Flammable liquids such as gasoline, kerosene, lighter fluid, paint thinner, ethyl-ether;

   f. Canisters containing tear gas, mace;

g. Rags which have been soaked with flammable liquids;

h. Liquid drugs such as phencyclidine (PCP), methamphetamine, corrosive liquids, pyrrolidine, morpholine, or piperidine;

i. Samples of any bodily fluids, liquid or dried; or

j. Controlled or toxic substances; or

k. Corrosive or radioactive substances.

2. Large and cumbersome, such as a ladder, sewer pipe, or automobile chassis.

If a party believes the exhibit should be brought into the courtroom without substitution, an application for permission must be made in writing and describe the materials to be brought into the courtroom and the reason a substitution should not be made. The option of viewing the materials at another location may be considered by the court.

B. Evidence received in any case shall be limited to those items required in the case and shall be retained by the court for the minimum time required by law, unless good cause is shown to retain the evidence for a longer period of time.

C. No exhibit shall be accepted by the Clerk or exhibits custodian unless:

1. All containers of controlled or toxic substances are securely sealed and protected against breakage to safeguard court personnel, so that the contents cannot be spilled and odors cannot be emitted;

2. All containers of liquid substances, including bodily fluids, are securely sealed and protected against breakage to safeguard court personnel, so personnel are not exposed to the contents and odors;

3. All objects containing bodily fluids or dangerous, controlled or toxic substances (e.g., bloody shirt, gasoline soaked rage, etc.) are placed in containers that are securely sealed and protected against breakage so that odors cannot be emitted and court personnel are safeguarded;

4. All firearms are secured by a nylon tie or trigger guard, and have been examined by the bailiff to determine that they have been rendered inoperable;

5. All sharp objects, such as hypodermic needles, knives, and glass, are placed in containers that are securely sealed and protected against breakage, which will safeguard personnel;

6. All containers with liquid substances are clearly marked and identified as to type and amount;

7. All containers of controlled substances are clearly marked, identified, weighed, and sealed;

8. All cash is specifically identified, whether individually or packaged, as to the total amount and number of each denomination.

D. All exhibits must be individually tagged with the proper exhibit tag, properly completed, and securely attached to the exhibit. Any exhibit improperly tagged, marked, weighed, or identified will not be accepted by the court. Unless otherwise ordered, unidentified or improperly identified liquids, containers, controlled substances, or other suspect substances shall be returned to the party offering them.

E. When a dangerous, large or bulky exhibit that has been marked and identified or received in evidence poses a security, storage or safety problem, on recommendation of the Clerk of the court, the court may order that all or a portion of it be returned to the party that offered it. In the case of exhibits offered by the prosecutor in a criminal case, the court may order that the exhibit be returned to the law enforcement agency involved. The order shall require that a full and complete photographic record of the exhibit or the portion returned be substituted for the exhibit. The party who offered the exhibit shall provide the photographic record. The party or agency to whom the exhibit is returned shall be responsible for maintaining and preserving the exhibit until there is a final disposition of the action or proceeding. All exhibit tags and other identifying markings or information concerning each exhibit shall remain in place and shall not be disturbed. Each exhibit shall be maintained intact and in the same condition as during trial. In the event further proceedings of any court having jurisdiction of the matter require the presence of the exhibit, the party or agency to whom it was returned shall promptly deliver the exhibit to the appropriate court, with notice to all parties. **(Rule 4.1.5 (now 4.1.11) renumbered effective January 1, 2006; adopted as Rule 20.5 effective January 1, 2004)**

4.1.12 Juror Panel List

In the event that any list of prospective jurors, whether it be an alphabetical list or a list in the order in which the juror will be called, is provided to the parties or counsel to help facilitate the jury selection process, the lists may not be reproduced. All lists provided shall be returned to the Court upon completion of jury selection, cancellation of the jury panel or release of the jury panel prior to the conclusion of jury selection. **(Rule 4.1.11 (now 4.1.12) renumbered effective January 1, 2021; adopted as Rule 4.1.11 effective July 1, 2013)**

4.1.13 Confidentiality of Jurors' Declarations

The court may grant access to declarations that were submitted to the court by prospective trial and grand jurors upon application to the trial judge or, if the trial judge is unavailable, to the presiding judge or his or her designee. If the applicant seeks personal juror identifying information of trial jurors that has been sealed by the court

pursuant to Code of Civil Procedure § 237, a noticed motion in accordance with that section is required. **(Rule 4.1.3 (now 4.1.13) renumbered effective January 1, 2006; adopted as Rule 20.3 effective July 1, 2004)**

4.1.14 Delivery of Court Reporter Transcripts to the Court

In all case types, any court reporter utilized to report court proceedings shall file all appellate and court ordered transcripts electronically via YesLaw. This rule applies to Court employees, per diem and pro tempore court reporters. **(Rule 4.1.12 (now 4.1.14) renumbered effective January 1, 2021; adopted as Rule 4.1.12 effective January 1, 2016)**

4.1.15 Protocol for Communication Between Courts Regarding Domestic Violence Orders

A. Purpose

This rule sets forth the court communication protocol for Domestic Violence and Child Custody Orders as required by the California Rules of Court. This protocol is intended to avoid the issuance of conflicting orders when possible, and to permit appropriate visitation between a restrained person and the child(ren) who is/are the subject of a family, probate or juvenile proceeding, while providing for the safety of all victims and witnesses. Furthermore, the best interests of the child(ren), litigants and the Court are promoted by early identification and coordination of proceedings involving the same child(ren) or the child(ren)'s caretaker(s). To that end, this rule is also designed to ensure that all bench officers have information about the existence of overlapping cases. This rule recognizes the statutory requirement that criminal protective orders have precedence of enforcement over all other contract orders; however, it acknowledges that there are situations where it is appropriate to permit visitation between a criminal defendant and his or her child.

B. Notice of Pending Cases and Orders

1. Court Inquiry

Before issuing a criminal or non-criminal protective order, or a custody or visitation order, the Court should inquire of the parties or the attorneys whether there are any cases in which there are criminal or civil protective orders, or custody and visitation orders that involve the child(ren) in the current case.

2. Attorneys and Self-Represented Parties in Family, Probate and Juvenile Cases

All attorneys and self-represented parties involved in family law, probate and juvenile cases shall inform the Court about any cases in which there are criminal or non-criminal protective orders or custody and visitation orders that involve the child(ren) in the current case. The information shall be provided to the Court, all parties and all attorneys in the case.

3. Prosecuting Attorneys

Pursuant to Penal Code § 273.75, the District Attorney or City Attorney shall investigate whether there are any criminal or civil protective orders or custody and visitation orders that involve a child of, or under the care of, a participant in a domestic violence charge. Prosecuting attorneys shall inform the Court, all parties and all attorneys in the case of such orders.

C. Communication Between Courts

1. Communication Regarding Existing Cases in Other Departments

When any court becomes aware of the existence of another case involving the same child(ren), the judicial assistant shall notify the Domestic Violence Case Coordinator who shall then provide notification to the other court. The Domestic Violence Case Coordinator shall ensure that the appropriate trial courts receive written notice of overlapping cases. Prior to conducting a hearing in the matter, the trial judge will review the overlapping orders, if appropriate. Notice will be provided to the parties of the overlapping orders reviewed by the judicial officer.

2. Communication Regarding Protective Orders

a. Criminal Protective Orders

When the criminal court issues a protective order against a defendant who has a pending family, probate or juvenile case, the criminal court shall send a copy of the protective order to the appropriate court administrator who will send it to the trial court with the overlapping case. This may be accomplished by working through the Domestic Violence Case Coordinator.

b. Temporary or Permanent Non-Criminal Restraining Orders

When either the Family Court or Dependency Court issues a temporary or permanent restraining order and the restrained person or the protected person has another pending dependency, family, probate, juvenile or criminal case, the Family Court or Dependency Court shall send a copy of the protective order to the appropriate court administrator who will send it to the trial court with the overlapping case. This may be accomplished by working through the Domestic Violence Case Coordinator.

D. Modification of Criminal Protective Orders

Criminal protective orders take precedence over other contact orders. When a criminal protective order exists and either or both parties request a child custody order that is inconsistent with the criminal protective order, it is the obligation of the moving

parties to seek a modification of the criminal protective order by placing the matter on the criminal domestic violence calendar. Notice must be provided to all parties, attorneys and probation or parole officers. No party shall seek a child custody or visitation order in family, probate or juvenile court that is inconsistent with an existing criminal protective order unless a judicial officers presiding over the criminal domestic violence matter has first granted the request to modify the criminal protective order. **(Rule 4.1.10 (now 4.1.15) renumbered effective January 1, 2021; adopted as Rule 4.1.10 effective January 1, 2010)**

(Rule 4.1 renumbered effective January 1, 2006; adopted as Rule 20 effective July 1, 1992)

RULE 4.2 APPEALS TO THE APPELLATE DIVISION

4.2.1 Three Judge Panel

All infraction, misdemeanor, and limited civil case appeals are decided by a majority of a three (3) judge panel of the Appellate Division. **(Rule 4.2.1 renumbered effective January 1, 2006; adopted as Rule 21.1 effective July 1, 200)**

4.2.2 Filing of Appeal, Briefing and Hearing Dates

A. Appeal papers shall be filed in accordance with Rule 1.1.14 or 4.1.2, as applicable. Briefing and hearing dates will be set by the court. Each party shall ensure that complete documentation is submitted in a timely manner.

B. All briefs shall include appropriate points and authorities, clear identification of the issue(s) being raised and valid proof of service. Because appeals are concerned with issues of law, mere factual arguments will generally be insufficient. If applicable, a reporter's transcript and/or a settled statement on appeal shall be submitted.

C. A party may file a request for an extension of time to comply with the briefing schedule with the Presiding Judge of the Appellate Division. Such request shall include a separate declaration providing good cause for the extension of time, a proposed order and a properly completed checklist for proposed orders form. The checklist for proposed orders form is available from the Clerk's Office.

D. Failure of the appellant to file a timely opening brief or to otherwise comply with applicable rules may result in dismissal of the appeal after notice, but without further hearing. **(Effective January 1, 2023; Rule 4.2.2 renumbered effective January 1, 2006; adopted as Rule 21.2 effective July 1, 2000)**

4.2.3 Record on Appeal

A. Pursuant to California Rules of Court, rules 8.830(a)(1)(B), 8.833, 8.860(a)(1)(B), 8.863, 8.910(a)(1)(B) and 8.914 the court elects to use the original trial court file instead of the clerk's transcript as the record of the written documents from the trial court proceedings.

B. Pursuant to California Rules of Court, rules 8.835(c), 8.868(c) and 8.917(c) on stipulation of the parties or on order of the trial court under rule 8.837(d)(6)(A), 8.869(d)(6)(A) or 8.916(d)(6)(A) the original of an official electronic recording of the trial court proceedings, or a copy made by the court, may be transmitted as the record of these oral proceedings without being transcribed. **(Effective January 1, 2011)**

4.2.4 Hearings

A. After the completing of briefing, in appropriate cases, the Court will notify the parties in writing that it is prepared to rule without oral argument. In this circumstance, if no oral argument is requested by any party, no hearing will be calendared and the case will be deemed submitted on the basis of the briefs that have been filed.

B. Absent unusual circumstances, the Court will not calendar hearings in cases where the appellant has submitted only an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436. **(Rule 4.2.5 (now 4.2.4) renumbered effective January 1, 2023; adopted as Rule 4.2.5 effective July 1, 2019)**

4.2.5 Interlocutory Appeals

A. 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.

B. Where counsel is unable to find viable issues to raise on interlocutory appeal, the opening brief shall be filed pursuant to *People v. Vera* (2023) 97 Cal.App.5th Supp.10. **(Effective July 1, 2024; Rule 4.2.6 (now 4.2.5) renumbered effective January 1, 2023; adopted as Rule 4.2.6 effective January 1, 2021)**

(Rule 4.2 renumbered effective January 1, 2006; adopted as Rule 21 effective July 1, 1992)

(Chapter 4 amended effective January 1, 2006; adopted as IV effective July 1, 1992)

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CHAPTER 5. FAMILY LAW RULES

RULE 5.1 GENERAL PROVISIONS

5.1.1 Result of Failure to Comply

Failure to comply with these Family Law Rules may result in one or more of the following on the request of the other party or on the court's own motion:

A. Making an order based solely on the pleadings properly before the court.

B. Making or vacating orders as the court deems appropriate under the circumstances.

C. Continuing the matter.

D. 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.

E. Removing the matter from calendar.

F. These rules shall not prevent the exercise of judicial discretion whenever appropriate. **(Rule 5.1.1 renumbered effective January 1, 2006; adopted as Rule 30.1 effective July 1, 2001)**

5.1.2 Abbreviations

Abbreviations used in these Family Law Rules are defined in Appendix C-1. **(Effective January 1, 2006, New)**

5.1.3 Remote Appearances

When remote appearances are allowed, attorneys or parties may appear by Zoom, CourtCall, or Direct Telephonic appearance, as ordered by the Court.

A. All requests for remote appearance, with the exception set out in section B below, must be submitted as set forth in Rule 1.1.19.

B. Rule 1.1.19 does not apply to any party requesting to appear telephonically for Case Management Conferences. Attorneys and parties may contact CourtCall to make arrangements for a telephonic appearance by calling (888) 882-6878, or the telephone number of any other vendor as approved by the Court. **(Effective September 15, 2022, New)**

(Rule 5.1 renumbered effective January 1, 2006; adopted as Rule 30 effective July 1, 1992)

RULE 5.2 MOVING AND RESPONSIVE PLEADINGS AND OTHER NON-TRIAL HEARINGS

5.2.1 Setting the Date and Time

A. **Clear the Date**. No case shall be calendared for court hearing without the moving party first contacting the opposing attorney (if known) and attempting to obtain a mutually agreeable hearing date, unless notice is otherwise excused by these rules.

B. **Set the Date**. Attorneys may obtain a hearing date on the family law calendar by calling the calendar clerk and obtaining a date and time for the hearing. A self-represented party may obtain a hearing date from the Clerk at the time the party's papers are filed.

If effective service of the moving papers is not made, the party shall notify the Calendar Clerk and Family Court Services, if applicable, to remove the matter from calendar.

C. **Attorney's Fees**. Attorney's fees may be raised in the responsive papers to a NOM/OSC even though no other financial issues were raised in the moving papers. The responsive papers must be accompanied by a current Income and Expense Declaration. **(Effective July 1, 2007; Rule 5.2.1 renumbered effective January 1, 2006; adopted as Rule 31.2 effective July 1, 2001)**

5.2.2 Temporary Orders and Ex Parte Procedures

A. **Applications**. Applications for ex parte orders, including a TRO shall be made in accordance with all applicable California Codes and Rules of Court.

B. **Declarations**.

1. Change in Status Quo. There is an absolute duty to disclose the fact that a requested ex parte order will result in a change of status quo.

The declaration in support of a request for an ex parte order which changes the status quo shall state all applicable facts describing the existing situation and supporting the requested change. In determining status quo, the court will consider actual custody/visitation practices which have occurred on a regular basis.

2. Exigent Circumstances. The first paragraph of the declaration shall set forth the exigent circumstances requiring the ex parte hearing.

3. Child Custody Visitation.

a. The declaration in support of a request for an ex parte order relating to custody/visitation of a minor child shall include the following:

1) A completed UCCJEA declaration;

2) A summary of the custody/visitation practices of the parties during the last twelve (12) months, the date the parents separated, and whether or not the applicant obtained custody by mutual agreement;

3) The current custody order SHALL BE ATTACHED;

4) Specific facts describing what immediate bodily injury or emotional harm the children may be subjected to if the current custody and/or visitation order remains in effect; and

5) No ex parte change in status quo will be granted unless clear and specific facts are stated which demonstrate that the health and welfare of the child will be in immediate danger without the change.

b. The application shall set forth a proposed specific visitation plan pending the hearing. **(Effective January 1, 2013; Rule 5.2.2 renumbered effective January 1, 2006; adopted as Rule 31.3 effective July 1, 2000)**

5.2.3 Orders Shortening and Extending Time

A. Absent a stipulation and approval by the court, a request for an order shortening time shall follow the procedure set forth in Rule 5.2.2. The opposing attorney must be contacted in an attempt to clear the hearing date.

B. The court will favor an order shortening time for additional issues to be heard on the same date previously set for an OSC/NOM. The request shall include a declaration that the opposing counsel or party has been notified of the intent to seek an order shortening time and has been informed of the additional issues. The declaration shall include a statement as to whether the opposing party agrees to or opposes the order shortening time, and if applicable, the specific reasons for opposition. **(Rule 5.2.3 renumbered effective January 1, 2006; adopted as Rule 31.4 effective July 1, 1999)**

5.2.4 Moving and Responsive Pleadings

A. **Service**. All moving and responsive law and motion pleadings must be filed and a true and complete copy shall be served on the opposing party.

B. **Copy to DCSS**. If public assistance is being paid, the DCSS is an indispensable party to the action and shall be served with the pleadings.

C. **Late Filing of Responsive Pleading**. A responsive pleading may be filed or served late for good cause or if the opposing party expressly consents to the late service. A copy of the pleading shall be delivered to the Judicial Officer's Clerk no later than 2:00 p.m. on the date before the hearing. **(Effective July 1, 2020; Rule 5.2.5 (now 5.2.4) renumbered effective January 1, 2006; adopted as Rule 31.6 effective July 1, 2001)**

5.2.5 Pre-Hearing Settlement Efforts

Parties shall confer before the scheduled hearing date to resolve or limit the issues. Failure to confer and attempt to settle in good faith shall have a bearing on attorney's fees to be awarded. This rule does not apply in cases where there are allegations involving domestic violence and neither party is represented by an attorney. **(Rule 5.2.6 (now 5.2.5) renumbered effective January 1, 2006; adopted as Rule 31.7 effective July 1, 1998)**

5.2.6 Matters Off Calendar

Request. If there is a request to take a hearing off calendar, the moving party shall contact the Judicial Assistant of the Department prior to the hearing. If the request is granted, the requesting party shall submit a letter of confirmation with a copy to the opposing party which verifies the cancellation of the hearing. Unless the court is so notified, both parties must appear on the hearing date and advise the court of the disposition of the matter and why sanctions should not be imposed for failure to abide by this rule. **(Effective January 1, 2013; Rule 5.2.7 (now 5.2.6) renumbered effective January 1, 2006; adopted as Rule 31.8 effective July 1, 2001)**

5.2.7 Continuances

A. **Request**. If there is a request to continue a hearing by agreement, the moving party shall, as early as possible, contact the Judicial Assistant of the Department. Upon the showing of good cause and the department's approval, the parties may call the Calendar Clerk to obtain the next available hearing date. A letter or stipulation confirming the new date shall be submitted to the Calendar Clerk along with the appropriate fee. Unless the request is approved by the department, both parties must appear on the hearing date and advise the court of the disposition of the matter and why sanctions should not be imposed for failure to abide by this rule. Requests for continuances are strongly disfavored.

1. Court Permitted Continuances. Permission of the Judicial Officer shall be obtained before a stipulated continuance is granted. The court must also approve the new hearing date if it is prior to the Clerk's next available hearing date.

2. Notify FCS or DCSS. When appropriate, FCS and DCSS must also be notified of continuances by the party requesting the continuance.

B. **Contempts**. Continuances of contempt hearings must be requested in open court or obtained by written stipulation signed by the citee. **(Effective January 1, 2013; Rule 5.2.8 (now 5.2.7) renumbered effective January 1, 2006; adopted as Rule 31.9 effective July 1, 1998)**

5.2.8 Presence of Parties and Attorneys

A. **Present at Calendar Call**. The parties or their attorneys shall be present in court when the case is called, unless they have previously checked in with the bailiff.

B. **Calendars**. Attorneys shall bring their calendars to court. **(Rule 5.2.9 (now 5.2.8) renumbered effective January 1, 2006; adopted as Rule 3.110 effective January 1, 2000)**

5.2.9 Conduct of Hearings

A. **Thirty Minute Limitation**. The law and motion calendars are limited to matters that take no more than fifteen (15) minutes per side of total court time, **including in-chambers conferences**.

B. **A settlement conference may be calendared by the Judicial Officer before setting the matter for a long cause hearing date.** Temporary orders, based on the pleadings, may be made by the Judicial Officer before the case is set on the settlement conference calendar. **(Effective January 1, 2013; Rule 5.2.10 (now 5.2.9) renumbered effective January 1, 2006; adopted as Rule 31.11 effective July 1, 1998)**

5.2.10 County Prisoners

If a prisoner in a Fresno County Detention Facility is a party, the attorney for either the prisoner or opposing party shall notify the bailiff of the Family Law Department/Family Support Department of this fact by 12 noon on the day before the hearing. The notification should be in writing, if possible, giving the full name and birth date of prisoner and the title and case number of the matter, so that the prisoner may be present at the hearing. **(Rule 5.2.12 (now 5.2.10) renumbered effective January 1, 2006; adopted as Rule 31.13 effective January 1, 1999)**

5.2.11 Photocopies in Court File

If photocopies of forms adopted by the Judicial Council are illegible or the reverse side is photocopied upside down, they may not be accepted for filing. **(Effective July 1, 2020; Rule 5.2.14 (now 5.2.11) renumbered effective January 1, 2006; adopted as Rule 31.15 effective January 1, 1999)**

5.2.12 Judicial Officer's Signature

A. All proposed orders requesting the Judicial Officer's signature shall be delivered to the Clerk's Office.

B. All requests for a hearing requiring a Judicial Officer's signature to be calendared shall be delivered to the Clerk's Office. **(Rule 5.2.15 (now 5.2.12) renumbered effective January 1, 2006; adopted as Rule 31.16 effective January 1, 1999)**

5.2.13 Preparation of Order After Hearing

A. Unless the court orders otherwise or prepares the Order After Hearing on its own, the moving party shall prepare a written order following any hearing.

B. The preparing party shall mail the proposed order to the responding party for approval within ten (10) calendar days following the hearing. The responding party, within ten (10) calendar days after mailing, shall approve or refuse to approve the order and state alternate language.

C. If the preparing party does not receive a response within ten (10) days from the date of mailing of the proposed order, the preparing party shall mail a second letter to the respondent party.

The second letter shall notify the responding party that in five (5) days the proposed order will be submitted to the hearing officer, together with a copy of the second letter, for signature and filing with the court, without further notice to the responding party.

D. If there is a disagreement, each party shall submit to the court a proposed order with a cover letter delineating the areas of discrepancy. The court will make a ruling after a review of the appropriate record.

E. After an order has been signed by the Judicial Officer and filed, the party preparing the order shall serve a conformed filed copy on the opposing party. In addition, if applicable, a copy shall be served on DCSS and/or FCS within fifteen (15) days after filing and shall be reflected on the proof of service.

F. If the party directed by the court does not prepare an Order After Hearing within ten (10) days of the hearing and does not communicate the reason for the delay to the opposing party, then the opposing party may prepare the order and process it pursuant to B and C above.

G. Where the court does not prepare its own Order After Hearing, the parties may be directed to complete pre-printed Order After Hearing forms prior to leaving the courthouse. The pre-printed Order After Hearing forms shall be signed by both parties and, if represented, their attorneys of record. **(Rule 5.2.16 (now 5.3.13) renumbered effective January 1, 2006; adopted as Rule 31.17 effective July 1, 1999)**

5.2.14 Signatures on Stipulations

A. Stipulations shall be signed by each of the parties and their respective attorneys.

B. Exceptions.

1. Only the attorneys need to sign a stipulation to continue a hearing except an OSC re: contempt (see Rule 5.2.8(C)).

2. Only the attorneys need to sign a stipulation, which was rendered in open court in the presence of the parties.

3. For good cause shown, the court may accept a stipulation signed only by the attorneys. **(Effective July 1, 2007; Rule 5.2.17 (now 5.2.14) renumbered effective January 1, 2006; adopted as Rule 31.18 effective January 1, 1999)**

5.2.15 Complaints About Minor's Counsel

Complaints about minor's counsel shall be in written form. The complaint shall detail all reasons for the complaint and shall set forth specific examples of the acts or omission by Minor's Counsel. The complaint shall be sent to the Presiding Judge of the Family Court. The Presiding Judge will investigate and respond to the complaint. Complaints must specifically address conduct and cannot focus on the outcome of the hearing. **(Effective January 1, 2013, New)**

(Rule 5.2 renumbered effective January 1, 2006; adopted as Rule 31 effective July 1, 1992)

RULE 5.3 JUDGMENTS

5.3.1 Requirements for Every Judgment

A. **EVERY JUDGMENT SUBMITTED TO THE COURT MUST HAVE THE CASE NAME, CASE NUMBER, AND PAGE NUMBER CLEARLY SET FORTH.** All judgments involving children are cleared by FSD to verify the payment (or lack thereof) of public assistance on behalf of the minor children.

B. All judgments involving children are cleared by the Department of Child Support Services (DCSS) to determine involvement.

C. If the DCSS has been or will be involved with the enforcement of a support order, see **Rule 5.4 – CHILD SUPPORT**.

D. Each judgment by declaration submitted to the court must contain the following:

1. Declaration for Default or Uncontested Dissolution, unless the Judgment is entered in Court.

2. Judgment:

a. The "by declaration" box should be checked unless otherwise indicated by a different rule.

b. Unless a specific date in the future is requested, the date for termination of status shall be left blank.

c. Any attachment incorporated into the Judgment shall be in proper court pleading form.

d. If the judgment awards or divides real property, the legal description of the real property shall be stated within the judgment or the documents incorporated into the judgment.

3. Notice of Entry of Judgment with two (2) **large** stamped addressed envelopes. The addresses in the boxes on the Notice of Entry of Judgment must be the same as the addresses on the envelopes. The submitted envelopes shall bear sufficient postage. Any envelope addressed to a defaulted party must use the address of the Clerk as the return address.

E. When a judgment is requested *nunc pro tunc,* the requesting party shall submit a declaration setting forth the requested date, the facts and reasons which justify the entry of a *nunc pro tunc* order. **(Effective January 1, 2019, Rule 5.3.1 renumbered effective January 1, 2006; adopted as Rule 32.1 effective January 1, 2000)**

5.3.2 Default and No Agreement

The following forms and declarations must be submitted where applicable:

A. Family Law Forms FL-165 Request to Enter Default and FL-170 Declaration for Default or Uncontested Judgment.

B. A supplemental declaration must be attached to the Declaration for Default or Uncontested Dissolution / Legal Separation. The supplemental declaration will address each applicable issue in the order listed below.

1. If there are any children of marriage. The child(ren)'s date of birth and full legal name(s) must be listed.

2. If there is any community property that needs to be divided the proposed division must be listed on this supplemental declaration with the specifications provided below.

3. Division of assets and liabilities.

a. If real property is included in the judgment, the common identification as well as the legal description must be included. This may be by a referenced attached exhibit.

b. All automobiles, motor homes, trailers, motorcycles, and other vehicle should be identified by the license plate number.

c. All boats should be identified by their "CF" number and VIN#.

d. All aircraft should be identified by their "N" number and VIN#.

4. A request for attorney fees and costs shall include an itemized declaration of work performed and costs incurred. A current Income and Expense Declaration must be submitted.

C. A completed Declaration Regarding Service of Declaration of Preliminary Disclosure.

D. An Income and Expense Declaration or Simplified Financial Statement that conforms to Rule 5.4.2 must be submitted if there is child support, spousal support, family support or attorney's fees.

E. If DCSS has been, is, or will be involved with the enforcement of a support order, see Rule 5.4.

F. If the respondent is incarcerated, this fact shall be set forth in the attached declaration along with expected release date, if known.

G. The Court may on its own motion or at the request of the defaulting party schedule a prove-up hearing to review judgment documents after those judgment documents have been submitted. **(Effective January 1, 2013; Rule 5.3.2 renumbered effective January 1, 2006; adopted as Rule 32.2 effective January 1, 2000)**

5.3.3 Default with Marital Settlement Agreement (MSA)

In addition to the provisions set forth in Rule 5.3.2, the following shall be included in default judgments with a marital settlement agreement:

A. The signature of the defaulted party on any Marital Settlement Agreement must be notarized.

B. For each unrepresented party, the language in the Judicial Council Form entitled "Declaration Re Unrepresented Party" may either be set forth in the MSA (under an appropriate heading) or the form may be attached as an exhibit and incorporated in the MSA.

C. When a party is represented by counsel, the signature of the attorney who did not prepare the Judgment/MSA shall appear to show approval as to form and content.

D. Each party must submit a completed Declaration Regarding Service of Declaration of Preliminary Disclosure.

E. Each party must submit a completed Declaration Regarding Service of Declaration of Final Disclosure on in the alternative a separate Family Code § 2105 Waiver. **(Effective January 1, 2019; Rule 5.3.3 renumbered effective January 1, 2006; adopted as Rule 32.3 effective January 1, 2000)**

5.3.4 Appearance by Respondent and Marital Settlement Agreement or Stipulated Judgment

If Respondent is making a first appearance in the judgment documents, then that general appearance may be made by the following:

A. Response.

B. Appearance, Stipulation and Waivers form or by including the applicable box(es). A first paper-filing fee may be required.

1. A general appearance may be made by checking the applicable box(es). A first paper-filing fee may be required. **(Effective January 1, 2013; Rule 5.3.4 renumbered effective January 1, 2006; adopted as Rule 32.4 effective January 1, 2000)**

5.3.5 Appearance by Respondent and the Uncontested Judgment is Entered In Court

The following must be submitted:

A. Judgment.

1. The first box entitled “default or uncontested” shall be checked and the rest of paragraph 2 shall be completed.

2. If the party who did not prepare the Judgment is represented by an attorney, a signature line for counsel is required above the hearing officer’s signature. The party preparing the Judgment does not sign.

3. The applicable waivers must be included in the body of the Judgment or attached as exhibits.

4. The Judgment shall be submitted as recited in open court. **(Effective January 1, 2013; Rule 5.3.5 renumbered effective January 1, 2006; adopted as Rule 32.4 effective January 1, 1998)**

5.3.6 Judgment after Trial

A. A Judgment incorporating all of the court’s rulings shall be prepared and submitted by the party so ordered. The party preparing the Judgment shall provide a signature line for the other party on the Judgment before the hearing officer’s signature.

B. Paragraph 2 must be completed in its entirety and the "contested" box shall be checked.

C. The judgment after trial shall follow the procedures for an order after hearing as set forth in Rule 5.2.16. **(Effective July 1, 2007, Rule 5.3.6 renumbered effective January 1, 2006; adopted as Rule 32.6 effective July 1, 1998)**

5.3.7 Bifurcated Judgment/Status Only

A. A bifurcation may be obtained by one of the following:

1. Stipulation and Order for Bifurcation submitted in addition to the following documents:

a. A completed Appearance, Stipulation and Waiver form or equivalent language in the stipulation.

b. Judgment with "status only" box checked.

c. Notice of Entry of Judgment with "status only" box checked, in addition to the other requirements set forth in these rules.

2. Notice of Motion.

The following forms must be submitted if the request to bifurcate status is granted at the hearing:

a. Judgment with "status only" box checked.

b. Notice of Entry of Judgment with "status only" box checked, in addition to the other requirements set forth in these rules.

B. If temporary orders were issued, the Judgment shall state that such orders shall continue in full force and effect until further order of the court. **(Effective January 1, 2013; Rule 5.3.7 renumbered effective January 1, 2006; adopted as Rule 32.7 effective January 1, 2000)**

5.3.8 Uniform Parentage Act Judgment

A. Uniform Parentage Judgments by declaration must follow the procedures set forth in Rule 5.3 when applicable.

B. Default judgments must follow the applicable provisions of Rule 5.3.2. The filing party must submit a completed Advisement of Waiver of Rights form.

C. Judgments by agreement must follow the applicable provisions of Rule 5.3.4. Each party must sign the Stipulation for Entry of Judgment and submit a completed Advisement and Waiver of Rights form.

D. Judgments after hearing or trial must follow the applicable provisions of Rule 5.3.6. **(Effective January 1 2013; adopted as Rule 5.3.8 effective July 1, 2007)**

(Rule 5.3 renumbered effective January 1, 2006; adopted as Rule 32 effective July 1, 1992)

RULE 5.4 CHILD SUPPORT

5.4.1 Minimum Child Support Waiver

All stipulations to a child support amount that deviates from the amount established by the statewide uniform guideline calculation, except where either of the parties or children is receiving public assistance, shall include a signed Family Code § 4065 Waiver. **(Effective January 1, 2013; Rule 5.4.1 renumbered effective January 1, 2006; adopted as Rule 33.1 effective January 1, 1998)**

5.4.2 Income and Expense Declarations/Financial Statements

A. Income and Expense Declarations/Financial Statements.

If child support, spousal support, family support or attorney's fees are an issue, a current (less than three (3) months old) Income and Expense Declaration form FL-150 must be completed, including the other party's income, or a fair estimate thereof, as well as his or her occupation. If only child support is at issue, then the Financial Statement (Simplified) Judicial Council form FL-155 may be substituted unless otherwise ordered by a judicial officer, for an Income and Expense Declaration.

1. Wage earners shall attach the two (2) most recent months of pay stubs for all jobs and the most recent W-2 and/or 1099 to all Income and Expense Declarations/Financial Statements.

2. Self-employed individuals shall attach copies of their Federal Income Tax Schedule C for the last year and profit and loss statements for the current year to all Income and Expense Declarations/Financial Statements. **(Effective January 1, 2013; Rule 5.4.2 renumbered effective January 1, 2006; adopted as Rule 33.2 effective July 1, 1998)**

5.4.3 Notifying DCSS of Change of Custody

In all cases where DCSS is enforcing child support and there is a change of custody, a copy of the new order shall be mailed to the DCSS within ten (10) days of filing. **(Rule 5.4.3 renumbered effective January 1, 2006; adopted as Rule 33.4 effective July 1, 1992)**

5.4.4 Child Support and the DCSS

A. Within ten (10) days of the date of filing, conformed copies of ALL orders involving DCSS shall be mailed by the moving party to DCSS.

B. In any case before the court, the parties shall inform the Judicial Officer if DCSS is involved in child support issues. **(Effective January 1, 2013; Rule 5.4.4 renumbered effective January 1, 2006; adopted as Rule 33.5 effective July 1, 1998)**

5.4.5 Motions to Determine Arrears and DCSS

A. The court encourages parties to meet and confer with DCSS before filing a motion to determine arrears. If the issues cannot be resolved, the moving papers shall specify the nature and amount of the dispute, and shall identify, if possible, the specific errors in DCSS calculations.

B. The party shall serve DCSS with the moving papers.

C. All parties shall comply with the provisions of Family Code § 17526(c). **(Effective January 1, 2013; Rule 5.4.5 renumbered effective January 1, 2006; adopted as Rule 33.6 effective July 1, 1998)**

(Rule 5.4 renumbered effective January 1, 2006; adopted as Rule 33 effective July 1, 1992)

RULE 5.5 MEDIATION AND CHILD CUSTODY RECOMMENDING COUNSELING (CCRC)

5.5.1 Purpose of Mediation and CCRC Sessions (CCRCS)

The purpose of Mediation and a CCRC session is to reduce acrimony which may exist between the parties and to develop a custody/visitation plan which ensures the minor child(ren) frequent and consistent contact with both parents, when in the child(ren)'s best interests. **(Effective July 1, 2013; Rule 5.5.1 renumbered effective January 1, 2006; adopted as Rule 34.1 effective July 1, 1999)**

5.5.2 Types of Mediation and CCRC Sessions

The following services are offered by Family Court Services (FCS). Confidential mediation (Tier I below) shall be made available in all cases in which child custody is at issue; the remaining services shall be scheduled as directed by the family law judicial officer in the exercise of his/her discretion according to the availability of resources and the needs of each case.

A. **At-Court CCRC Session.** An at-court session is scheduled by a judicial officer when a judicial officer determines that exigent circumstances exist such that an immediate CRCRC Session must be scheduled. Children who are five years of age or older must be brought to court for at-court sessions. All at-court sessions shall be child custody recommending counseling sessions. The sessions are not confidential and the counselor shall submit a report and recommendation to the Court and parties. When possible, the recommending counselor will provide a report and recommendation on the day of the at-court session; however, the counselor shall be provided adequate time to interview the parties and child(ren), make collateral contacts, and prepare the report and recommendation. There is no charge for child custody recommending counseling

for at-court sessions, as these sessions are mandatory. Once a case has had an at-court session, future sessions may include any of the services set forth below.

B. **Confidential Mediation**

1. Two types of confidential mediation may be offered:

a. Courtroom Mediation: When resources allow, an initial confidential mediation session may take place at a request for a Restraining Order hearing. The goal of mediation is to assist parents in reaching an agreement that would meet the needs of the child(ren). If an agreement is not reached during courtroom mediation, then the Court may make a custody order. The parents may, if they wish, come to a more complete agreement during any future mediation session.

b. Schedule Mediation (Tier 1): Unless custody/visitation has been resolved at the readiness hearing, parents shall be directed to proceed to Family Court Services to receive their Tier 1 mediation dates immediately following the readiness hearing.

2. Children shall not participate in confidential mediation unless otherwise directed by FCS or the Court.

3. There is no charge for confidential mediation.

4. Mediation is confidential except:

a. The mediator shall report, but not comment on, the parties' agreement or inability to reach an agreement to the parties and the Court.

b. The mediator shall report suspected child abuse, elder abuse, and/or if someone is a danger to themselves or others.

C. **Further Services Beyond Mandatory Confidential Mediation (Tiers II and III).** If confidential mediation has not resulted in full agreement, the judicial officer has discretion to refer the parties for further sessions with FCS as provided in this section.

1. Two types of further services may be offered.

a. Tier II. The purpose of Tier II sessions is to provide the Court with additional information regarding specific areas deemed significant by the Judicial Officer. A Tier II summary report shall be provided to the Court and parties which may include, but not be limited to, a description of collateral contacts with law enforcement or Child Protective Services, interviews with the child(ren), etc. The Tier II summary report will not include any recommendations from the mediator.

b. Tier III. Tier III sessions are CCRC sessions. These sessions shall result in a report and recommendation from the counselor. The counselor's recommendation shall be made available to the parties, at the FCS office, two (2) court days before the court hearing. If the recommendation is not available before the hearing, it shall be available in court at the time of the hearing. Children who are five years of age or older shall participate in Tier III sessions.

2. Tier II and Tier III sessions are not confidential. Any mediator who provided confidential mediation to the parents shall not be permitted to serve as a Tier II, Tier III, or At-Court counselor unless deemed operationally necessary by the FCS Manager.

3. When permitted by law or rule, fees may be charged for Tier II and Tier III. If fees are to be charged, then parents shall be informed of the fees and given an opportunity to be heard before the judicial officer refers the parents for Tier II or Tier III services. The amount ordered, if any, shall be included in the minute order. The Court has jurisdiction to allocate the fees between the parties.

D. Family Code § 3111 – Custody Evaluation: Custody evaluations will only be ordered by the Court in the event all other services have been insufficient to develop a long term custody order.

1. Evaluators. The custody evaluator shall be mutually agreed upon by the parties or selected by the judicial officer if the parties are unable to reach an agreement. The custody evaluation may be completed by a FCS staff member or by a private psychologist who has been approved by the Court.

2. Fees. A fee will be charged for a custody evaluation. A substantial deposit may be required before the evaluation can commence and full payment may be required before the custody evaluation report is submitted to the Court for consideration.

3. Time Period. The custody evaluation shall be completed within the time period set forth by the Court. In the event a child custody evaluation is not completed within the time set forth by the Court, the referral may be terminated and the current orders regarding custody and visitation shall remain in full force and effect until further order of the Court.

4. Participation. If the Court receives a custody evaluation where only one party participates and the other party does not complete the evaluation, the completed portion of the evaluation may be considered by the Court. **(Effective July 1, 2019; Rule 5.5.2 renumbered effective January 1, 2006; adopted as Rule 34.2 effective July 1, 1999)**

5.5.3 Family Court Services Orientation

A. Pursuant to California Rule of Court 5.210e(2), Family Court Services provides orientation information regarding the Tier 1 – Confidential Mediation process. Unless excused by the Court, both parties are required to complete the online orientation program prior to their scheduled Tier 1 – Confidential Mediation appointment.

1. To complete the online orientation, the participant must have access to the Internet. The online orientation will not be accessible on a mobile phone.

2. For any party that does not have access to the Internet, the online orientation is presented in the Family Court Services lobby on Fridays in English at 1:00 p.m. and in Spanish at 2:30 p.m.

B. The online orientation prepares parties for their Tier 1 – Confidential Mediation by giving an overview of the process. This includes educational information regarding children's developmental needs and co-parenting skills.

C. The online orientation is offered in both English and Spanish in the form of an audio and visual slide show.

D. General Information and Admonitions:

1. Children do not participate in the online orientation. The online orientation is designed for parents, not for children.

2. Notice of successful completion of the online orientation is sent automatically to Family Court Services.

3. Failing to successfully complete the online orientation may result in adverse consequences from the Court.

4. If the Court orders the parties to participate in Tier 1 – Confidential Mediation on more than one occasion, the Court may again order the parties to complete the Family Court Services online orientation in the following circumstances:

a. If the parties have failed to complete the online orientation as previously ordered by the Court, or

b. If it has been more than 6 months since the parties last completed the online orientation. **(Effective July 1, 2019; adopted as Rule 5.5.3 effective January 1, 2016)**

5.5.4 Attendance at FCS Appointments

A. Remote Participation: The request for remote participation shall be made a minimum of three (3) calendar days in advance of the FCS appointment. A party may participate in their Family Court Services appointment via telephone when any one of the following occurs:

1. A party may participate in their FCS appointment via Zoom when any one of the following occurs:

a. Traveling to the FCS facility will cause an extreme hardship, including but not limited to:

1) **Remote Participation for a PARENT:** The parent resides beyond a 150-mile radius from the B.F. Sisk Fresno Superior Court building;

2) **Remote Participation for a CHILD:** The child resides primarily outside the State of California.

b. Remote participation is directly ordered by the Court; or

c. When there is good cause, at the discretion of FCS.

2. If approved to participate in the FCS appointment remotely, the party is expected to comply with the following rules regarding Zoom participation:

a. Participants must have access to a stable and secure internet connection.

b. Participants must be able to utilize the Zoom application with devices that will allow them both **audio AND video** capabilities.

c. Participants must be in a quiet, private, uninterrupted, distraction-free location and not a public environment, and cannot be distracted by driving, working, childcare or other tasks during the FCS appointment.

d. Participants may NOT –

1) Record the session in any way.

2) Allow anyone to be in the room with you.

e. Children – will not be allowed to participate in the interviews with the adults and **cannot** be in the room with the parent, listening in, or able to hear the conversation under any circumstances.

1) Parents must ensure that they have supervision by another responsible adult or a family member/sibling aged 12 or older for any child of yours aged 7 and under for a full two (2) hours during the FCS session.

f. Breaking these rules will be considered failure to cooperate with the process and the mediator/CCRC can **terminate** any session in which he or she feels a party is breaking these rules and will report the reason to the Court.

B. Rescheduling FCS Appointments: All Family Court Services appointments are set on a first-come-first serve basis. Any request to reschedule a Family Court Services appointment shall be sent to the Family Court Services Manager at FresnoFCS@fresno.courts.ca.gov for consideration.

C. Cancellation of FCS Appointments: Both parties will need to contact FCS to cancel a mediation or CCRC appointment. Once FCS has received confirmation of the cancellation request from both parties, the appointment with FCS will be cancelled. Note: This will NOT cancel any upcoming court hearings. **(Effective September 15, 2022; Rule 5.5.3 (now 5.5.4) renumbered effective January 1, 2006; adopted as Rule 34.3 effective July 1, 1998)**

5.5.5 Availability of FCS Mediators/CCRC Counselors for Testimony

A. Mediator Testimony. Pursuant to Family Code section 3177, mediation proceedings under Family Code section 3160 et seq., such as those provided in Confidential Tier I Mediation here at the Superior Court of California, County of Fresno, must be held in private and are confidential and all communications, verbal and written, from the parties to the mediator are deemed to be "official information" within the meaning of Evidence Code section 1040. Due to the confidential nature of the Tier I mediation process the mediator must assert that all information that was obtained, verbal and written, as part of the mediation process is privileged information and therefore the mediator cannot testify about this information. The official information privilege belongs to the Court, not the parties, therefore the mediator cannot testify about this information. If called to testify regarding a confidential mediation session, the mediator will assert the official information privilege on behalf of the Court.

B. CCRC Counselor Testimony:

1. On-Call: Unless otherwise directed by the Court, the CCRC counselor will be on call rather than personally present in the courtroom.

2. Service/Fees: To subpoena a CCRC counselor to appear, the following must be personally served to FCS, as the authorized agent, at least ten (10) calendar days prior to the hearing:

a. The original and one copy of the subpoena to appear;

b. A check in the amount of $275.00 made payable to the Fresno County Superior Court. This check will serve as a deposit for the counselor's testifying services pursuant to Government Code § 68097.2(a)

c. If expenses exceed the $275.00 deposit, FCS will bill the depositing party for the additional funds.

3. Continuance. In the event the matter is continued, the previously subpoenaed CCRC counselor may be ordered back to the continued hearing date. The party who subpoenaed the CCRC counselor shall forward a letter to FCS confirming the continued hearing date within five (5) calendar days of the date of the hearing was continued, and shall set forth the parties' names, the Fresno County Superior Court case number, the name of the CCRC counselor and the continued hearing date. **(Effective January 1, 2015, Rule 5.5.4 (now 5.5.5) renumbered effective January 1, 2006; adopted as Rule 34.4 effective July 1, 1999)**

5.5.6 Contact with Mediator/CCRC Counselor

A. Ex Parte Communication. Neither party may contact the Mediator or CCRC counselor prior to or following their appointment.

B. Documents Provided to FCS. FCS is not obligated to retain any documents provided to FCS by the parties or other collateral sources. Although the mediator/CCRC has the discretion to temporarily retain supplemental documents all supporting documents will be destroyed, in a confidential manner, by FCS staff, at the conclusion of the mediation/CCRC services and FCS will not provide copies of supplemental documents to the Court or to the other party on the case.

C. Mediator/CCRC Counselor Assignment.

1. The assignment of mediators and CCRC counselors is an administrative function of FCS. Mediators and CCRC counselors are assigned on a predetermined rotational basis, except by specific order of the Court.

2. It is the intention of FCS to maintain the same mediator with each case to provide continuity of care for the parties. However, the FCS staff member that served as a Tier 1 mediator for the case will **not** be assigned as a CCRC counselor for the same case, unless deemed operationally necessary by the Family Court Services Manager.

D. Request for New Mediator/CCRC Counselor.

1. A change of Mediator/CCRC counselor may be granted by FCS when a conflict of interest exists. A conflict of interest exists if it is determined that one or more of the following has occurred:

a. The Mediator/CCRC counselor has personal knowledge of the matter or parties outside of the mediation context;

b. The Mediator/CCRC counselor has a financial interest in the potential outcome of the matter;

c. The Mediator/CCRC counselor is related to the parties within the third degree;

d. There is substantial doubt as to the impartiality of the Mediator/CCRC counselor.

2. The "Request for New Mediator/CCRC Counselor" form must be submitted to FCS and a copy provided to the opposing party, no later than five (5) calendar days from the date the Court orders the mediation/CCRC session. The investigation of the request will not begin until FCS can confirm that the opposing party has received a copy of the request. **(Effective July 1, 2019; Rule 5.5.5 (now 5.5.6) renumbered effective January 1, 2006; adopted as Rule 34.5 effective July 1, 1999)**

5.5.7 Children at Court

Children who are five (5) and older shall be brought to court only when an at-court recommending counselor session is scheduled. In all other circumstances, children are not to be brought to the hearing unless specifically ordered by the Court. **(Effective January 1, 2013; Rule 5.5.6 (now 5.5.7) renumbered effective January 1, 2006; adopted as Rule 34.6 effective July 1, 1998)**

5.5.8 Confidential Mediation

Nothing in these rules prohibits the Court from offering confidential mediation if resources allow. **(Effective January 1, 2013; Rule 5.5.7 (now 5.5.8) renumbered effective January 1, 2006; adopted as Rule 34.7 effective January 1, 2002)**

5.5.9 Removal of Children in Violation of a Court Order

If the minor child(ren) is/are removed by either party under circumstances which violate the custody or visitation order, and that violation establishes probable cause to believe that a crime has been committed, the court may award physical custody ex parte to the parent deprived of a custody or visitation right prior to mediation. **(Rule 5.5.9 renumbered effective January 1, 2006; adopted as Rule 34.10 effective July 1, 1992)**

5.5.10 Child Custody Evaluations

The Fresno County Superior Court has the discretion to appoint a Child Custody Evaluator to conduct a child custody evaluation in all child custody/visitation matters.

A. **Peremptory Challenge of Child Custody Evaluator**. The court may allow one peremptory challenge to the Child Custody Evaluator as follows:

1. If the appointment is made in a hearing before the court, the challenge **MUST** be made at the time of hearing.

B. **Withdrawal of Child Custody Evaluator**. The Child Custody Evaluator may request to be allowed to withdrawn 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 Evaluation shall forward a letter to Family Court Services specifically stating the reasons for the request. Family Court Services shall review the letter and forward copies of the request to the parties 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.**

C. Complaints about Child Custody Evaluator. Complaints about a Child Custody Evaluator's performance shall be in written form. The complaint shall detail all reasons for the complaint and shall set forth specific examples of the acts or omissions by the Child Custody Evaluator. The complaint shall be sent to Family Court Services. Family Court Services shall review the letter and forward copies of the complaint to each party and to the court. **FAXED LETTERS WILL NOT BE ACCEPTED.**

D. **Ex Parte Communications**. Neither party may contact the Child Custody Evaluator, directly or through the party's attorney, except regarding procedural matters such as setting appointments. Neither party shall forward any documents to the Child Custody Evaluator except by order of the court or at the specific request of the Child Custody Evaluator. During the evaluation process, any documents provided to the Child Custody Evaluator shall also be provided to the opposing party at the same time.

The Child Custody Evaluator shall have sole discretion to conduct ex parte communications with any party, witness, attorney, mediator, counselor, therapist, physician, teach, law enforcement officer or any other person that the Child Custody Evaluator determines is necessary to complete the evaluation process. No third party shall contact the Child Custody Evaluator unless requested to do so by the Child Custody Evaluator or by order of the court for procedural matters only.

After the evaluation has been completed and the report has been written, the Child Custody Evaluator may communicate with the parties or their attorneys as the Child Custody Evaluator determines. **(Effective January 1, 2013; Rule 5.5.11 (now 5.5.10) renumbered effective January 1, 2006; adopted as Rule 34.12 effective July 1, 2001)**

(Rule 5.5 renumbered effective January 1, 2006; adopted as Rule 34 effective July 1, 1992.

RULE 5.6 FAMILY CENTERED CASE MANAGEMENT

5.6.1 Purpose and Intent

This rule and the process developed to implement this rule are intended to further the purpose of and to comply with Family Code section 2450 et seq. and California Rules of Court, rule 5.83. **(Effective July 1, 2013, New)**

5.6.2 Scope

Section 5.6.3 of this rule applies to all dissolution, legal separation, nullity, and parentage cases filed on or after January 1, 2013. Section 5.6.4 applies to all family law cases. This rule supersedes prior rule 5.7. **(Effective July 1, 2013, New)**

5.6.3 Process and Scheduling

Upon the filing of a first paper in the case types set out in rule 5.6.2 the case shall be set for an initial Status Conference hearing. The initial Status Conference hearing shall be set approximately one hundred and twenty (120) days from the date of filing the first paper in the department of the Presiding Judge of the Family Law Division. The Petitioner shall be provided two (2) copies of the "Notice of Calendar Setting" for the initial Status Conference hearing. The Notice of Calendar Setting may also include subsequent Status Hearing dates. One copy of the Notice of Calendar Setting shall be served on the Respondent with the pleadings. Petitioner must include the Notice of Calendar Setting on the Proof of Service of the Summons and Petition. The Petitioner shall receive an information sheet containing the information required by California Rules of Court, rule 5.83.

At the initial Status Conference hearing the case shall be set for a follow-up Status Conference hearing(s) as requested by the parties, determined by the judicial officer, or required by law or rule. Follow-up Status Conference hearings shall be set in the department of the Presiding Judge of the Family Law Division unless otherwise determined by the judicial officer.

Following the Status Conference hearings the case may be set for Family Centered Case Resolution in the direct calendar department to which the case has been assigned. The setting and duration of Family Centered Case Resolution will be determined on a case-by-case basis according to the needs of the individual case. **(Effective January 1, 2014; adopted as Rule 5.6.3 effective July 1, 2013)**

5.6.4 Requesting a Conference

Any party may request to have a case set for a Status Conference hearing or Family Centered Case Resolution Conference. The request shall be made by filing a "Request for Status or Family Centered Case Resolution Conference", form TFL-15. Status Conference hearings will be set in the direct calendar department to which the case has been assigned or in the department of the Presiding Judge of the Family Law Division at the discretion of the Court. **(Effective July 1, 2013, New)**

5.6.5 Continuances of Status Hearings and/or Case Resolution Conferences

Continuances of Status Conference or Case Resolution Conferences may be requested by both parties or attorney by contacting the clerk of the department in which the Status Conference or Case Resolution Conference is set. Approval of the Court is necessary for the matter to be continued. Case Status Conferences may only be taken off calendar upon the entry of judgment, dismissal of the case, or as otherwise provided by law or rule. **(Effective January 1, 2014, New)**

5.6.6 Requirements for Case Status Conference and Case Resolution Conferences

A. **Status Conferences.** Unless the Status Conference has been continued with the Court's permission, attendance at the Status Conference is mandatory. However, if the parties/attorneys so agree, one party or attorney may appear to report the status of the case to the Court and obtain a follow-up Status Conference date(s). Settlement Conference Statements are not required for a Status Conference unless otherwise directed by the judicial officer.

B. Case Resolution Conferences. Unless otherwise directed by a judicial officer, a Settlement Conference Statement does not need to be filed prior to a Case Resolution Conference.

C. Case Management Orders. At or prior to a Status Conference or a Case Resolution Conference, the judicial officer may make case management orders including, but not limited to, the following to occur or be filed prior to the next Status Conference or Case Resolution Conference: Requiring that Preliminary and/or Final Declarations of Disclosure be exchanged with appropriate proofs of service to be filed within a certain time limit; requiring a four-way or informal meeting to occur to discuss settlement; requiring Statements of Disputed and/or Stipulated Facts to be filed; requiring a Settlement Conference Statement, etc. **(Effective January 1, 2014, New)**

RULE 5.7 SETTLEMENT CONFERENCES

For any type of settlement hearing or conference, the parties shall prepare, exchange and file Settlement Conference Statements in advance of the hearing. If spousal support, child support, or attorney's fees (including sanctions) have been requested by either party, then a Settlement Conference Statement must be accompanied by a complete Income and Expense Declaration with appropriate supporting documentation. Unless otherwise directed by the judicial officer, Settlement Conference Statements are to be filed and served at least ten (10) calendar days prior to the conference or hearing.

If Settlement Conference Statements are not filed or contain so little information as to be ineffective in assisting the court with settlement efforts, the court may take the matter off calendar or may continue the settlement conference. If one party has complied with these rules and the other has not, the complying party may request attorney's fees and/or sanctions against the noncomplying party. Such request must be made in a manner that is accepted under the law.

Settlement Conference Statements must include, at a minimum, the following information:

A. **Dissolution of Marriage or Legal Separation**:

1. The statistical information of the marriage including a detailed explanation of any disputed facts regarding the statistical information;

2. If spousal support is at issue, then each party must include a declaration addressing each of the factors set forth in Family Code section 4320;

3. If child support is at issue, each party must indicate whether the Department of Child Support Services is involved, and each party must include a child support calculation supported by a declaration addressing what information was utilized for each fact set forth in that calculation;

4. If property division is at issue, then a proposed division of property must be included addressing each asset and debt with particularity. For example, "each to pay one-half of debt" is not sufficient particularity; "Each to pay one-half of the Visa accounting ending in XXXX with a date-of-separation balance of $XXXX" is sufficient particularity;

[Note: a specific format is not required for the proposed property division, but the proposal must be clear, complete, and understandable. A computerized program such as Propertizer or a spread sheet may be used, or a Judicial Council Form, such as the Property Declaration (FL-160) may be completed and attached to reflect the proposed property division.]

5. If attorney's fees are requested, then a declaration addressing Family Code section 4320 must be included even if spousal support is not requested, and the declaration must set forth with clarity the party's position regarding attorney's fees;

6. If there is a disputed separate property claim, then the party making the claim must include a declaration setting forth the party's specific tracing of his/her separate property and describe with particularity the documents which support the tracing, and the party opposing the claim must address the tracing.

B. **Uniform Parentage Actions**:

1. Whether there are any other actions pertaining to this child and whether or not those actions have resulted in judgment;

2. If the mother of the child was married to someone else within three hundred (300) days of the child's birth, the full name of that person;

3. If anyone other than the parties to this case has held the child out to be his/her own, the full name of that person;

4. If anyone other than the parties in this case signed a Voluntary Declaration of Paternity regarding this child, the full name of that person;

5. If anyone other than the parties adopted the child, the full name of that person;

6. The specific facts in dispute;

7. Whether there are any guardianship, termination of parental rights, Child Protective Services, Dependency Court, or other actions involving this child.

C. **Law and Motion/Family Court section 217 evidentiary hearings**:

The Settlement Conference Statement must include the date the Request for Order was filed, identify the party who filed the Request for Order, and must indicate which issues remain in dispute. Additional information must be included as directed by the Court according to the issues in dispute. **(Effective July 1, 2018; adopted as Rule 5.7 effective January 1, 2014)**

RULE 5.8 MATTERS SET FOR TRIAL OR EVIDENTIARY HEARING

Consistent with Family Code section 2330.3 and Standard of Judicial Administration 5.30(b), it is the policy of the Fresno County Superior Court that a family law case will be assigned to one judicial officer for all purposes to the extent possible. Trials and evidentiary hearings will be set in the department of origin unless the time

estimate exceeds that available in that department. Trials or evidentiary hearings with a time limit in excess of that available in the department of origin shall be given a trial/hearing setting date in the presiding department of the Family Law Division. If the time estimate for the matter is within the allowable limit of the presiding department of the Family Law Division, then the matter shall be given a date in that department. If the time estimate for the trial/hearing exceeds all available time within the Family Law Division, then the matter shall, when ready, be assigned a date through Master Calendar. The Master Calendar date will be obtained through the presiding department of the Family Law Division.

At the time a case is set for an evidentiary hearing or trial, the parties shall provide a time estimate of the anticipated length of the evidentiary hearing or trial. The Court will rely on the accuracy of the time estimate in setting cases and managing its calendar. All parties must regard the time estimate as certain. If the case is not completed within the time estimate, the Court may make any orders permitted by law including but not limited to deeming the case submitted on the evidence received, ordering the case off calendar, declaring a mistrial, curtailing further presentation of evidence, or completing the trial or hearing.

Prior to setting any matter for trial/evidentiary hearing, any family law judicial officer hearing the case may make appropriate pre-trial orders, including but not limited to requiring an office four-way meeting, allowing time for Alternative Dispute Resolution, setting one or more Case Status Conferences/Case Resolution Conferences/Settlement Conferences.

Unless otherwise ordered by the court, the following must be filed and exchanged at least ten (10) calendar days prior to any trial/evidentiary hearing:

1. A joint statement of stipulated facts; a joint statement of disputed facts;

2. All exhibits which may be submitted at the trial/hearing (the exhibits themselves need not be filed, but each party must file a detailed list of each exhibit which that party has exchanged);

3. A current Income and Expense Declaration with appropriate supporting documents unless there is no issue of child support, spousal support, or attorney's fees/sanctions;

4. A witness list which must include the names, addresses, and telephone numbers of each witness along with a detailed but concise offer of proof of that witness's anticipated testimony and the number of minutes that witness is expected to testify on direct examination; and

5. A trial brief which must include a statement of issues, and if the matter is to be heard as a result of a Request for Order, then the trial brief must indicate the date the Request for Order was filed, which party filed the Request, and the issues being to be heard.

Unless otherwise ordered by the court at the trial/hearing setting conference, all motions in limine must be in writing and filed and served at least ten (10) calendar days prior to the hearing/trial.

Matters will be set for trial/evidentiary hearing only when settlement opportunities have been exhausted. Matters will be released to Master Calendar only upon exhaustion of all remedies within family law. If a matter is released to Master Calendar and the parties then wish to discuss settlement with the Master Calendar trial judge, the matter will be returned to the Family Law Division for further settlement negotiations. **(Effective July 1, 2014; adopted as Rule 5.8 effective January 1, 2014)**

RULE 5.9 ADOPTIONS

5.9.1 Stepparent/Domestic Partner Adoptions under Family Code Sections 8500 et seq., 8600 et seq., and 9000 et seq.

A. A stepparent desiring to adopt a child of the stepparent's spouse may for that purpose file a petition in the county in which the petitioner resides. A domestic partner, as defined in Family Code § 297, desiring to adopt a child of his or her domestic partner may for that purpose file a petition in the county in which the petitioner resides. If the other parent does not consent there may be an additional action needed.

B. The petitioner or their attorney is responsible for filing the Adoption Request, Adoption Order and Adoption Agreement for each child with the Family Law Examiner's Office. Once the Adoption Request for each child has been filed, the Court Examiner must immediately send a conformed copy to Family Court Services.

C. Family Court Services will notify the petitioner or their attorney by mail to set up an appointment in order to conduct an investigation.

D. The following documents must be forwarded to Family Court Services no later than fifteen (15) calendar days from the receipt of notification by Family Court Services:

1. Birth Certificate of the Child (Certified Copy);

2. Birth Certificate of Natural Parent retaining custody of the child;

3. Birth Certificate of the adopting party;

4. Marriage Certificate of Natural Parents (Certified Copy) (if applicable);

5. Marriage Certificate of Natural Parent and Stepparent (Certified Copy) (if applicable);

6. Declaration of Domestic Partnership (Filed Copy) (if applicable);

7. Final Judgment of Dissolution of Natural Parents (Filed Copy) (if applicable);

8. Final Judgment of Dissolution of Domestic Partnership of Natural Parents (Filed Copy) (if applicable);

9. Final Judgment of Dissolution of Marriage of the Adopting Parent (Filed Copy) (if applicable);

10. Final Judgment of Dissolution of Domestic Partnership of Adopting Parent (Filed Copy) (if applicable);

11. Death Certificate of Natural Parent (Certified Copy) (if applicable); and

12. Social History Data Sheet

E. In the event that Family Court Services is not provided with the requested documents, no appointment will be scheduled and the court will be notified that Family Court Services cannot proceed with the Stepparent/Domestic Partner adoption.

F. Once the investigation has been completed, a copy of the report, whether favorable or unfavorable, shall be given by Family Court Services to the petitioner's attorney in the proceeding, if the petitioner has an attorney of record, or the petitioner. The original report is submitted to the Family Law Examiner's Office for filing.

G. The court may not set a hearing until after the original report or findings have been filed. Once the court has received the report or findings and all notices have been completed by the petitioner or their attorney, the adoption can be calendared. The petitioner or their attorney must call the Family Law Examiner's Office to schedule the hearing.

H. **In the event there is a pending Family Law or Probate proceeding regarding the same children, the parties shall submit a declaration so stating and the proceeding shall be consolidated with the Adoption proceeding.** **(Effective January 1, 2013; Rule 5.8.1 (now 5.9.1) renumbered effective January 1, 2006; adopted as Rule 37.1 effective July 1, 1992)**

5.9.2 Independent Adoptions under Family Code Sections 8500 et seq., 8600 et seq., and 8800 et seq.

A. The petitioner(s) or their attorney is responsible for filing Adoption Request, Adoption Expenses, Adoption Order and Adoption Agreement for each child with the Family Law Examiner's Office. If either parent does not consent there may be an additional action needed.

B. The State Department of Social Services is responsible for conducting an investigation and preparing a report and recommendation to the court. Once the investigation has been completed, a copy of the report, whether favorable or unfavorable, shall be given by the State Department of Social Services to the petitioner's attorney in the proceedings, if the petitioner(s) has an attorney of record, or the petitioner(s). The original report is submitted to the Family Law Examiner's Office for filing.

C. The court may not set a hearing until after the original report and recommendation have been filed. Once the court has received the report and the petitioner(s) or their attorney has completed all notices, the adoption can be calendared. Petitioner(s) or their attorney must call the Family Law Examiner's Office to schedule the hearing.

D. If the petitioner(s) desire to withdraw the petition or dismiss the proceeding or the State Department of Social Services recommends that the petition be denied, the Family Law Examiner's Office upon receipt of the report from the State Department of Social Services, shall immediately refer it to the court for review. The Court Examiner shall immediately notify the department in Sacramento of the action. Upon receipt of the report or dismissal, the court shall set a date for hearing of the petition and shall give reasonable notice of hearing to the State Department of Social Services, the petitioner's attorney in the proceeding, if the petitioner(s) has an attorney of record, or the petitioner(s) and if necessary, the birth parents, by certified mail, return receipt requested, to the address of each as shown in the proceedings.

E. **In the event there is a pending Family Law or Probate proceeding regarding the same children, the parties shall submit a declaration so stating and the proceeding shall be consolidated with the Adoption Proceeding.** **(Effective January 1, 2013; Rule 5.8.2 (now 5.9.2) renumbered effective January 1, 2006; adopted as Rule 37.2 effective July 1, 1992)**

5.9.3 Agency Adoptions under Family Code Sections 8500 et seq., 8600 et seq. and 8700 et seq.

A. The petitioner(s), agency representative or their attorney is responsible for filing the Adoption Request, Adoption Expenses, Joinder, Adoption Order and Adoption Agreement for each child with the Family Law Clerk's Office. Petitioner(s) must cooperate with the licensed adoption agency. If either parent does not consent there may be an additional action needed.

B. When the report or findings are submitted to the court by a licensed adoption agency, a copy of the report or findings, whether favorable or unfavorable, shall be given to the petitioner's attorney in the proceeding, if the petitioner(s) have an attorney of record, or the petitioner(s) by the licensed adoption agency. The original report or findings are submitted to the Family Law Examiner's Office for filing.

C. Once the court has received the report and the petitioner(s), agency representative or their attorney has completed all notices, the adoption can be

calendared. The petitioner(s), agency representative or their attorney must call the Family Law Examiner's Office to schedule the hearing.

D. **In the event there is a pending Family Law or Probate proceeding regarding the same children, the parties shall submit a declaration so stating and the proceeding shall be consolidated with the Adoption proceeding.** **(Effective January 1, 2013; Rule 5.8.3 (now 5.9.3) renumbered effective January 1, 2006; adopted as Rule 37.3 effective July 1, 1999)**

5.9.4 Intercounty Adoptions Finalized under Family Code Sections 8500 et seq., 8600 et seq. and 8900 et seq.

A. Each resident of the State of California, County of Fresno who adopts a child through intercounty adoption that is finalized in a foreign country may readopt the child in this county.

B. The petitioner(s), agency representative or their attorney is responsible for filing the Adoption Request, Adoption Expenses, Joinder, Adoption Order and Adoption Agreement for each child with the Family Law Examiner's Office. The petitioner(s) must cooperate with the agency. If either parent does not consent there may be an additional action needed.

C. When the report or findings are submitted to the court by a licensed adoption agency, a copy of the report or findings, whether favorable or unfavorable, shall be given to the petitioner's attorney in the proceeding, if the petitioner(s) have an attorney of record, or the petitioner(s) by the licensed adoption agency. The original report or findings are submitted to the Family Law Examiner's Office for filing.

D. The court may not set a hearing until after the original report or findings have been filed. Once the court has received the report or findings and all notices have been completed by the petitioner(s) or their attorney, the adoption can be calendared. Petitioner(s), agency representative or their attorney must call the Family Law Examiner's Office to schedule the hearing.

E. If the petitioner(s) desires to withdraw the petition or dismiss the proceeding or the State Department of Social Services or licensed adoption agency recommends that the petition be denied, the Family Law Examiner's Office upon receipt of the report of the State Department of Social Services or licensed adoption agency shall immediately refer it to the court for review. The Court Examiner shall immediately notify the department in Sacramento of the action. Upon receipt of the report or dismissal, the court shall set a date for hearing of the petition and shall give reasonable notice of hearing to the State Department of Social Services, licensed adoption agency, the petitioner's attorney in the proceeding, if the petitioner(s) has an attorney of record, or the petitioner(s) and if necessary, the birth parents, by certified mail, return receipt requested, to the address of each as shown in the proceedings.

F. **In the event there is a pending Family Law or Probate proceeding regarding the same children, the parties shall submit a declaration so stating and the proceeding shall be consolidated with the Adoption proceeding.** **(Effective January 1, 2013; adopted as Rule 5.8.4 (now 5.9.4) renumbered effective January 1, 2014; adopted as Rule 5.8.4 effective July 1, 2007)**

5.9.5 Adoptions of Adults under Family Code Sections 8500 et seq., 8600 et seq. and 9300 et seq.

A. An adult or married minor may be adopted by another adult, including a stepparent.

B. The petitioner(s) or their attorney is responsible for filing with the Family Law Examiner's Office for each adoption the Petition for Approval of Adoption Agreement and if applicable, the consent of the spouse.

C. A married person, who is not lawfully separated from the person's spouse, may not adopt an adult without the consent of the spouse, provided the spouse is capable of giving that consent.

D. A married person who is not lawfully separated from the person's spouse, may not be adopted without the consent of the spouse, provided the spouse is capable of giving that consent.

E. When the Petition for Approval of Adoption Agreement is filed, the Court Examiner shall set the matter for hearing. The court may require notice of the time and place of the hearing to be served on any interested person and any interested person may appear and object to the proposed adoption. **(Effective January 1, 2013; Rule 5.8.5 (now 5.9.5) renumbered effective January 1, 2014; adopted as Rule 5.8.5 effective July 1, 2007)**

(Rule 5.8 (now 5.9) renumbered effective January 1, 2006; adopted as Rule 37 effective July 1, 1992)

RULE 5.10 PARENTAL RIGHTS

5.10.1 Filing of the Petition to Terminate Parental Rights of the Father under Family Code Section 7600 et seq.

A. The petitioner(s), agency representative or their attorney is responsible for filing for each parent with the Family Law Clerk's Office the petition to terminate parental rights of the father and if applicable: a notice of proceeding to be issued by the Court Examiner or an Order Dispensing with Notice. Once the Petition for each parent has been filed, the Court Examiner must immediately send a conformed copy to Family Court Services with the exception of the filing from a licensed adoption agency.

B. Family Court Services will notify the petitioner(s) or their attorney by mail to set up an appointment in order to conduct an investigation.

C. The following documents must be forwarded to Family Court Services no later than fifteen (15) calendar days from the receipt of notification by Family Court Services:

1. Birth Certificate of the Child (Certified Copy);

2. Birth Certificate of Natural Parent retaining custody of the child;

3. Birth Certificate of the adopting party;

4. Marriage Certificate of Natural Parents (Certified Copy) (if applicable);

5. Marriage Certificate of Natural Parent and Stepparent (Certified Copy) (if applicable);

6. Declaration of Domestic Partnership (Filed Copy) (if applicable);

7. Final Judgment of Dissolution of Natural Parents (Filed Copy) (if applicable);

8. Final Judgment of Dissolution of Domestic Partnership of Natural Parents (Filed Copy) (if applicable);

9. Final Judgment of Dissolution of Marriage of the Adopting Parent (Filed Copy) (if applicable);

10. Final Judgment of Dissolution of Domestic Partnership of Adopting Parent (Filed Copy) (if applicable);

11. Death Certificate of Natural Parent (Certified Copy) (if applicable); and

12. Social History Data Sheet

D. In the event that Family Court Services is not provided with the requested documents, no appointment will be scheduled and the court will be notified that Family Court Services cannot proceed with the Investigation Report.

E. Once the investigation has been completed, a copy of the report, whether favorable or unfavorable, shall be given to the petitioner's attorney in the proceeding. If the petitioner(s) has an attorney of record, or the petitioner(s) by Family Court Services. The original report is submitted to the Family Law Clerk's Office for filing.

F. In the event there is a pending Family Law or Probate proceeding regarding the same children, the parties shall submit a declaration so stating and the

proceeding shall be consolidated with the Termination proceeding. **(Effective July 1, 2007; Rule 5.9.1 (now 5.10.1) renumbered effective January 1, 2014; adopted as Rule 5.9.1 effective January 1, 2006)**

5.10.2 Filing of the Petition for Declaration of Freedom from Parental Custody and Control under Family Code Section 7800 et seq.

A. A proceeding may be brought under this part for that purpose of having a minor child declared free from the custody and control of either or both parents.

B. The petitioner(s), agency representative or their attorney is responsible for filing for each parent with the Family Law Clerk's Office the petition for Declaration of Freedom from Parental Custody and Control and a Citation to be issued by the Court Examiner. Once the Petition for each parent has been filed, the Court Examiner must immediately send a conformed copy to Family Court Services with the exception of the filing from a licensed adoption agency.

C. Family Court Services will notify the petitioner(s) or their attorney by mail to set up an appointment in order to conduct an investigation.

D. The following documents must be forwarded to Family Court Services no later than fifteen (15) calendar days from the receipt of notification by Family Court Services:

1. Birth Certificate of the Child (Certified Copy);

2. Birth Certificate of Natural Parent retaining custody of the child;

3. Birth Certificate of the adopting party;

4. Marriage Certificate of Natural Parents (Certified Copy) (if applicable);

5. Marriage Certificate of Natural Parent and Stepparent (Certified Copy) (if applicable);

6. Declaration of Domestic Partnership (Filed Copy) (if applicable);

7. Final Judgment of Dissolution of Natural Parents (Filed Copy) (if applicable);

8. Final Judgment of Dissolution of Domestic Partnership of Natural Parents (Filed Copy) (if applicable);

9. Final Judgment of Dissolution of Marriage of the Adopting Parent (Filed Copy) (if applicable);

10. Final Judgment of Dissolution of Domestic Partnership of Adopting Parent (Filed Copy) (if applicable);

11. Death Certificate of Natural Parent (Certified Copy) (if applicable);

12. Social History Data Sheet

E. In the event that Family Court Services is not provided with the requested documents, no appointment will be scheduled and the court will be notified that Family Court Services cannot proceed with the Investigation Report.

F. Once the investigation has been completed, a copy of the report, whether favorable or unfavorable, shall be given by Family Court Services to the petitioner's attorney in the proceeding, if the petitioner(s) has an attorney of record, or the petitioner(s). The original report is submitted to the Family Law Clerk's Office for filing.

G. **In the event there is a pending Family Law or Probate proceeding regarding the same children, the parties shall submit a declaration so stating and the proceeding shall be consolidated with the Petition for Declaration of Freedom from Parental Custody and Control proceeding.** **(Effective July 1, 2007; Rule 5.9.2 (now 5.10.2 renumbered effective January 1, 2014; adopted as Rule 5.9.2 effective January 1, 2007)**

(Rule 5.9 (now 5.10) Adopted effective January 1, 2006)

RULE 5.11 ARBITRATION

The Court may require the parties to submit to arbitration, when applicable.

The provisions set forth in the California Rules of Court shall be followed except:

1. When no request for compliance is filed within ten (10) calendar days after any case is ordered to arbitration, the provisions thereof are deemed waived and the administrator shall select an arbitrator at random from the panel of arbitrators. The arbitrator may appoint a specific arbitrator upon stipulation of all parties at any time prior to the selection of an arbitrator.

2. With the consent of the arbitrator, the parties may stipulate to one (1) continuance, not to exceed thirty (30) calendar days. Any further requests for continuance shall be made by motion before the Judicial Officer. **(Rule 5.10 (now 5.11) renumbered effective January 1, 2014; adopted as Rule 38 effective July 1, 1992)**

RULE 5.12 THE FAMILY LAW FACILITATOR

A. Pursuant to Family Code § 10000 et seq., the Fresno County Superior Court shall maintain an office of the family law facilitator. Services provided by the family law facilitator shall include, but are not limited to those set out in Family Code §10004.

B. Provided they have adequate staffing, time, funding, and available resources, the Family Law Facilitator may provide and perform any additional duties as directed by the Presiding Judge of the Family Law Department pursuant to Family Code § 10005. **(Rule 5.11 (now 5.12) renumbered effective January 1, 2014; adopted as Rule 39 effective July 1, 1998)**

(Chapter 5 amended effective January 1, 2006; adopted as Rule V effective July 1, 1992)

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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 Presiding Judge of the Juvenile Court

There shall be one Presiding Judge of the Juvenile Court. The Presiding Judge of the Juvenile Court shall be selected by the Presiding Judge of the Superior Court.

The Presiding Judge of the Juvenile Court 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 Presiding Judge of the Juvenile Court shall remain in that position for at least three years. **(Effective January 1, 2021; 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 Presiding Judge of the Juvenile Court 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 Presiding Judge of the Juvenile Court.

The Presiding Judge of the Juvenile 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 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; Rule 6.1.3 (now 6.1.4) renumbered effective January 1, 2006; adopted as Rule 50.3 effective January 1, 1999)**

6.1.5 Assignment of Juvenile Court Cases

It is the policy of the Juvenile Court to have all matters heard by a judicial officer assigned to the Juvenile Court to the extent possible. Juvenile Court cases are assigned on a direct calendar system. Cases are assigned to a particular judicial officer based on a number system. Once a case is assigned to a particular judicial officer it is assigned for all purposes and will remain with that judicial officer until the termination of jurisdiction, unless otherwise ordered. **(Effective January 1, 2022; Rule 6.1.4 (now 6.1.5) renumbered effective January 1, 2006; adopted as Rule 50.4 effective January 1, 1999)**

6.1.6 Abbreviations

Abbreviations used in these Juvenile Law Rules are defined in Appendix D-1. **(Effective July 1, 2012; Rule 6.1.8 (now 6.1.6) renumbered effective July 1, 2012; adopted as Rule 6.1.8 effective January 1, 2007)**

6.1.7 Remote Proceedings in Juvenile Court Cases

A. General Rules for Juvenile Court Remote Appearances.

1. The court uses the Zoom application to conduct remote proceedings. Parties and witnesses must use Zoom to participate in juvenile court proceedings via remote technology. Instructions for using Zoom to participate in juvenile proceedings can be found on the Fresno Superior Court Website, Juvenile Division.

2. All statutory confidentiality requirements applicable to a juvenile proceeding held in person apply equally to a remote proceeding. All parties and witnesses who participate remotely shall ensure that confidentiality is maintained. You may not share or discuss the information, or any reports, you receive with anyone who is not a party to the case. Violations of confidentiality may result in sanctions and/or be punishable by law.

3. If a party's hearing or proceeding is scheduled at 8:00 a.m. and that party is appearing remotely, that party must be available from 8:00 a.m. until 12:00 p.m. or until the party's hearing or proceeding is concluded. If a party's hearing or proceeding is scheduled at 1:00 p.m. and that party is appearing

remotely, that party must be available from 1:00 p.m. until 4:30 p.m. or until the party's hearing or proceeding is concluded. Failure to comply with this rule may result in the court proceeding with the hearing or proceeding as if the party failed to appear.

B. Requirements for Remote Appearances.

1. A person appearing remotely must:

a. Have sufficient internet speed and/or telephone connectivity to fully participate in all aspects of the hearing without disruption.

b. Have the ability to clearly communicate with the court and all other participants at the hearing through a cell phone, microphone, headset or other similar device enabling a clear audio stream.

c. If appearing by video, have a device capable of capturing and displaying a clear video stream.

d. Have an indoor location with limited background noise that the person can use for the entire hearing.

e. Ensure there are no interruptions or distractions for the duration of their appearance at the hearing. No other individual, except persons authorized to be present at the juvenile hearing, may appear with the participant or be heard during the hearing without prior court approval.

f. Conduct themselves as if they were appearing in court in person. Those appearing remotely must observe the same degree of courtesy, decorum, and courtroom etiquette as required for an in-person appearance, including be appropriately dressed. Attorneys must appear in professional business attire. Attorneys shall abide by rules of professional responsibility and Rule 1.1.8.

g. Comply with California Rules of Court, rule 1.150 and Rule 1.1.17, by not recording, photographing, capturing an image of, or broadcasting any part of or any participant to a remote proceeding in any manner.

h. Comply with any other instructions for remote appearances given by the judicial officer.

2. The court may reschedule or continue a remote proceeding if the requirements listed above in (B)(1) are not satisfied or if a distraction or disturbance interferes with the hearing.

3. Unless approved by the court, participants must appear with their camera turned on when appearing by video. If a participant has security concerns about appearing on camera, this concern should be brought to the court's attention prior to the hearing.

C. Court Discretion to Require In-Person Appearance. Notwithstanding the other provisions of this rule and the availability of remote technology, the court may, in its discretion, consistent with Code of Civil Procedure section 367.75:

1. Require a party, attorney, or other participant to appear at any hearing in person; or

2. On its own motion, conclude a remote proceeding and require a party or attorney to appear in person at a subsequent or continued hearing.

D. Remote Proceedings in Juvenile Dependency Cases.

1. Parties, attorneys and other persons entitled to be present at a juvenile dependency hearing are authorized to appear in-person or remotely unless the court requires an in-person appearance. It is not necessary for a party or attorney to file a NOTICE OF REMOTE APPEARANCE (RA-025) before making a remote appearance.

2. Any party may request the court compel the physical presence of any other party or witness at a specific hearing. Such a request *must* be made in writing as well as filed and served no later than three (3) court days prior to the hearing that is the subject of the request. [The RA-030 form may be used for this request.]

3. All trials and evidentiary hearings shall be conducted in person, unless otherwise ordered by the assigned judicial officer.

a. When setting an evidentiary hearing or trial, parties should discuss if the matter will proceed in person or remotely and confirm their request at the Pre-trial settlement conference.

b. If the court determines that the matter will proceed remotely, in whole or in part, at the Pre-Trial Conference, the parties shall discuss whether remote testimony is agreed upon for any witness.

c. The court may grant leave for a witness to appear remotely when stipulated by all parties.

1) A request for a witness to appear remotely with the consent of all parties *must* be made in writing no later than five (5) court days before the hearing. It is the burden of the party

proffering the witness to file the request or present the stipulation and to certify that all parties consent to the remote testimony.

2) If a party opposes remote testimony by a witness, that party may seek to compel the physical presence of the witness by following the procedures in paragraph D(2) above.

d. Unless otherwise ordered by the court, a witness appearing remotely must provide their testimony by audio and video technology. Witnesses must be inside, seated in a position where no other individual can see or hear the proceedings, with reliable technology that allows the court to observe their face without obstruction. Video and audio must remain on during the entirety of testimony. Witnesses may not use other devices such as cell phones or computers during their testimony without court permission.

e. The court may require any person to appear in person if the court determines that:

1) One or more of the factors listed in B(1), including the person's limited access to technology, requires the person's physical presence;

2) The court cannot ensure that the person's remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceedings; or

3) A remote appearance by the person is likely to cause undue prejudice to a party.

E. Tribal Appearances. In any proceeding governed by the Indian Child Welfare Act involving an Indian Child, the child's tribe may appear by any means described in California Rules of Court, rule 5.482(g).

F. Juvenile Justice Cases.

1. All juvenile justice hearings will presumptively be held in person unless the court orders the proceeding to be held remotely or grants leave for a participant to appear remotely.

2. All parties to a juvenile justice case may agree to a remote proceeding through a written stipulation filed with the court or through an oral stipulation made at a hearing. The court may accept or reject the stipulation.

3. Proceedings other than an evidentiary hearing or trial. At the initial/first appearance, parties are to state on the record whether they intend to

appear remotely for the duration of the case unless the court orders the party to appear in person. [It is not necessary for a party or attorney to file a NOTICE OF REMOTE APPEARANCE (RA-10) before making a remote appearance.]

4. Any party may request the court disallow a remote appearance or testimony of any other party at a specific hearing. Such a request *must* be made in writing as well as filed and served no later than three (3) court days prior to the hearing that is the subject of the request. [The RA-015 form may be used for this request.]

5. All trials and evidentiary hearings shall be conducted in person, unless otherwise ordered by the assigned judicial officer. The court may grant leave for a witness to appear remotely when stipulated by all parties.

a. If a witness or anyone providing testimony intends to appear remotely at an evidentiary hearing or trial, then, at least five (5) court days before the first day of that hearing/trial, the party calling that witness must:

1) File and serve on all other parties a NOTICE OF REMOTE APPEARANCE (form RA-010); and

2) Deliver a courtesy copy of that form as well as a proposed ORDER REGARDING REMOTE APPEARANCE (form RA-020) to the clerk of the department in which that hearing will be held.

b. A party may request that the court disallow a remote appearance or remote testimony by filing Judicial Council of California form RA-015, OPPOSITION TO REMOTE PROCEEDING AT EVIDENTIARY HEARING OR TRIAL/ADJUDICATION, at least three (3) court days before the remote proceeding.

c. Unless otherwise ordered by the court, a witness appearing remotely must provide their testimony by audio and video technology. Witnesses must be inside, seated in a position where no other individual can see or hear the proceedings, with reliable technology that allows the court to observe their face without obstruction. Video and audio must remain on during the entirety of testimony. Witnesses may not use other devices such as cell phones or computers during their testimony without court permission.

d. The court may require any person to appear in person if the court determines that:

1) One or more of the factors listed in B(1), including the person's limited access to technology, requires the person's physical presence;

2) The court cannot ensure that the person's remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceedings; or

3) A remote appearance by the person is likely to cause undue prejudice to a party. **(Effective September 15, 2022, New)**

***(Rule 6.1 renumbered effective January 1, 2006; adopted as Rule 50 effective July 1, 1992*)**

RULE 6.2 CONFIDENTIALITY

6.2.1 Release of Information Relating to Juveniles

A. **Application of Rule.** Juvenile Court records are confidential. In accordance with Welfare & Institutions Code §§ 827 and 828, California Rules of Court, rule 5.552, and case law, disclosure and use of juvenile records shall be governed by this rule.

1. Definitions.

a. "Juvenile records and information" as used in this rule means any of the following:

1) Any document or record filed in any Juvenile Court proceeding,

2) Any document, record or information concerning a minor made available to the probation officer, DSS, GAL or CASA in preparing a report to the Juvenile Court; and

3) Any probation department, DSS, CASA, or state or local law enforcement document, record or information relating to a juvenile contact, or to a hold or arrest of a juvenile, even if Juvenile Court proceedings have not been instituted.

b. "Otherwise confidential" refers to records, which are also confidential under one or more other statutes (including, but not limited to, Civil Code § 56, et seq.; Welfare & Institutions Code §§ 5328, Penal Code §§ 11143, 11167, 13300; Government Code § 6254; Health & Safety Code §§ 10850, 11977, 120980). Note: Such records may not be shared with other agencies or individuals without the consent of the record holder or a court order.

2. Nothing in this rule is intended to limit the exchange of information and documents as provided by Penal Code § 11166 et seq.

3. Persons or agencies receiving records or information pursuant to this rule shall not disclose such records or information to another person or agency unless such disclosure is authorized by the Juvenile Court or this rule.

B. **Release of Documents.**

1. Juvenile records and information cannot be obtained by civil or criminal subpoena. Unless otherwise authorized by law, juvenile records and information may be disclosed only by an order of the Juvenile Court as provided for by Welfare & Institutions Code § 827 and California Rules of Court, rule 5.552, except as subdivisions (d) and (e) of rule 5.552 are modified herein. For good cause shown, and compelling reasons, if a petition pursuant to § 827 seeks juvenile records and information for a court proceeding pending before a regularly sitting judge of the Superior Court of Fresno County, that judge shall be deemed to be a judge of the Juvenile Court, for purposes of applying this rule. Any order made by such a judge shall be filed with the Juvenile Court.

2. Once a petition to declare a person a dependent child or ward of the Juvenile Court has been filed, juvenile records and information, unless otherwise confidential, may be released without a court order to authorized Juvenile Court personnel, including judicial officers and the Clerk, and to those persons or agencies designated by Welfare & Institutions Code §§ 827 and 828.

3. If access to juvenile records and information is necessary and relevant in connection with, or in the course of, a civil or criminal investigation, a proceeding brought to declare a person a dependent child or ward of the Juvenile Court, or a proceeding involving custody, visitation, adoption, guardianship, conservatorship, emancipation, or domestic violence, the agencies listed below or their duly authorized representatives may share with any of the other listed agencies and their authorized representatives such records and information, not otherwise confidential, as the holder of the records and information deems to be appropriate and in the best interest of the minor. An agency or its authorized representative may petition the Juvenile Court for disclosure of any records or information not so disclosed.

a. City Attorney offices;

b. Coroner offices;

c. Child Protective Services;

d. County Counsel offices;

e. Probation departments (including their Victim/Witness Assistance programs);

f. District Attorney offices;

g. Family Court Services;

h. Persons or agencies specified in Penal Code § 11167.5(b);

i. Federal, state or local law enforcement agencies;

j. Superior Court judicial officers and their immediate court personnel;

4. The Court recognizes that certain agencies need to inspect juvenile court records to accomplish the legitimate goals of the juvenile justice system. Such goals include the need to adequately evaluate an individual minor's background in order to develop a treatment plan, or the need to audit any part of the juvenile justice system to evaluate its operation. To that end, the agencies listed in rule 6.7.1(B)(3) above may disclose juvenile records, not otherwise confidential, to the following agencies upon providing the agency holding the juvenile records a declaration under penalty of perjury setting forth the need:

a. County Mental Health departments;

b. Department of Motor Vehicles;

c. Federal, state, county and city auditors;

d. Public guardian offices; and

e. Other agencies as authorized in writing by the Presiding Judge of the Juvenile Court, for good cause shown.

5. Law enforcement agencies may disclose to a minor’s parent(s) or legal guardian(s), and DSS or County Probation may disclose to a foster parent caring for a minor, such juvenile records of the minor, not otherwise confidential, as the agency deems appropriate and in the best interest of the minor.

6. Mental health records and information of a juvenile may be disclosed to the extent authorized by Welfare & Institutions Code § 5328 (e.g., written parental consent) or 18961 (“multi-disciplinary personnel teams”).

7. Law enforcement agencies may disclose information, which is not otherwise confidential, from police reports written by officers of the agency

concerning traffic accidents (excluding any driving record report) or incidents of criminal acts alleged to have involved one or more juveniles, to a person or entity (or its authorized representative) who was damaged by the accident or who was a victim of the crime. The information is to be released only for purposes of assisting the person or entity in obtaining reimbursement for injuries or damages caused by the conduct of the minor(s). The person to whom the information is released shall agree in writing that the person will not disclose any of the information released to him or her to anyone other than the person's attorney, insurance adjuster, or one legally representing the person's or entity's interest in recovering damages resulting from the incident. The person to whom the information is released shall also agree in writing that the information will be used for no purpose other than as stated above. Any document released pursuant to this paragraph shall be clearly marked "CONFIDENTIAL." It shall state that it is being provided pursuant to this rule, and that any distribution or use other than as allowed herein is a violation of this rule and that the violator may be subject to sanctions. Notwithstanding this rule, if the information identifying any juveniles is deleted, traffic accident reports may also be released to any state or local engineering department for use in the normal scope of the department's duties.

8. Nothing in this rule shall be used to limit disclosure of information as authorized by Welfare & Institutions Code §§ 627, 828, and 829. Additionally, the Fresno County Probation Department is authorized to inspect and utilize those records specified in Welfare & Institutions Code § 504 relating to serious habitual offenders.

9. The documents referenced below may be released to those agencies or individuals as specified herein.

a. DSS is authorized to disclose to the parties and their actual or prospective counsel at a dependency court detention hearing such documents as DSS deems to be appropriate as part of its prima facie statement including, but not limited to, the identity of all persons who reported any allegation of child abuse or neglect (see Penal Code § 11167(d)). If DSS chooses to delete the identification of the reporting party or parties, and a party to the dependency proceeding wants the identification disclosed, then that party may request that the Court order such disclosure. The Court shall not issue such an order except for good cause shown and only after an in camera review with DSS and/or its attorney of record having an opportunity to be heard.

b. In cases where a minor who has been taken into custody by DSS is abducted, then DSS may provide to the prosecuting authority the following documents and information:

1) Copies of any law enforcement reports which brought the matter to the attention of DSS;

2) Copies of the juvenile dependency petition concerning that minor;

3) Copies of all minute orders or other court orders which show the Juvenile Court's jurisdiction over the minor, any knowledge of this jurisdiction by the suspected child abductor(s), and/or any appearance before the Court by the suspected child abductor(s);

4) Copies of any warrants or body attachments for the child or suspected child abductor(s);

5) Any addresses, telephone numbers, or other identifying information which could assist the District Attorney's office in locating the child or suspected child abductor(s).

c. Whenever a law enforcement agency has prepared a report referencing one or more juveniles involved in an incident related to school activity or attendance that occurred at any time within the scope of Education Code § 48900, the agency may release that report to a school official or other person authorized to act on behalf of the school, provided that the requesting person declares under penalty of perjury that the information in the report will be used exclusively for purposes of possible suspension, expulsion, or other disciplinary action against one or more minors referenced in the report and/or for seeking restitution under Education Code § 48904.

d. Whenever a juvenile has been assessed a fine or otherwise has been ordered by the Juvenile Court or Juvenile Court Traffic hearing officer to pay monies to the County, the Court is authorized to enter into the Case Management System Odyssey the name, address, telephone number, social security number, case number, amount ordered to be paid, and such other information as is reasonably necessary for the Court and/or the Revenue Collections Unit (RCU) of the Auditor-Controller/Treasurer-Tax Collector's Office for the collection of said monies. The Court shall take reasonable steps to limit access to this information in Odyssey to court and RCU personnel.

10. The Court recognizes that state prosecutors need to inspect and disclose certain juvenile court records as necessary to plead and prove prior qualifying juvenile adjudications within the meaning of Penal Code § 667 (commonly known as "Three Strikes"). To that end, a District Attorney of any county of the State of California, or the Attorney General of the State of California, and their agents and employees, are entitled to access any and all juvenile court records not previously ordered sealed pursuant to Welfare &

Institutions Code § 781, related to a prior qualifying juvenile adjudication within the meaning of Penal Code § 667(d)(3). The District Attorney, Attorney General and their agents and employees are permitted to disclose, without further order of this court, so much of such records as is necessary to plead and prove an accusatory pleading pursuant to Penal Code § 667.

The enactment of Penal Code § 667 constitutes good cause to retain records of juvenile adjudications qualifying under that statute. No such juvenile records shall be routinely destroyed as provided in Welfare & Institutions Code §§ 781(d) and 826(a). Nothing in this rule is intended to limit the right of the person who is the subject of a juvenile court record to petition the Court for the destruction of such records.

C. **Petition Procedure.** Anyone seeking to inspect, copy or obtain juvenile records or juvenile case file information or testimony relating thereto, not otherwise specifically provided for by this rule, shall comply with the following requirements:

1. Juvenile records or information possessed by the Department of Social Services (DSS) or pertaining to a dependent of the Court:

a. Before filing the petition, petitioner shall contact Fresno County Counsel and provide the name and date of birth of the minor, and the nature of the records or information sought.

b. Fresno County Counsel will obtain from DSS information identifying parties and attorneys, and their addresses for notice. In those cases where there is, or has been, a juvenile court case, the attorneys appointed to represent the parties in that case shall be identified to petitioner.

c. Fresno County Counsel shall provide this information to petitioner, as well as a preliminary indication as to whether there will be opposition by DSS to the petition for disclosure.

d. Petitioner shall serve all parties and attorneys with a copy of the completed Request for Disclosure of Juvenile Case File (Judicial Council form JV-570). Forms are available in the Juvenile Dependency Clerk's Office and on the Judicial Council website at www.courts.ca.gov.

e. Before filing the petition, petitioner shall make good faith efforts to meet and confer with all parties for the purpose of obtaining a signed stipulation regarding release of the records or information, including any limitations on scope or content of the release. See sample stipulation in Appendix D3.

f. If all parties sign a stipulation, petitioner shall file the petition and signed stipulation with the Juvenile Dependency Court, and serve them upon all parties. The Court shall review and consider the petition and stipulation and shall grant or deny the petition, or order the matter to be set for hearing.

g. If a stipulation is not signed by all parties, petitioner shall file the petition with the Juvenile Court, along with a declaration setting forth petitioner's efforts to meet and confer with all parties and the reason or reasons that a stipulation could not be obtained, and serve them upon all parties. The Court shall review and consider the petition and declaration and shall grant or deny the petition, or order the matter to be set for hearing.

2. Juvenile records or information possessed by the Probation Department or local law enforcement agencies:

a. Petitioner shall complete an Application to Inspect and/or Copy Juvenile Case File (Fresno Superior Court form #PJV-20) and submit to the Court. Form is available in the Juvenile Delinquency Clerk's Office or at www.fresno.courts.ca.gov.

b. If the application is denied, the petitioner may elect to file a Request for Disclosure of the Juvenile Case File (Judicial Council form #JV-570). Forms are available in the Juvenile Delinquency Clerk's Office and on the Judicial Council website at www.court.ca.gov.

c. If filing the JV-570, the following is required:

1) Petitioner shall serve the affected juvenile, or the juvenile's attorney, if known; and

2) The local law enforcement agency with a copy of the completed Request for Disclosure of Juvenile Case File (Judicial Council form #JV-570).

d. Before filing the petition, petitioner shall make good faith efforts to meet and confer with all parties for the purpose of obtaining a signed stipulation regarding release of the records or information, including any limitations on scope of content of the release. See sample stipulation in Appendix D3.

e. If all parties sign a stipulation, petitioner shall file the petition and signed stipulation with the Juvenile Delinquency Court, and serve them upon all parties. The Court shall review and consider the petition

and stipulation and shall grant or deny the petition, or order the matter to be set for hearing.

f. If a stipulation is not signed by all parties, petitioner shall file the petition with the Juvenile Delinquency Court, along with a declaration setting forth petitioner's efforts to meet and confer with all parties and the reason or reasons that a stipulation could not be obtained, and serve them upon all parties. The Court shall review and consider the petition and declaration and shall grant or deny the petition, or order the matter to be set for hearing.

3. Upon an order that a hearing be held, the Clerk shall set the hearing within ten (10) court days and cause notice to be served upon all parties, as provided for in California Rules of Court, rule 5.552.

4. Responsive pleadings shall be filed and served no later than two (2) court days prior to the hearing. **(Effective July 1, 2016; Rule 6.7.1 (now 6.2.1) renumbered effective January 1, 2006; adopted as Rule 56.1 effective July 1, 1999)**

6.2.2 Release of Records to Parties and Their Attorneys

Repealed. **(Effective January 1, 2022; Rule 6.7.2 (now 6.2.2) renumbered effective January 1, 2006; adopted as Rule 56.2 effective January 1, 1999)**

6.2.3 Public and Media Access

A. Juvenile proceedings are closed to the public unless the courtroom judicial officer grants access to the proceedings in accordance with Welfare and Institutions Code §§ 346 and 676.

B. The Court considers it essential in the administration of the juvenile calendars to enforce and protect the confidential nature of the proceedings as prescribed by Welfare and Institutions Code §§ 346 and 676.e with either Welfare & Institutions Code § 346 or 676.

1. Request by a Party. A party who wishes to have a non-party admitted to the courtroom for a hearing must make an oral request to the court for such admission prior to or during the hearing. If the request is granted, the Court shall admonish the non-party that the proceedings are confidential.

2. Request by a Non-Party. A person who is not a party to a matter being heard before the court and who desires to be admitted to the hearing must obtain a Court order granting admission to the hearing from a Judge of the Juvenile Court. The request shall be filed at the Juvenile Court Clerk's Office as follows:

a. Requests pertaining to Juvenile Justice youth shall be filed at:

Juvenile Justice Court
3333 E. American Ave., Bldg. 701, Ste. A
Fresno, CA 93725

b. Requests pertaining to Juvenile Dependency youth shall be filed at:

Juvenile Dependency Court
1100 Van Ness Ave., Rm. 200
Fresno, CA 93724

The Judicial Officer assigned to the proceeding shall rule on the request. If no judicial officer has been assigned, the request shall be submitted to the Presiding Judge of the Juvenile Court, and thereafter ruled upon by the judicial officer assigned to the proceeding. The court clerk shall promptly notify the parties that a request has been filed. The Court may hold a hearing on the request or rule on the request without a hearing. If the request is granted, the Court shall admonish the non-party that the proceedings are confidential.

This rule does not apply to hearings concerning offenses listed in Welfare and Institutions Code § 676(a).

C. All parties who observe a juvenile case in which they are not directly involved, including attorneys, probation officers, social workers and CASAs, are bound by the privacy and confidentiality rules governing juvenile proceedings, and may not share or disclose to anyone anything seen or heard in court to anyone except if the proceeding is open to the public pursuant to Welfare and Institutions § 676(a).

D. The Court may, in its discretion, exclude any person who violates any of these provisions from future hearings in which that person is not appearing.

E. **Media and Photographing, Recording, and Broadcasting in Court.** All individuals shall comply with Fresno County Superior Court Local Rule 1.1.17. **(Effective January 1, 2022; adopted as Rule 6.2.3 effective July 1, 2012)**

6.2.4 Appearance by Consular Representative

In cases where a parent or minor is a citizen of a foreign nation, the Consul or representative of the Consul of that nation shall have the right to appear and participate in the court proceedings to the extent such is provided for by international agreement to which the United States is a signatory. **(Effective January 1, 2007, Rule 6.2.22 renumbered effective January 1, 2006; adopted as Rule 51.22 effective January 1, 1996)**

6.2.5 Release of Juvenile Court Reports and Record to Mental Health Evaluators, Experts Retained by Counsel or Experts Appointed by the Juvenile Court

Where the Juvenile Court has ordered a mental health or psychological evaluation of a party, the Court approved evaluator shall be given access to the Juvenile Court's file, unless the Court makes a specific order to the contrary in the referral.

When appointed or retained counsel for a party in a juvenile justice or juvenile dependency proceeding contracts with a private agency or individual to provide expert services pursuant to a contract on behalf of a party in a juvenile proceeding, the contracted expert may be given access to, and copies of, the attorney's file for the limited purposes of conducting its evaluation, and preparing a report for use in the juvenile proceeding without filing a Welfare and Institutions Code section 827 petition.

Upon the completion of the case, any expert or agency who receives juvenile records shall destroy the records, or immediately return them to the attorney or court who provided them within 7 days. The juvenile records provided shall not be shared with any other individuals or agencies that are not a party to the action, without prior court order. The juvenile records may not be published or disseminated in any manner except to the parties and the Court in the juvenile case. **(Effective January 1, 2026)**

(Rule 6.2 renumbered effective January 1, 2006; adopted as Rule 51 effective July 1, 1992)

RULE 6.3 DEPENDENCY – ATTORNEYS AND PARTIES

6.3.1 Master Calendar Referrals (Long Cause Cases)

Repealed. **(Effective January 1, 2022; Rule 6.1.5 (now 6.3.1) renumbered effective January 1, 2006; adopted as Rule 50.5 effective January 1, 1999)**

6.3.2 Peremptory Challenges

Any challenge of a judicial officer hearing Juvenile Dependency matters, pursuant to Code of Civil Procedure § 170, et. seq., shall be reported to the Presiding Judge of the Juvenile Court who shall then take whatever legal action is appropriate, including reassignment to another department as designated by the Presiding Judge of the Juvenile Court

If the challenge is to the Presiding Judge of the Juvenile Court, the Presiding Judge of the Superior Court shall take whatever legal action is appropriate, including reassignment to another department, if necessary. **(Effective January 1, 2022; Rule 6.1.6 (now 6.3.2) renumbered effective January 1, 2006; adopted as Rule 50.6 effective January 1, 1999)**

6.3.3 Declarations of Conflict and Appointment of New Counsel

A. Whenever any counsel for any party in a dependency proceeding determines that a conflict of interest exists which interferes with that attorney's ability to represent that client, the attorney shall immediately file such a declaration with the Court. All discovery in the possession of the attorney should be submitted to the Court at the time the declaration is filed.

B. The Court shall appoint new counsel upon receipt of the declaration, and the Clerk of the Court shall forward discovery to that attorney.

C. The Clerk shall provide notice of appointment of new counsel to all other parties. **(Effective July 1, 2012; Rule 6.1.7 (now 6.3.3) renumbered effective January 1, 2006; adopted as Rule 50.7 effective July 1, 1999)**

6.3.4 Attendance at Hearing

Unless excused by the Court, each party and attorney shall attend each scheduled Juvenile Court hearing. **(Effective July 1, 2012; Rule 6.2.1 (now 6.3.4) renumbered effective January 1, 2006; adopted as Rule 51.1 effective January 1, 1999)**

6.3.5 Presence of Minor in Court

All minors are entitled to attend court hearings. Every minor ten (10) years old or older shall be told of his or her right to attend court hearings and all minors ten (10) years old or older shall be given notice by DSS.

All minors ten (10) years old or older shall attend court hearings unless excused for one of the listed reasons:

A. The minor's attorney waives the minor's appearance;

B. The minor chooses not to attend;

C. The minor is excused by the Court; or

D. The minor is disabled, physically ill, or hospitalized.

No minor shall be brought to court solely for the minor to confer with his or her attorney or for a visit with a parent, relative or friend. The reason for a minor's failure to appear shall be placed on the record. **(Effective July 1, 2012, Rule 6.2.5 (now 6.3.5) renumbered effective January 1, 2006; adopted as Rule 51.5 effective January 1, 1999)**

6.3.6 Duties of Counsel

A. **General Duties.** All counsel representing parties in the Juvenile Dependency Court shall have the following duties and responsibilities:

1. The attorney shall make inquiries necessary to determine at the outset of the proceedings whether a conflict exists in the representation of a party.

2. At a party's first appearance, the attorney shall verify with the client, to the extent the information is known, the names, addresses, telephone numbers, and relationships of all persons entitled to receive notice of the proceedings, including the birth dates of each party and child. The attorney shall also inquire as to the name, address, telephone number, and relationship of all known relatives and/or non-relative family members for possible placement of any detained child.

3. At a mother and/or father's first appearance, the attorney shall make inquiry of the client as to the applicability of ICWA, and so inform the Court.

4. At a mother and/or father's first appearance, the attorney shall make inquiry of the client as to paternity issues in order to resolve the status of paternity. The "Statement Regarding Parentage" form (Judicial Council form JV-505) shall be completed by any person claiming paternity status or non-paternity, which shall also be filed with the Court.

5. The attorney shall have a complete familiarity with the facts of the case by reviewing the court file, especially when appointed to represent a party in the middle of an ongoing case, and by bringing discovery motions, interviewing witnesses, procuring experts, and otherwise conducting an independent investigation.

6. The attorney should make all reasonable efforts to ensure that the client understands the Court processes, proceedings, and the potential and actual consequences of the proceedings. Special efforts should be taken to ensure that a client understands these matters if the client demonstrates any evidence of being developmentally delayed, or exhibits signs that he/she is suffering from any cognitive or emotional problems which would affect the client's ability to comprehend any aspect of the dependency proceedings.

7. The attorney shall maintain a current business address and working telephone number and promptly notify clients of any change of address or telephone number. The attorney should provide the client with his or her business card.

8. The attorney shall show courtesy and respect to judicial officers, all social workers, CASA, courtroom personnel, witnesses and all counsel.

9. The attorney should be aware of children present in the courtroom, so that discussions of sensitive case issues, whether pertaining to a particular child or other children, are not overheard by the children or made in an insensitive manner.

10. Settlement should be considered as soon as enough information is known about the case to make settlement discussions meaningful. In every case, the attorney should consider whether the client's interests could best be served and whether the case could be more appropriately resolved through settlement discussions.

B. **Duties of Counsel Representing Children in Dependency Court.** In addition to the foregoing duties, attorneys representing children shall have the following additional duties and responsibilities:

1. The attorney shall be thoroughly familiar with the requirements of Welfare and Institutions Code § 317(e) for the representation of children, rule 5.660 of the California Rules of Court regarding standards of representation, and rule 5.660 of the California Rules of Court regarding caseload size.

2. The attorney or his/her staff shall separately interview each child four years of age or older unless it is determined that the child has sufficient language skills to communicate at an earlier age. The attorney shall ascertain the child's wishes, needs, and background. Interviews should be done in an atmosphere where the child feels comfortable and privacy is ensured.

3. At the initial interview, where possible, the attorney shall inform the child, in language the child can comprehend, the nature of dependency proceedings, the role of the lawyer, the child's rights including the right to confidentiality, and the nature of the subject matter of any petition and the contents of any related report.

4. The attorney should be actively involved in, and vigorously advocate at, every stage of the proceedings involving a child client and take any necessary legal steps that would promote and advance a child's right to receive all appropriate reunification and permanent placement services and all other services and resources to meet the child's educational, dental, medical, and mental health needs. **(Effective July 1, 2016; Rule 6.2.2 (now 6.3.6) renumbered effective January 1, 2006; adopted as Rule 51.2 effective January 1, 1999).**

6.3.7 Access to Minors Petitioned Pursuant to Welfare & Institutions Code § 300

Except for DSS personnel:

A. No party or attorney in a dependency proceeding shall interview the minor about the events relating to the allegations in the petition(s) on file without permission of the minor's attorney or court order.

B. No party or attorney, including minor's attorney, in a dependency proceeding shall cause the minor to undergo a physical, medical or mental health examination or evaluation without court approval. **(Effective July 1, 2012; Rule 6.2.3 (now 6.3.7) renumbered effective January 1, 2006; adopted as Rule 51.3 effective January 1, 1996)**

6.3.8 Interviewing Minors Who are Alleged Victims of Child Abuse or Neglect

All attorneys representing parties in a dependency case in which child abuse or neglect has been alleged and other participants in the case, including a child advocate, shall minimize the number of interviews given by the child relating to the events surrounding the alleged abuse or neglect. Those participants requiring information about the alleged incident shall first review any interviews taken or reports made by the investigating officer(s). **(Effective July 1, 2012; Rule 6.2.4 (now 6.3.8) renumbered effective January 1, 2006; adopted as Rule 51.4 effective January 1, 1996)**

6.3.9 Guardian Ad Litem for Minors

For purposes of the federal Child Abuse Prevention and Treatment Act and Welfare & Institutions Code § 326.5, the minor's attorney shall be deemed to be the minor's guardian ad litem (GAL) unless the Court orders otherwise. **(Effective July 1, 2012; Rule 6.2.6 (now 6.3.9) renumbered effective January 1, 2006; adopted as Rule 51.6 effective January 1, 1999)**

6.3.10 Guardian Ad Litem for Parents

The Court shall appoint any person that the Court deems qualified as a GAL to represent any incompetent parent or guardian whose child is before the Juvenile Court pursuant to a petition under Welfare & Institutions Code § 300. The determination of incompetency may be made by the Court at any time in the proceeding based upon evidence received from any interested party. **(Effective July 1, 2012; Rule 6.2.7 (now 6.3.10) renumbered effective January 1, 2006; adopted as Rule 51.7 effective January 1, 1996)**

6.3.11 Notice to Guardian Ad Litem, Access to Records, Right to Appear

In all proceedings, the GAL shall be given the same notice as any party, have the same access to all records relating to the case as would any party, and have the right to appear at all hearings. **(Effective July 1, 2012; Rule 6.2.8 (now 6.3.11) renumbered effective January 1, 2006; adopted as Rule 51.8 effective January 1, 1996)**

6.3.12 Care Providers

A minor's care provider shall be allowed to be present at the hearing and address the Court. **(Effective July 1, 2012; Rule 6.2.9 (6.3.12) renumbered effective January 1, 2006; adopted as Rule 51.9 effective January 1, 1996)**

6.3.13 De Facto Parents

Upon a sufficient showing the Court may recognize the minor's present or previous custodians as de facto parents and grant standing to participate as parties in dispositional hearings and any hearings thereafter at which the status of the dependent child is at issue. The person seeking de facto parent status shall have the rights outlined in California Rules of Court, Rule 5.534(a). **(Effective January 1, 2022; Rule 6.2.10 (now 6.3.13) renumbered effective January 1, 2006; adopted as Rule 51.10 effective January 1, 1996)**

6.3.14 Relatives

Upon a sufficient showing, the Court may permit relatives of the child to be present at the hearing and address the Court. The Court shall hear from all parties before granting such permission. **(Effective July 1, 2012; Rule 6.2.11 (now 6.3.14) renumbered effective January 1, 2006; adopted as Rule 51.11 effective January 1, 1996)**

6.3.15 Court-Appointed Counsel Duties

All court-appointed counsel shall comply with their professional duties as required by statute, regulation, and state and local rules of court. **(Effective July 1, 2012; Rule 6.2.12 (now 6.3.15) renumbered effective January 1, 2006; adopted as Rule 51.12 effective January 1, 1996)**

6.3.16 Juvenile Dependency Collections Program for Cost of Legal Services

Once the case reaches disposition, the Court will determine if a party is responsible for the repayment of costs incurred for court appointed counsel for their children and/or self. The Court shall make a finding based on information provided by DSS in court or the Court will order the responsible parties to appear before a financial evaluation officer within thirty (30) days to determine the ability for the responsible party to pay cost for legal services. If it is determined that the responsible party is able to pay, monthly billing statements will be sent to the responsible party. If the installment payment becomes ninety (90) days in arrears, the account balance will be forwarded to an outside collections agency. Payments can be made in the Clerk's Office or mailed to the following address:

Fresno Superior Court
1100 Van Ness Ave., Rm. 200
Fresno, CA 93724

NOTE: At any time during this process, the responsible party can request to be heard in court. **(Effective January 1, 2015; adopted as Rule 6.3.16 effective July 1, 2012)**

6.3.17 The Child Advocate Program

A. **Referrals.** The judicial officer, or any party may refer a case to the CASA Program at any point in the dependency or juvenile justice proceedings. The CASA Program also may request that a referral be made by the judicial officer in a case brought to the attention of the CASA Program. All referrals must be signed by the judicial officer.

B. **Referral Criteria.**

1. Appropriate Referrals. Referrals to the CASA Program are appropriate when:

a. The Court needs specific information or would benefit from an independent investigation in order to make a decision regarding the child's welfare, except for information pertaining to allegations made in the petition.

b. There is an unnecessary delay in achieving family reunification, legal guardianship, adoption, or emancipation.

c. The child has a specific unmet need and requires advocacy to obtain educational, medical, or other services. This does not include the need for a mentor, big brother or sister, or special friend.

2. Inappropriate Referrals. Referrals are not appropriate when:

a. The child's behavior and/or the circumstances of the case would place the CASA volunteer at risk.

b. The child is unwilling to participate in the services or cooperate with the advocate.

c. The child is frequently AWOL.

d. The child is placed outside of Fresno County.

C. **Evaluation of a Referral.** The CASA Program will evaluate the referral to determine if it is appropriate for the CASA Program. In the event that the case is not accepted, the CASA Program will submit a report to the Court stating the basis for declining the referral.

D. **Acceptance of a Referral.** Once a case is accepted by the CASA Program and a CASA volunteer is identified, the Court will be asked to sign an order appointing the identified CASA volunteer.

E. **Status of CASA volunteers.**

1. Appointment. The CASA is appointed as a sworn officer of the Court, serves at the pleasure of the Court, and is bound by all the rules and standards set forth in Welfare & Institutions Code §§ 102 and 103, and California Rules of Court, rule 5.655.

2. Participation of CASAs, CASA Program Supervisors, and attorneys for the CASA Program.

a. A CASA has the right to be present at all hearings, sit at the counsel table during the proceedings, and participate in any reported conferences held in chambers. An advocate cannot be excluded from any reported proceedings for any reason, including the fact that he or she may be called upon to give testimony in the case.

b. A CASA volunteer for a child who has a child may participate in the dependency proceedings for both children.

c. Program supervisors may attend court hearings, participate in proceedings along with the CASA volunteer or in lieu of the CASA volunteer, and may serve as the CASA on the case.

d. Attorneys representing the CASA Program have the right to participate in any proceeding in Juvenile Court in which any aspect of the CASA Program is at issue.

3. Notice to CASA. Pursuant to Welfare & Institutions Code § 106, the CASA volunteer must be properly and timely noticed for all proceedings concerning the case on which he or she is appointed. The social worker on/assigned the case is responsible for providing notice to the CASA for regularly calendared matters. Any party requesting that a matter be added to the Court's calendar is responsible for providing notice to the CASA.

4. Reports. CASA reports shall be read and considered by the judicial officer. Minute orders shall reflect whether the CASA and/or the CASA supervisor was present at the hearing and that the CASA's report was read and considered by the Court. On behalf of any CASA submitting a report to the Court, the Child Advocates Office shall deliver sufficient copies for all parties and their counsel (including parents appearing in pro per) to the Court at least two (2) court days prior to the relevant hearing. The Court has the discretion to admit a CASA report regardless of the time it was submitted.

5. Distribution of Reports. Only parties and their counsel are entitled to receive copies of CASA reports. De facto parents are entitled to receive copies of CASA reports only if there is a court order directing distribution of the CASA report to the de facto parent(s). Relatives, foster parents, service providers and other interested parties are not entitled to receive CASA reports in the absence of a specific court order.

F. **Reporting.** The CASA Program shall report regularly to the Presiding Judge of the Juvenile Dependency or Delinquency Courts 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 January 1, 2022; Rule 6.2.14 (now 6.3.17) renumbered effective January 1, 2006; adopted as Rule 51.14 effective January 1, 1996)**

6.3.18 Child Advocates

A. **Advocate's Functions**. Advocates serve at the pleasure of the Court having jurisdiction over the proceeding in which the advocate has been appointed. In general, an advocate's functions are as follows:

1. To support the child throughout the court proceedings;

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

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

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

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

6. To the fullest extent possible, to communicate and coordinate efforts with the case manager/social worker;

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

8. To investigate the interests of the child in other judicial or administrative proceedings outside Juvenile Court; report to the Juvenile Court concerning same; and, with the approval of the Court, offer his or her services on behalf of the child to such other courts or tribunals.

B. **Sworn Officer of the Court**. An advocate is an officer of the Court and is bound by these rules.

Each advocate shall be sworn in by a Superior Court Judge before beginning his or her duties, and shall subscribe to the written oath set forth in Appendix D2.

C. **Specific Duties**. The Court shall, in its initial order of appointment, and thereafter in any subsequent order, specifically delineate the advocate's duties in each case, which may include independent investigation of the circumstances of the case, 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 court order, the advocate shall discharge his or her obligation to the child and the Court in accordance with the general duties set forth in (A) above. **(Effective July 1, 2012; Rule 6.2.15 (now 6.3.18) renumbered effective January 1, 2006; adopted as Rule 51.15 effective January 1, 1999)**

6.3.19 Release of Information to Advocate

A. **Court Authorization**. To accomplish the appointment of an advocate, the Judge 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.

B. **Access to Records.** An 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 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 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.

C. **Report of Child Abuse**. An advocate is a mandated child abuse reporter with respect to the case to which the advocate is appointed.

D. **Communication With Others**. DSS, Probation, the case manager, the child's attorney, the attorneys for parents, relatives, foster parents, any CASA advocate, and any therapist for the child shall engage in ongoing regular communication concerning the child's best interests, current status, and significant case developments. **(Effective July 1, 2016; Rule 6.2.16 (now 6.3.19) renumbered effective January 1, 2006; adopted as Rule 51.16 effective January 1, 1996)**

6.3.20 Advocate's Right to Timely Notice

In any motion concerning the child for whom the advocate has been appointed, the moving party shall provide the advocate timely notice. **(Effective July 1, 2012; Rule 6.2.17 (now 6.3.20) renumbered effective January 1, 2006; adopted as Rule 51.17 effective January 1, 1996)**

6.3.21 Calendar Priority for Advocates

In light of the fact that advocates are rendering a voluntary service to children and the Court, matters on which they appear should be granted priority on the Court's calendar, whenever possible. **(Effective July 1, 2012; Rule 6.2.18 (now 6.3.21) renumbered effective January 1, 2006; adopted as Rule 51.18 effective January 1, 1999)**

6.3.22 Advocate's Visitation Throughout Dependency

An advocate shall visit the child regularly until the child is secure in a permanent placement. Thereafter, the advocate shall monitor the case as appropriate until dependency is dismissed or the advocate is relieved from appointment. **(Effective July 1, 2012; Rule 6.2.19 (6.3.22) renumbered effective January 1, 2006; adopted as Rule 51.19 effective January 1, 1996)**

6.3.23 Family Law Advocacy

Should the Juvenile Court dismiss dependency and create a family law order pursuant to Welfare & Institutions Code § 362.4, the advocate's appointment may be continued in the family law proceeding, in which case the Juvenile Court order shall set forth the nature, extent and duration of the advocate's duties in the family law proceeding. **(Effective July 1, 2012; Rule 6.2.20 (now 6.3.23) renumbered effective January 1, 2006; adopted as Rule 51.20 effective January 1, 1996)**

6.3.24 Advocate's Right to Appear

An 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 the advocate may be called to testify at some point in the proceedings. An advocate shall not be deemed to be a "party" (California Rules of Court, Rule 5.530(b)(6)); however, the Court, in its discretion, shall have the authority to grant the advocate amicus curiae status, which includes the right to appear with counsel. **(Effective July 1, 2012, Rule 6.2.21 (now 6.3.24) renumbered effective January 1, 2006; adopted as Rule 51.21 effective January 1, 1996)**

***(Rule 6.3 renumbered effective January 1, 2006; adopted as Rule 52 effective July 1, 1992*)**

RULE 6.4 DEPENDENCY COURT PROCEEDINGS

6.4.1 Determination of Paternity

A. The issue of the paternity of a minor may be determined in a Juvenile Court proceeding.

B. If a person claims to be the natural/biological father of a minor who is the subject of Juvenile Court proceedings, the Court may take such measures as are necessary to make a paternity finding and judgment.

C. In any paternity proceeding arising under this rule the Court shall inform the mother and the person claiming to be the father of their right to be separately represented by counsel on the issue of paternity. The Court shall advise the person claiming to be the father of his legal responsibilities should he be found to be the natural father of the minor, including the obligation to pay child support and the possibility he may be incarcerated if he willfully fails to pay child support after being legally ordered to do so.

D. The Court shall permit such evidence to be taken as necessary to determine the paternity of the minor. Testimony from the mother and the person claiming to be the natural father may be sufficient to make a paternity finding and judgment. If the mother or the person claiming to be the father is absence from the court proceeding, evidence in addition to testimony from those in attendance will normally be necessary to enable the Court to make a paternity finding.

E. The Court may order blood or other scientific tests if it believes such tests will assist in making a paternity finding. The Court shall determine which party or parties shall pay for any such test.

F. Any paternity finding and judgment shall be noted in the Clerk's minutes and appropriate documentation shall be provided to the parties, their counsel, and the local child support agency. **(Effective July 1, 2012; Rules 6.3.1, 6.3.2, 6.3.3, 6.3.4, 6.3.5 and 6.3.6 (now 6.4.1) renumbered effective January 1, 2006; adopted as Rules 52.1, 52.2, 52.3, 52.4, 52.5, 52.6 effective January 1, 1996)**

6.4.2 Informal Discovery

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. **(Effective July 1, 2012; Rule 6.3.7 (now 6.4.2) renumbered effective January 1, 2006; adopted as Rule 52.7 effective January 1, 1996)**

6.4.3 Formal Discovery

A. **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 and the clerk of the department hearing the motion at least five (5) court days before the hearing date.

Any responsive papers shall be filed and served on all parties and the clerk of the department hearing the motion two (2) court days prior to the hearing.

B. **Civil Discovery.** In order to coordinate the logistics of discovery in dependency cases, there shall be no depositions, interrogatories, subpoenas of juvenile records or other similar types of civil discovery without approval of a judge of the Juvenile Court upon noticed motion. For non-dependency cases see Rule 6.7.1.

C. **Case Records and Reports (California Rules of Court, Rule 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.

Upon timely request, parents and guardians shall disclose to DSS such non-privileged material and information within the parent's or guardian's control which is relevant. **(Effective July 1, 2012; Rule 6.3.8 (now 6.4.3) renumbered effective January 1, 2006; adopted as Rule 52.8 effective January 1, 1999)**

6.4.4 Disclosure of Evidence

A. Social study reports prepared by DSS shall be made available to all parties before the hearing in accordance with the following time limitations unless otherwise ordered by the Court:

1. Jurisdictional and/or Dispositional reports are due at least forty-eight (48) hours before the hearing;

2. Six, Twelve and Eighteen Month Status Reviews and section 366.3 Status Review reports are due at least ten (10) calendar days before the hearing;

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

B. If the social study report is not timely filed or made available to all parties, then any affected party may request a continuance or the Court on its own motion may continue the hearing to the extent permitted by law.

C. 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 DSS, shall be provided to all parties at least ten (10) days before the hearing. **(Effective July 1, 2012; Rule 6.3.9 (now 6.4.4) renumbered effective January 1, 2006; adopted as Rule 52.9 effective January 1, 1999)**

6.4.5 Settlement Conferences

Settlement conferences shall be calendared and held prior to every contested hearing, unless deemed unnecessary by the judicial officer setting the contested hearing.

The trial attorneys and all parties shall be present at the settlement conference, unless excused by the Court. All parties shall be readily available either in person or by telephone at the direction of their attorneys. A representative of DSS with authority to settle cases shall be present at the settlement conference. **(Effective July 1, 2012; Rule 6.3.10 (now 6.4.5) renumbered effective January 1, 2006; adopted as Rule 52.10 effective January 1, 1996)**

6.4.6 Requests for Transcripts

Any party wanting the Court to pay for a reporter's transcript shall first apply in writing to the judicial officer who heard the matter in question or secondly to the Presiding Judge of the Juvenile Court. Alternatively, a party may orally request at a court hearing that the court order a transcript be prepared at court expense. A party may order a reporter's transcript prepared at that party's expense without seeking court authorization. **(Effective January 1, 2022; Rule 6.3.11 (now 6.4.6) renumbered effective January 1, 2006; adopted as Rule 52.11 effective January 1, 1999)**

6.4.7 Continuances

It is the policy of this Juvenile Court to strictly comply with the timelines for dependency hearings, unless good cause is shown for continuance. (Welfare & Institutions Code § 352; California Rules of Court, rule 5.5.50(a)(2)). **(Effective July 1, 2012, New)**

(Rule 6.4 renumbered effective January 1, 2006; adopted as Rule 53 effective July 1, 1992)

RULE 6.5 DEPENDENCY MOTIONS AND ORDERS

6.5.1 Motion to Challenge Legal Sufficiency of Petition

In any dependency proceeding the Court may entertain a pre-hearing challenge to the petition's sufficiency by a motion to challenge the legal sufficiency of the petition. Such a motion may be made in writing or orally, but must be made as early in the proceedings as possible. The Court may rule on the motion at the hearing at which it is made, or may continue the hearing on the motion to another date in order to receive briefing from counsel. If the Court sustains the motion, the Court may grant leave to amend the pleading in the petition upon any terms as may be just and shall fix the time within which the amendment or amended petition shall be filed. **(Effective July 1, 2012; Rule 6.4.1 (now 6.5.1) renumbered effective January 1, 2006; adopted as Rule 53.1 effective January 1, 1999)**

6.5.2 Ex Parte Applications/Orders

Ex parte applications for orders are made to the Court without formal advance notice to the other parties of the application. There are three types of ex parte applications: ex parte applications to calendar hearings, routine ex parte applications, and all other ex parte applications. **(Effective July 1, 2012; Rule 6.4.2 (now 6.5.2) renumbered effective January 1, 2006; adopted as Rule 53.2 effective January 1, 1996)**

6.5.3 Ex Parte Application to Calendar Hearing

A. An ex parte application to calendar a hearing is made by submission of the Ex Parte Application to Calendar and Order form to the judicial officer in whose courtroom the case is assigned. An ex parte application to calendar a hearing shall not be made to a judicial officer other than the judicial officer in whose courtroom the proposed hearing is to be held, except for good cause.

1. If the Ex Parte Application to Calendar and Order form is being used to place on calendar a hearing which does not already have a hearing date, advance notice to all other parties of the intent to submit an Ex Parte Application to Calendar and Order form to a judicial officer in whose courtroom the case is assigned is not required if the proposed date of hearing is more than seven (7) calendar days from the date of submission of the form. Any party choosing to proceed thus must give all other parties seven (7) calendar days written notice of the hearing date which has been approved by the judicial officer. If the proposed date of hearing is less than seven (7) calendar days from the date of submission of the Ex Parte Application to Calendar and Order form, consent to the proposed hearing date must be sought from the other parties. Consent of a party can be reflected by that party initialing the appropriate box on the Ex Parte Application to Calendar and Order form.

An Ex Parte Application to Calendar and Order form seeking a hearing date less than seven (7) calendar days from the date of submission of the form may be submitted to the judicial officer even if written consent to the proposed hearing date has been withheld by another party, so long as said party was given an opportunity to give written consent to the proposed hearing date. The party submitting the Ex Parte Application to Calendar and Order form shall memorialize on the form the party's refusal to give written consent to the proposed hearing date.

2. If the Ex Parte Application to Calendar and Order form is being used to obtain a continuance of a hearing date which is already on calendar, the Ex Parte Application to Calendar and Order form, which shall adequately specify the reason the continuance is sought and the length of the continuance being sought, shall first be presented to all parties. If any party objects to the proposed continuance, or requests a hearing on the request for a continuance, that party should so specify on the Ex Parte Application to Calendar and Order form. Once the Ex Parte Application to Calendar and Order form has been initialed by all parties, the form shall be presented to the judicial officer in whose courtroom the hearing is currently scheduled for consideration.

When presented with an Ex Parte Application to Calendar and Order form requesting a continuance, the judicial officer shall do one of the following:

a. Grant the request for a continuance and select a new hearing date,

b. Deny the request for a continuance, or

c. Set the request for a continuance for hearing and select a date for that hearing.

When the party submitting the completed Ex Parte Application to Calendar and Order form receives that form back from the judicial officer, that party shall file the form with the Clerk's Office and serve copies of the filed form on all parties.

B. If a case has an upcoming hearing date already on calendar, an Ex Parte Application to Calendar and Order form need not be submitted to place on calendar for the same date a separate/different motion on the same case. However, the party seeking to place the separate/different motion on calendar must give ten (10) calendar days written notice of the separate/different motion to all other parties, unless the Court, for good cause shown, prescribes a lesser number of days for notice.

C. The Ex Parte Application to Calendar and Order form has no purpose other than to place, change, or continue a hearing date on the Court's calendar. The Ex Parte Application to Calendar and Order form is not a substitute for a Welfare & Institutions Code § 388 petition, a formal written motion, or supporting points and authorities. **(Effective July 1, 2012; Rule 6.4.3 (now 6.5.3) renumbered effective January 1, 2006; adopted as Rule 53.3 effective January 1, 1999)**

6.5.4 Routine Ex Parte Applications

A. Unless counsel for a party has specifically requested advance notice of ex parte applications for out-of-state travel or medical/dental care for the minor, an ex parte application may be made, without advance formal notice, to the judicial officer in whose courtroom the minor's case is assigned, seeking an order permitting the minor to travel out-of-state with the foster parent or care provider, relative, or other appropriate adult acceptable to DSS, or an order authorizing that medical or dental care be performed on the minor. Any such ex parte applications shall be filed no less than fifteen (15) calendar days prior to the proposed travel or medical/dental care absent good cause shown on the application, or unless the Court has specified a greater or lesser period. All such ex parte applications shall include the following information:

1. The name and address of each party to the action, and the name and address of each party's counsel;

2. The efforts made to obtain the consent of and/or give notice to the parents or guardians of the minor of the proposed travel or medical/dental care;

3. If a parent or guardian has refused to agree to the proposed travel or to give consent to medical/dental care, that fact shall be noted on the application, including the ground for the parent's/guardian's refusal, if known;

4. For any parent or guardian whom DSS was unable to locate to give notice and/or obtain consent, a description of the efforts made to locate the parent/guardian;

5. The fact the minor's counsel has been notified of the proposed travel or medical/dental care, and said counsel's position on the proposed travel or medical/dental care.

6. The fact the CASA has been notified of the proposed travel or medical/dental care, and said CASA's position on the proposed travel or medical/dental care.

B. When presented with an ex parte application for an order authorizing out-of-state travel or medical/dental care, the judicial officer shall either grant the request and issue the order, or deny the request. If the judicial officer issues the requested order authorizing out-of-state travel or medical/dental care, the party who sought the order shall file the ex parte application form and order with the Clerk's Office and provide copies of the filed ex parte application and order form with all counsel. Any party disagreeing with the order for out-of-state travel or medical/dental care may place the matter on calendar for further consideration.

C. An order nunc pro tunc making corrections, changes or additions to any finding or order generated at a prior hearing may be made by ex parte application where the Court made an order or finding that was mistakenly omitted from the minute order. **(Effective July 1, 2012; Rule 6.4.4 (now 6.5.4) renumbered effective January 1, 2006; adopted as Rule 53.4 effective January 1, 1999)**

6.5.5 Non-Routine Applications

A. All ex parte applications other than those discussed in Rules 6.5.3 and 6.5.4 are considered non-routine ex parte applications. All non-routine ex parte applications must be made only upon adequate advance notice to all counsel in accordance with this rule. Non-routine ex parte applications include, but are not limited to, requests for a temporary order modifying a visitation order pending a hearing on a concurrently filed Welfare & Institutions Code § 388 petition seeking the same relief on a permanent basis.

B. Non-routine ex parte applications shall be heard at 8:30 a.m. by the judicial officer in whose courtroom the case is assigned.

C. Before submitting an ex parte application and proposed order forms to the judicial officer in whose courtroom the case is assigned for signature, the applicant shall adhere to the following procedures:

1. The applicant shall advise the judicial officer in whose courtroom the case is assigned no later than 3:00 p.m. that a non-routine ex parte application will be made the following morning in that judicial officer's courtroom.

2. The applicant shall give, no later than 4:00 p.m. on the day prior to the proposed ex parte application, advance notice of the time, place, and basic subject matter of the proposed ex parte application to all counsel and the social worker assigned to the case, except for good cause shown or consent of all counsel.

3. The notice given to the other counsel regarding the ex parte application for a non-routine order shall be stated on the Declaration Re Notice of Ex Parte Application form.

D. If the applicant has made a good faith attempt to inform the other counsel regarding the ex parte application but was unable to do so, the efforts made to inform them shall be specified on the Declaration Re Notice of Ex Parte Application form.

E. If the applicant contends that advanced notice to one or more other counsel should not be required, the grounds upon which this contention is based shall be specified on the Declaration Re Notice of Ex Parte Application form. The completed Declaration Re Notice of Ex Parte Application form shall be submitted to the judicial officer with the ex parte application. An ex parte application which is submitted to the judicial officer without the Declaration Re Notice of Ex Parte Application form will be summarily denied.

F. Whenever possible, the ex parte application moving papers and the Declaration Re Notice of Ex Parte Application form, and any responding papers, shall be served on all other counsel as far in advance of the ex parte application as is practicable.

G. Notice of the ex parte application may be excused if the giving of such notice would frustrate the purpose of the order, or cause the minor to suffer immediate and irreparable physical or emotional harm.

H. Notice may also be excused if, following a good faith attempt, the giving of notice is not possible, or if the other counsel do not object to the relief sought by the ex parte application. **(Effective July 1, 2012; Rule 6.4.5 (now 6.5.5) renumbered effective January 1, 2006; adopted as Rule 53.5 effective January 1, 1996)**

6.5.6 Noticed Motions

Except as otherwise provided herein, all motions shall be in writing and accompanied by a supporting affidavit or declaration and points and authorities, if applicable. No noticed motion shall be accepted by the Clerk unless it is accompanied

by a proof of service. A noticed motion must give ten (10) calendar days written notice to all other counsel unless the Court, for good cause shown, prescribes a lesser number of days for notice. **(Effective July 1, 2012; Rule 6.4.6 (now 6.5.6) renumbered effective January 1, 2006; adopted as Rule 53.6 effective January 1, 1996)**

6.5.7 Motion for More Restrictive Placement

Any motion by DSS to modify an existing order to a more restrictive placement shall be implemented pursuant to Welfare & Institutions Code § 387 and California Rules of Court, rules 5.560(c) and 5.565. A change in an out-of-home, non-relative placement (i.e., foster care, family foster home, or group home) shall not be deemed a more restrictive placement unless the placement change is from a level twelve (12) or lower placement (as defined by State law) to a higher level which requires a mental health certification. Placement in a level thirteen (13) or higher level home is defined as being more restrictive than a level one (1) to level twelve (12) home whether the home be a foster home, a family foster home or a group home. **(Effective July 1, 2012; Rule 6.4.7 (now 6.5.7) renumbered effective January 1, 2006; adopted as Rule 53.7 effective January 1, 1996)**

6.5.8 Motion for Less Restrictive Placement

Any motion by an interested party to modify the Court's orders to a less restrictive placement shall follow the procedures outline in Welfare & Institutions Code § 388 and California Rules of Court, rules 5.560(d) and 5.570, and these rules. **(Effective July 1, 2012; Rule 6.4.8 (now 6.5.8) renumbered effective January 1, 2006; adopted as Rule 53.8 effective January 1, 1999)**

6.5.9 Petitions for Modification (Consent Calendar Procedure)

The following procedures shall be followed for all Petitions for Modification filed pursuant to Welfare & Institutions Code § 388, except those petitions seeking termination of a guardianship pursuant to Welfare & Institutions Code § 366.3, subdivision (b), and California Rules of Court, rule 5.740.

A. Each Department will hold a “388” consent calendar on a designated day of each week at 8:30 a.m., at which time the Court will act upon those petitions to which there is no objection and set for hearing those petitions to which any party objects.

B. Petitioner shall select the consent calendar date for the matter to be heard based upon a date which allows at least five (5) court days’ advance notice to all parties. Petitioner is to provide copies of the petition to all parties and file the original with an attached proof of service. Copies are to be provided to both DSS and County Counsel.

C. The Clerk shall file the Petition and calendar it on the “388” consent calendar, which shall be separate from the regular calendar. The Clerk will make available copies of the “388” consent calendar to the office of each counsel of record and DSS seven (7) calendar days preceding the date of the “388” consent calendar.

D. At the hearing, if all parties consent, the matter will be submitted without hearing and a ruling will be entered. If any party enters an objection, which may be communicated to the Court in person, in writing, or telephonically, the matter will be set for hearing.

E. The Court's ruling, or the date of the hearing if one is set, will be noted on a minute order.

F. Petitions seeking an interim order are to be presented to the Court prior to filing and service. Interim orders will be granted upon a showing of good cause. **(Effective July 1, 2012; Rule 6.4.9 (now 6.5.9) renumbered effective January 1, 2006; adopted as Rule 53.9 effective July 1, 1999)**

6.5.10 Visitation

A. Visitation between a minor and the minor's parents should be as frequent as possible based on the individual circumstances of the case.

B. Orders for visitation may be issued at any scheduled hearing. Arrangements for visitation may be modified by the filing and approval of a Welfare & Institutions Code § 388 petition.

C. Unless specified otherwise by the Court, the following definitions shall apply to visitation orders:

1. Supervised Visits: Visits supervised by DSS, unless the Court orders that a third party may supervise the visits.

2. Reasonable Visits: Supervised or unsupervised visits which may last up to one (1) day but shall not include overnight.

3. Liberal Visits: Visits which may include overnight and weekends and up to a maximum of thirteen (13) consecutive days.

4. Extended Visits: Visits which last beyond thirteen (13) consecutive days. Extended visits do not become placements, unless otherwise ordered by the Court.

D. Any significant decrease from the Court-ordered level of a parent's/party's level of visitation shall be presented to the affected parent/party for comment before being submitted to the Court. The Court may set a hearing on the issue after hearing the parent's/party's comments on the proposed reduction. **(Effective July 1, 2012; Rule 6.4.10 (now 6.5.10) renumbered effective January 1, 2006; adopted as Rule 53.10 effective January 1, 1996)**

6.5.11 Travel Authorization

Unless ordered otherwise by the Court, a minor's care provider may authorize travel by the minor within the State of California with the concurrence of DSS and, when

possible, notice to the parent. Any travel for the minor out of the State of California shall require prior court approval. Any application to the Court for orders regarding travel of the minor shall comply with Juvenile Rule 6.5.4 and shall state what efforts have been made to notify the parent(s) and their response, if any. **(Effective July 1, 2012; Rule 6.4.11 (now 6.5.11) renumbered effective January 1, 2006; adopted as Rule 53.11 effective January 1, 1996)**

6.5.12 Application to Commence Proceeding

When a CPS referral is made to DSS and if DSS decides not to intervene or fails to report the outcome of the referral to a reporting party within ten (10) days, any person may apply to DSS requesting DSS to file a petition pursuant to Welfare & Institutions Code § 329. In that application, the applicant shall give notice and identifying information of any pending family law-related proceeding. If a family law-related proceeding is pending, a copy of the application shall also be sent to Family Court Services by the applicant. DSS shall respond to the application as soon as possible or within three (3) weeks after submission of the application. If applicable, DSS shall notify Family Court Services of its response. If the applicant is dissatisfied with the decision of DSS, the applicant may petition the Juvenile Court to order DSS to file a Welfare & Institutions Code § 300 petition as provided by Welfare & Institutions Code § 331. **(Effective July 1, 2012; Rule 6.4.12 (now 6.5.12) renumbered effective January 1, 2006; adopted as Rule 53.12 effective January 1, 1999)**

6.5.13 Request for Rehearing

Any party to a juvenile delinquency proceeding requesting a rehearing within ten (10) calendar days after service of a copy of an order and findings shall, within one (1) judicial day after filing a request for rehearing also serve a copy of the request upon the referee from whose decision the request has arisen.

The referee shall immediately direct the court reporter, by minute order, to prepare a transcript of the appropriate hearing and deliver a copy of the minute order to the Presiding Judge of the Juvenile Court and to the counsel for the party requesting the rehearing.

Within ten (10) calendar days after being ordered to prepare the transcript, the court reporter shall deliver the transcript to the Presiding Judge of the Juvenile Court. **(Effective July 1, 2012; Rule 6.4.13 (now 6.5.13) renumbered effective January 1, 2006; adopted as Rule 53.13 effective January 1, 1996)**

***(Rule 6.5 renumbered effective January 1, 2006; adopted as Rule 54 effective July 1, 1992*)**

RULE 6.6 COORDINATION OF COURT PROCEEDINGS

6.6.1 Court Management of Child Abuse or Neglect Cases

A. It is the policy of the Superior Court to identify and coordinate custody proceedings involving the same minor, which may appear in multiple legal settings. It is further the policy of the Superior Court to coordinate the efforts of the different court

systems (including, but not limited to, the family, juvenile, child support, and probate courts) so that the minor's needs are served and the resources of the family and the Court are not wasted. To these ends the Superior Court and the agencies serving the Court shall cooperate to increase the exchange of information and to determine the most appropriate forum for the resolution of the issues relating to the minor.

B. **Notice of Pending Cases and Orders**

1. Court Inquiry. Before issuing a protective order, or a custody or visitation order, the Court should inquire of the parties or the attorneys whether there are any cases in which there are criminal or civil protective orders, or custody and visitation orders that involve the child(ren) in the current case.

2. Attorneys and Self-Represented Parties in Family, Probate and Criminal Cases. All attorneys and self-represented parties involved in family law, probate and criminal cases shall inform the Court about any cases of which they are aware in which there are criminal or non-criminal protective orders or custody and visitation orders that involve the child(ren) in the current case. The information shall be provided to the Court, all parties and all attorneys in the case.

C. **Communication Between Courts**

1. Communication Regarding Existing Cases in Other Departments. When any court becomes aware of the existence of another case involving the same child(ren), the judicial assistant shall notify the other court. Prior to conducting a hearing in the matter, the trial judge will review the overlapping orders, if appropriate. Notice will be provided to the parties of the overlapping orders reviewed by the judicial officer.

2. Communication Regarding Protective Orders.

a. Temporary or Permanent Non-Criminal Restraining Orders. When either the Family Court or Dependency Court issues a temporary or permanent restraining order and the restrained person or the protected person has another pending dependency, family, probate, juvenile or criminal case, the Family Court or Dependency Court shall send a copy of the protective order to the appropriate court administrator who will send it to the trial court with the overlapping case. This may be accomplished by working through the Domestic Violence Case Coordinator.

D. **Modification of Criminal Protective Orders.** Criminal protective orders take precedence over other contact orders. When a criminal protective order exists and either or both parties request a child custody order that is inconsistent with the criminal protective order, it is the obligation of the moving parties to seek a modification of the criminal protective order by placing the matter on the criminal domestic violence

calendar. Notice must be provided to all parties, attorneys and probation or parole officers. No party shall seek a child custody or visitation order in family, probate or juvenile court that is inconsistent with an existing criminal protective order unless a judicial officer presiding over the criminal domestic violence matter has first granted the request to modify the criminal protective order. **(Effective July 1, 2012; Rule 6.5.1 (now 6.6.1) renumbered effective January 1, 2006; adopted as Rule 54.1 effective January 1, 1999)**

6.6.2 Report Pursuant to Penal Code § 11166

If during the pendency of a family law proceeding a child abuse or neglect allegation against one of the minor's parents comes to the attention of a Family Court Services staff member or other mediator or evaluator, that person shall first determine whether the allegation must be reported to a child protection agency pursuant to Penal Code § 11166. If that person determines the allegation does not fall within the description of § 11166, he or she need not make a report. However, any other person may report the allegation to a child protection agency. **(Effective July 1, 2012; Rule 6.5.2 (now 6.6.2) renumbered effective January 1, 2006; adopted as Rule 54.2 effective January 1, 1996)**

6.6.3 Child Abuse or Neglect Investigation

When DSS receives a report of suspected child abuse or neglect during the pendency of a family law-related proceeding, it shall investigate the matter pursuant to the regulations of the California Department of Social Services. DSS shall inform Family Court Services of any decisions it makes concerning the child abuse or neglect investigation. If DSS determines that further investigation is necessary, it shall contact the appropriate investigating agency immediately so that all investigative efforts can be coordinated. **(Effective July 1, 2012; Rule 6.5.3 (6.6.3) renumbered effective January 1, 2006; adopted as Rule 54.3 effective January 1, 1996)**

6.6.4 Suspension of Family Law and Probate Proceedings

A. **DSS Report**. After a report of suspected child abuse or neglect has been made to a child protection agency, any custody and visitation proceedings in the Family Law or Probate Department are suspended, except that the Family Law or Probate Department shall have the power to make temporary protective orders to ensure the safety of the minor. The suspension shall remain for eighteen (18) calendar days from the report or until DSS indicates in writing that it will take no action in the matter, whichever occurs first.

B. **Welfare & Institutions Code § 300 Petition, Juvenile Court**. If a petition pursuant to Welfare & Institutions Code § 300 is filed in the Juvenile Court, all custody and visitation proceedings in the Family Law or Probate Department are suspended. Thereafter, custody and visitation issues shall be determined by the Juvenile Court. The Family Law or Probate Department shall resume custody or visitation proceedings only after written authorization is received from the Juvenile Court. **(Effective July 1, 2012; Rule 6.5.4 (now 6.6.4) renumbered effective January 1, 2006; adopted as Rule 54.4 effective January 1, 1999)**

6.6.5 Informal Supervision Agreement

If, during DSS's investigation, one or both parents reach an informal supervision agreement pursuant to Welfare & Institutions Code § 301, a copy of that agreement shall be sent immediately to DSS, to Family Court Services and to each parent. **(Effective July 1, 2012; Rule 6.5.5 (now 6.6.5) renumbered effective January 1, 2006; adopted as Rule 54.5 effective January 1, 1996)**

6.6.6 Coordination of Cases

At any time during the process described herein, the Presiding Judges of the Family Law and Probate Departments and the Juvenile Court are encouraged to discuss problems relating to the coordination of cases involving child abuse or neglect allegations. **(Effective July 1, 2012; Rule 6.5.6 (now 6.6.6) renumbered effective January 1, 2006; adopted as Rule 54.6 effective January 1, 1999)**

6.6.7 Petition for Dismissal

Whenever any interested party believes that Juvenile Dependency Court intervention on behalf of a minor is no longer necessary, application may be made to the Juvenile Dependency Court pursuant to Welfare & Institutions Code § 388 or at any regularly scheduled hearing to have the case dismissed. If the application is granted, any future litigation relating to the custody, visitation and control of the minor shall be heard in the Family Law Department or other appropriate department. **(Effective July 1, 2012; Rule 6.5.7 (now 6.6.7) renumbered effective January 1, 2006; adopted as Rule 54.7 effective January 1, 1999)**

6.6.8 Juvenile Court Custodial Order

If the Juvenile Dependency Court determines that jurisdiction of the Juvenile Court is no longer necessary for the protection of the minor, the Court may create a custodial order consistent with the needs of the minor and thereafter dismiss the juvenile petition and case. (See Judicial Council form JV-200.) Any party may object to the proposed dismissal and be heard on the issues. **(Effective July 1, 2012; Rule 6.5.8 (now 6.6.8) renumbered effective January 1, 2006; adopted as Rule 54.8 effective January 1, 1996)**

6.6.9 Maintenance of Orders in Court Files

A. **Juvenile Court**. The original court custodial order shall be filed in the Family Law Department or other department and endorsed copies shall be filed in the Juvenile Court file. A copy of the endorsed-filed order shall be mailed to the attorneys and parties.

B. **Superior Court**. If no court file exists in the Family Law Department or other department or in any other jurisdiction, the Clerk shall create a file under the names of the minor's parents. The file shall contain a copy of the Juvenile Court order. Pursuant to Welfare & Institutions Code § 362.4, there shall be no filing fee. **(Effective July 1, 2012; Rule 6.5.9 (now 6.6.9) renumbered effective January 1, 2006; adopted as Rule 54.9 effective January 1, 1999)**

(Rule 6.6 renumbered effective January 1, 2006; adopted as Rule 55 effective July 1, 1992)

RULE 6.7 MEDICAL MATTERS

6.7.1 Medical Consent

A. **Medical Consent.** Welfare & Institutions Code §§ 369 and 739 set forth the responsibilities of the Court, social worker and probation officer for handling medical consent matters for minors in dependency and delinquency. In Fresno County, DSS is responsible for obtaining required court authorization or for authorizing necessary medical care for minors who come within the provisions of Welfare & Institutions Code § 300 (abused and neglected children), and the Probation Department is responsible for obtaining these authorizations for minors who come within the provisions of Welfare & Institutions Code §§ 601 and 602 (status offenders and delinquent minors, respectively). Only where a minor has been taken into temporary custody and the parents object to the treatment is it necessary for the Court to intervene. (See Welf. & Inst. Code, §§ 369(a) and 739(a).

1. The Court authorizes DSS social workers to consent in this situation for children covered by Welfare & Institutions Code § 369(a).

B. **Notification.** In any case where the Court intervenes in providing consent for a medical procedure, the Court shall ensure that notice of the procedure and request for consent are given to the child's attorney and Court-Appointed Special Advocate (CASA) at the earliest practicable time.

C. **Emergency Medical Consent.** Emergency Medical Consent can be obtained through the respective agencies responsible for the minor, either DSS or Probation. DSS and Probation provide this Medical Consent service twenty-four (24) hours a day, each day of the year. Pursuant to Welfare & Institutions Code §§ 369(d) and 739(d) the social worker or probation officer, after making reasonable efforts to obtain parental consent, has the authority to grant "emergency medical treatment" for any minor who "requires immediate treatment for the alleviation of severe pain or an immediate diagnosis and treatment of an unforeseeable medical, surgical or dental, or other remedial condition or contagious disease which, if not immediately diagnosed and treated, would lead to serious disability or death" without involving the Court. **(Effective January 1, 2015; Rule 6.6.1 (now 6.7.1) renumbered effective January 1, 2006; adopted as Rule 55.1 effective January 1, 1999)**

6.7.2 Authorization for Use of Psychotropic Drugs in Juvenile Delinquency/Dependency Proceedings

Family Code § 6924 sets forth the general guidelines for providing mental health treatment to minors. Pursuant to Welfare & Institutions Code §§ 369(b), 369.5 and 739.5 and California Rules of Court, rule 5.640, for any minor removed from the custody of the parent or guardian pursuant to Welfare & Institutions Code §§ 306, 309, 726, or by order of the Juvenile Court, approval must be obtained for the minor (if under 18

years of age) to be treated with psychotropic medication. Absent a medical emergency as defined in Welfare & Institutions Code § 369(d), authorization from the Juvenile Court (or from someone authorized by the Court) must be obtained prior to administering psychotropic medication to a minor under the jurisdiction of the Juvenile Court. If the minor has a current prescription for psychotropic medication at the time a juvenile dependency proceeding is commenced, a medical professional may continue to authorize administration of, and the minor may continue using, the medication pending Juvenile Court review. The treating medical professional is required to notify the Juvenile Court whenever a treatment plan for psychotropic medication is commenced without consent of a parent or guardian.

A. **Application for Psychotropic Medication**. The following outlines the process for obtaining Court authorization:

1. At the time the minor appears before a physician for treatment, and if the consent of the parent or guardian has not been obtained, the treating physician completes the Prescribing Physician's Statement-Attachment (Judicial Council form #220(A)). The statement is presented to the appropriate agency; either DSS or Probation.

2. Once the JV-220(A) is received by the appropriate agency, DSS or Probation is to legibly and fully complete the JV-220 packet, which includes the following mandatory Judicial Council forms:

a. JV-220 – Application Regarding Psychotropic Medication

b. JV-220(A) – Prescribing Physician's Statement-Attachment

c. JV-221 – Proof of Notice; Application Regarding Psychotropic Medication

d. JV-222 – Opposition to Application Regarding Psychotropic Medication

e. JV-223 – Order Regarding Application for Psychotropic Medication

f. JV-510 – Proof of Service - Juvenile:

3. The completed JV-220 Application must be filed by personal delivery to the appropriate Clerk's Office:

The Clerk of the Juvenile Court-Dependency
1100 Van Ness Ave., Room 200
Fresno, California 93724

The Clerk of the Juvenile Court-Delinquency
3333 E. American Ave., Bldg. 701, Ste. A
Fresno, California 93725

4. The appropriate agency, DSS or Probation sends a facsimile copy of the JV-220 Application to the Fresno County Chief Psychiatrist for further review and recommendation.

C. **Hearing Date.** Upon receipt of the completed JV-220 Application, the Court will determine whether a hearing date is necessary, and thereafter will schedule a hearing date that allows sufficient time for all parties to be provided notice of the JV-220 Application and to file an opposition.

D. **Opposition to Application**. Any party who wishes to oppose the JV-220 Application must, within two (2) court days after receiving notice of the JV-220 Application:

1. Complete and file a statement of opposition (Form JV-220A) with the Clerk of the Juvenile Court-Dependency; and

2. Provide notice of the opposition to all parties and attorneys and file a form JV-221 (Notice). **(Effective January 1, 2015; Rule 6.6.2 (now 6.7.2) renumbered effective January 1, 2006; adopted as Rule 55.2 effective January 1, 1999)**

6.7.3 Six Month Renewal for all Psychotropic Drug Orders

An order authorizing administration of psychotropic medication shall expire no later than six (6) months from date of issuance without prejudice to a renewal request using the above procedures. **(Effective July 1, 2012; Rule 6.6.3 (now 6.7.3) renumbered effective January 1, 2006; adopted as Rule 55.3 effective January 1, 1996)**

(Rule 6.7 renumbered effective January 1, 2006; adopted as Rule 56 effective July 1, 1992)

RULE 6.8 JUVENILE JUSTICE

6.8.1 Peremptory Challenges

Any challenge of a judicial officer hearing Juvenile Justice matters, pursuant to pursuant to Code of Civil Procedure § 170, et. seq., shall be reported to the Presiding Judge of the Juvenile Court who shall then take whatever legal action is appropriate, including reassignment to another department as designated by the Presiding Judge of the Juvenile Court. If the challenge is to the Presiding Judge of the Juvenile Court, the Presiding Judge of the Superior Court shall take whatever legal action is appropriate, including reassignment to another department, if necessary. **(Effective January 1, 2022, adopted as Rule 6.8.1 effective July 1, 2012)**

6.8.2 Requirements for Noticed Motions

A. All motion papers, opposition papers, and reply papers must be in writing and must display on the first page the motion hearing date, time, and department and a time estimate for the motion hearing.

B. **Time for Service When the Minor is in Custody.** Unless a different briefing schedule is set by the Court:

1. All moving papers must be filed and served on the opposing party at least five (5) court days before the time appointed for the hearing.

2. All papers opposing the motion must be filed and served at least two (2) court days before the time appointed for the hearing.

3. All reply papers must be filed and served at least one (1) court day before the time appointed for the hearing.

C. **Time for Service When the Minor is Not in Custody.** Unless a different briefing schedule is set by the Court:

1. All moving papers must be filed and served on the opposing party at least ten (10) court days before the time appointed for the hearing.

2. All papers opposing the motion must be filed and served at least five (5) court days before the time appointed for the hearing.

3. All reply papers must be filed and served at least two (2) court days before the time appointed for the hearing.

D. **Time for Service of Motion to Suppress Evidence.** Motions to suppress evidence shall be filed, served and heard in accordance with Welfare & Institutions Code § 700.1, unless a different briefing schedule is set by the Court.

E. **Length of Points and Authorities.** No opening or responding memorandum of points and authorities exceeding fifteen (15) pages may be filed, absent an order from the judge of the Court in which the motion is calendared. Such an order will be granted only upon a written application including a declaration setting forth good cause for the order. **(Effective January 1, 2022; adopted as Rule 6.8.2 effective July 1, 2012)**

6.8.3 Ex Parte Applications to Calendar and Order (Non-Probation)

A. An ex parte application to calendar an order can be requested from the Juvenile Delinquency Clerk's Office during normal operational hours. All applications must be on the applicable Fresno County Superior Court Local Form. Reasons for the request must be specified. The request must be legible.

B. If the minor is not in custody at the time the ex parte application is filed, the requested court date must be no sooner than five (5) court days from the date the application is filed unless emergency or other good cause is demonstrated. The applicant must also submit at least two (2) alternative dates for a court date on the application in case the first is not acceptable to the Court.

C. If the minor is in custody at the time the ex parte application is filed, the requested court date must be no sooner than two (2) court days from the date the application is filed unless emergency or other good cause is demonstrated. The applicant must also submit at least two (2) alternative dates for a court date on the application in case the first is not acceptable to the Court. **(Effective July 1, 2012, New)**

6.8.4 Ex Parte Application Brought by County Probation

A. When a minor is not in custody, an ex parte application for an order by County Probation must be filed five (5) court days from the date of the requested hearing unless emergency or other good cause is demonstrated.

B. When a minor is in custody, an ex parte application for an order by County Probation must be filed by 10:00 a.m. the day before the court day prior to the requested hearing unless emergency or other good cause is demonstrated. **(Effective July 1, 2012, New)**

6.8.5 Service and Filing Proof of Service of Petition to Terminate Sex Offender Registration

See Fresno Superior Court Local Rule 3.1.14. **(Effective January 1, 2022, New)**

6.8.6 Duties of Counsel

All counsel in juvenile proceedings have a duty to act competently in accordance with Welfare & Institutions Code § 202 and Rules of Professional Conduct, rule 3-110, as well as the specific duties enumerated in Penal Code § 1240.1 and in the Rules of Court, rule 5.663. These duties, while applicable, shall not be exclusive. **(Rule 6.8.6 (was 6.8.5) renumbered effective January 1, 2022; adopted as Rule 6.8.5 effective July 1, 2012)**

RULE 6.9 COMPETENCY PROTOCOL

A. Introduction

1. The Juvenile Competency Protocol shall apply when it appears that there is a doubt as to a minor's competency to stand trial or to participate in Juvenile Justice proceedings. The protocol is designed to provide an overview of the following: Procedures for determining a minor's competency; the evaluation process; the competency hearing process; and the remediation process.

2. This protocol is intended to supplement the provisions of Welfare & Institutions Code § 709, California Rules of Court, rule 5.645, as well as relevant case law. Unless otherwise noted, references to a section (or §) are to the Welfare & Institutions Code and references to a rule are to the California Rules of Court.

3. If a conflict arises between this protocol and statutory or case law, the statute and case law control. Moreover, this protocol is not intended to, and does not, create any rights, substantive or procedural, enforceable at law by any party in any matter.

B. Consideration of Informal Resolution

1. Formal competency proceedings in some cases may be contrary either to the goals of protecting public safety or rehabilitating the minor.[1] If the court and parties agree that voluntary participation in services available in the community sufficiently address the needs of the minor and community safety, the court may proceed with an informal resolution without initiating formal competency proceedings.

2. The informal resolution shall last only until services are in place and the minor is stabilized, generally no longer than six months. On agreement of the parties, the informal resolution may last for a period longer than six months but shall not be longer than one year. Upon successful completion of the informal resolution, the petition shall be dismissed pursuant to §782, and sealed pursuant to the law. The minor shall be deemed in compliance with the terms of the informal resolution if the minor is in substantial compliance with the terms of the informal resolution.

3. If a party asserts the minor is failing to comply with the terms of the informal resolution, the court shall hold a hearing to determine whether the minor is in substantial compliance. If the court finds that the minor has failed to comply with the terms of the informal resolution within their ability, formal competency proceedings may commence.

C. Juvenile Competence Proceedings

A minor is incompetent to participate in Juvenile Justice proceedings if the minor "lacks sufficient present ability to consult and assist in preparing the minor's defense with a reasonable degree of rational understanding, or lacks a rational as well as factual understanding, of the nature of the charges or proceedings against them. Incompetency may result from the present of any condition or conditions, including, but

[1] Use of the word "minor" throughout this protocol refers to both minors and former minors.

not limited to, mental illness, mental disorder, developmental disability, or developmental immaturity." (§ 709, subd. (a)(2).)

D. **Initiation of Competency Proceedings**

1. Expression of Doubt

During the pendency of any juvenile proceeding, the court or minor's counsel may express a doubt as to the minor's competency. ((§ 709, subd. (a)(3).)

Prior to commencing competency proceedings, the court must first find "substantial evidence that raises a doubt as to the minor's competency." (§ 709, subd. (a)(3); Rule 5.645(d)(1).) The court should conduct an initial inquiry to determine if substantial evidence exists to suspend the underlying juvenile proceedings. The court may receive information from any source. Evidence is substantial if it raises a reasonable doubt concerning the minor's ability to understand the nature of the juvenile proceedings or to assist in the defense. (*People v. Rogers* (2006) 39 Cal.4th 826, 847; *People v. Hayes* (1999) 21 Cal.4th 1211, 1281-1282.)

The Court may allow minor's counsel to present their opinion regarding the minor's competence *in camera* if the court finds there is reason to believe that attorney-client privileged information would be inappropriately revealed in open court. (Rule 4.130(b)(2).)

The court must only determine the existence of substantial evidence to raise a doubt as to the minor's current competency. (§ 709, subd. (a).)

2. Suspension of the Proceedings

If the court finds substantial evidence raises a doubt as to the minor's competency, proceedings shall be suspended. (§ 709, subd. (a)(3).)

During the suspension of proceedings, the court may rule on motions that do not require the participation of the minor in their preparation. These motions include, but are not limited to:

a. Motions to dismiss;

b. Motions regarding a change in the placement of the minor;

c. Detention hearings;

d. Demurrers; and

e. Motions to join agencies in the Juvenile Justice Court proceedings that may have failed to meet a legal obligation to provide services to the minor. (§ 727, subd.(b)(1).)

3. Appointment of Evaluator

When the court finds substantial evidence of a doubt as to the competency of the minor, the court shall appoint an expert from the court's panel to assess the minor's competence unless the parties stipulate to, or submit on the issue of, the minor's lack of competency.

When the court orders a juvenile competency evaluation, the court shall select one Juvenile Competency Panel evaluator. The court shall immediately notify the evaluator and probation of the appointment.

Probation shall send any relevant information to the evaluator, including, but not limited to, police reports, school records, special education records and recent psychological testing reports, that they believe will be of assistance in making a juvenile competency determination. Minor's counsel and the District Attorney's Office shall provide all relevant documents in their possession to probation as soon as possible. Probation shall make every attempt to obtain any relevant documentation to the evaluator as quickly as possible.

The Court shall, absent unusual circumstances, set a non-appearance "status" hearing within five (5) court days from the time the proceedings are suspended to confirm the evaluator has accepted appointment for the evaluation. Upon confirmation of acceptance, the court will provide the evaluator's contact information to all counsel.

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4. Method of Evaluation

a. Independent Experts

The evaluators on the Juvenile Competency Panel are appointed by the judicial officers as "at will" independent experts. The policies discussed herein describe the contents and processes involved in generating evaluations only. The opinion rendered in each evaluation is at the discretion of the individual psychologist.

b. Criteria for Competency Evaluations

The juvenile competency evaluator shall:

1) Interview the minor in person, absent exigent circumstances and agreement of counsel. If the minor is detained, the interview will take place at the Juvenile Justice Campus in a

confidential setting. If the minor is not detained, the evaluator will schedule an appointment with the minor or the minor's parent or guardian.

2) Review all material and conduct all interviews and testing as set forth in the Checklist for Juvenile Competency Evaluations attached to the Juvenile Competency Protocol as Appendix 1.

3) Opine, in a written report, whether the minor has the sufficient present ability to consult with counsel with a reasonable degree of rational understanding, and whether the minor has a rational and factual understanding of the nature of the charges or proceedings against them. The evaluator shall state the basis for these conclusions.

c. Inclusion of Remediation Plan

If the evaluator concludes that the minor lacks competency, the evaluator shall give an opinion on whether the minor is likely to attain competence in the foreseeable future, and, if so, make recommendations regarding the type of remediation services that would be effective in assisting the minor attain competence. (§ 727, subd.(b)(3).)

E. **Juvenile Competency Hearing (JCH)**

1. Timing

The juvenile competency evaluator shall submit their report to the court and counsel at least two (2) court days prior to the date set for the Juvenile Competency Hearing. If the minor is detained, the Juvenile Competency Hearing will be scheduled within 30 calendar days of the suspension of proceedings. If the minor is not detained, the hearing will be held within 45 calendar days.

Upon a showing of good cause, the court may continue the hearing date.

The question of the minor's competence shall be determined at an evidentiary hearing unless there is a stipulation or submission by the parties on the findings of the evaluator.

2. Judicial Officer

The Judicial Competency Hearing need not be held before the same judicial officer who declared a doubt as to the minor's competence to stand

trial. (*People v. Hill* (1967) 62 Cal.2d 105, 113, fn. 2; *People v. Lawley* (2002) 27 Cal.4th 102, 133-134.)

3. Burden of Proof

There is a rebuttable presumption that the minor is competent. (§ 709, subd. (c).) The party asserting the minor's incompetence bears the burden of proof by a preponderance of the evidence. (§ 709; *In re R. V.* (2015) 61 Cal.4th 181; *Bryan E. v. Superior Court* (2014) 231 Cal.App.4th 385.)

4. Capacity

Prior to the determination of competency, the court shall determine, for any minor under age 14 at the time of the alleged offense, whether the minor had the capacity to commit a crime pursuant to Penal Code §26. The district attorney bears the burden of rebutting the presumption that a minor under the age of 14 is presumed to be incapable of committing a crime by clear and convincing evidence. (*In re Joseph H.* (2015) 237 Cal.App.4th 517, 538.)

5. Findings

a. If the minor is found competent, the court shall reinstate the Juvenile Justice proceedings.

b. If the minor is found incompetent and the petition contains only misdemeanor offenses, the court shall dismiss the petition. (§709, subd. (f).)

c. If the minor is found to be incompetent and able to be remediated in the foreseeable future, and the petition includes felony offenses, proceedings shall remain suspended and the court shall set a Competency Planning Hearing within 15 calendar days for detained minors, or within 30 calendar days for minors who are out of custody.

F. **Competency Planning Hearing/Remediation Review Hearings**

At the Competency Planning Hearing, the court shall order appropriate remediation services for the minor. The court shall set a Competency Remediation services for the minor. The court shall set a Competency Remediation Hearing within six (6) months of the referral for remediation services.

The court shall set the first Remediation Review Hearing. The court shall review the minor's progress every 30 calendar days if the minor is detained, and every 45 calendar days if the mi nor is out of custody. The need for detention shall remain at issue throughout the remediation process and alternatives to detention shall be explored.

The assigned probation officer will be responsible for coordinating appropriate treatment services with behavioral health and submitting reports to the court.

For minors receiving remediation services in custody, the remediator should make every effort to provide services a minimum of twice a week.

Behavioral health, or their designee, shall provide a report as it relates to participation and progress in the competency remediation program for each Remediation Review Hearing. The report should indicate the degree of progress towards regaining competency and the minor's compliance with the current remediation plan. The report shall be provided to probation 5 court days prior to each Remediation Review Hearing and probation shall distribute the reports to the court, counsel and district attorney upon receipt. The assigned probation officer shall notify behavioral health, or their designee, of court dates.

If the minor does not participate in remediation services, behavioral health shall immediately notify the assigned probation officer. Probation shall request that the court calendar the case for the next available court date to reevaluate the most effective means of providing remediation services. Behavioral health, or their designee, shall provide a report containing the efforts made to administer competency training.

At any time during the remediation process, if behavioral health or their designee, believes the minor's competence has been obtained or restored, this information shall be included in their progress report to the court.

If the court finds that the minor has attained competence, the Juvenile Justice proceedings shall be reinstated and the case shall resume at the stage at which it was suspended.

G. **Placement of Minor**

Services must be provided in the least restrictive environment consistent with public safety. A finding of incompetency alone shall not be the basis for secure confinement. (§709, subd. (g)(1).) Many minors can successfully participate in remediation services while living in their homes, attending their regular schools, and participating in their normal activities.

The court has the discretion to place a minor in an out of home placement or in custody. The court should take into consideration the following factors:

1. Where the minor will have the best chance of obtaining competence

2. Needs of the minor

3. Seriousness of the underlying offense(s)

4. Public Safety

5. Minor's past performance while out of custody

6. Whether the minor will actively engage in remediation services while out of custody

H. **Six Month Remediation Hearing**

Within six months of the finding of incompetence, the court shall hold an evidentiary hearing on whether the minor has been remediated or can be remediated in the foreseeable future unless the parties stipulate, or agree, to the recommendation of behavioral health.

If the minor disputes the opinion that the minor has attained competency, the minor has the burden of proving that they remain incompetent. The burden of proof is by a preponderance of the evidence.

If the district attorney disputes the recommendation that the minor is unable to be remediated, the district attorney has the burden of proving, by a preponderance of the evidence, that the minor is remediable.

At the 6-Month Remediation Hearing, the court has the following options:

1. Find that the minor has been remediated and reinstate the proceedings.

2. Find that the minor has not yet been remediated but is likely to be remediated within the foreseeable future. The court shall order the minor to return to the remediation program. However, the total remediation period shall not exceed one year from the finding of incompetence, unless the petition contains a §707, subd. (b), offense. Remediation services may be extended to a maximum of 18-months if the petition contains a §707, subd. (b), offense.

3. If the court finds that the minor will not achieve competency in the foreseeable future, the court shall dismiss the petition.

If remediation services are continued past the 6-Month Remediation Hearing, the court shall set at 12-Month Remediation Hearing and continue to hold Remediation Review Hearings. If the court finds that the minor has not been remediated at the 12-Month Remediation Hearing, the petition shall be dismissed, unless the petition contains a §707, subd. (b), offense and the court finds, at the 12-Month Remediation Hearing, that the minor is likely to be remediated in the foreseeable future, the court shall set an 18-Month Review

Hearing and continue to hold Remediation Review Hearings. If the court finds that the minor has not been remediated after 18-Months of remediation efforts, the petition shall be dismissed.

I. Secure Confinement During Competency Proceedings

The court shall not continue a minor's detention beyond six (6) months from the finding of incompetence unless it makes findings, on the record, that it is in the best interests of the minor and public safety that the minor remains detained. In making this determination, the court shall consider whether:

1. It is the location the minor will have the best chance of obtaining competence

2. The placement is the least restrictive setting appropriate

3. Alternatives have been identified and pursued and, if not, why not

4. The placement is necessary for the safety of the minor or other

In any case in which a detained minor is charged with a §707, subd. (b), offense, after consideration of the criteria listed above, the court may continue the minor's detention for an additional year, but not to exceed eighteen (18) months from the finding of incompetence.

J. Developmentally Disabled Minors

If the juvenile competency evaluator believes the minor is developmentally disabled and the minor is not a Central Valley Regional Center (CVRC) client, the court shall appoint CVRC to evaluate the minor. CVRC shall determine whether the minor is eligible for CVRC services and shall provide the court with a written report informing the court of its determinations. The court's appointment of CVRC for determination of eligibility for services shall not delay the court's competency determination.

Minor's counsel shall request that the court include a referral to CVRC on the minute order. The assigned probation officer shall serve the court order forthwith on CVRC and file a proof of service with the court clerk. Minor's counsel may provide CVRC with any information from the minor's file that is necessary for the purposes of obtaining or continuing services through CVRC.

For purposes of a CVRC referral, developmental disability shall be defined based on the description contained in §4512, subd. (a).

An evaluator's opinion that a minor is developmentally disabled does not supersede an independent determination by CVRC as to the minor's eligibility for

services under the Lanterman Petris-Short Act. To qualify for these services, CVRC must examine and accept the minor.

K. Minor's Statements in Subsequent Proceedings

Statements made to any competency evaluator or to mental health professionals during remediation process, and any evidence derived from these statements, shall not be used in any hearing, not related to competency, against the minor in either juvenile or adult court. (§709, subd. (b)(5).) **(Effective July 1, 2024 adopted as Rule 6.9 effective July 1, 2012)**

(Chapter 6 amended effective January 1, 2006; adopted as VI effective July 1, 1992)

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CHAPTER 7. PROBATE RULES

RULE 7.1 PLEADINGS

7.1.1 Form of Documents Presented for Filing in Probate Matters

A. All persons filing as self-represented shall file with the court a separate verified declaration regarding his or her residence address, if the residence is not the address of record in the proceeding.

B. When a petition or other request for relief is presented to the court, the Probate Code section that allows the requested relief must appear below the title of the pleading.

C. If a beneficiary, heir, child, spouse, or registered domestic partner in any action before the Probate Court is deceased, that person's date of death shall be included in the petition.

D. A proposed Order shall be submitted with all pleadings that request relief. If the proposed Order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.

E. All documents relating to a matter set for hearing shall have the hearing date, time and department set forth on the face of the document.

F. Physical filings containing attachments, schedules, or exhibits shall be indexed and shall have page numbers on all pages. **(Effective July 1, 2024; Rule 7.1.1 renumbered effective January 1, 2006; adopted as Rule 70.1 effective July 1, 2004)**

7.1.2 Filing Fees for Trust Matters

Proceedings for trust matters, including but not limited to testamentary trusts, trust funded by court order, and related by separate trusts, require separate case number assignment and payment of a current filing fee for establishment of such separate case. **(Effective July 1, 2024; Rule 7.1.2 renumbered effective January 1, 2006; adopted as Rule 70.2 effective January 1, 2004)**

(Rule 7.1 renumbered effective January 1, 2006; adopted as Rule 70 effective July 1, 1992)

RULE 7.2 PROBATE APPEARANCES

7.2.1 Appearance Requirements

Parties are required at all hearings unless the matter has been recommended for approval (see Rule 7.3). When an appearance is required, attorneys and unrepresented parties shall appear in person or remotely, pursuant to Rule 7.2.2. **(Effective January 1, 2023; Rule 7.2.1 renumbered effective January 1, 2006; adopted as Rule 71.1 effective January 1, 2004)**

7.2.2 Remote Appearances

A. This Local Rule is adopted pursuant to Code of Civil Procedure section 367.75 and California Rules of Court, rule 3.672.

B. The Probate department currently utilizes the Zoom platform for remote appearances. The platform supports both video and audio capabilities. Appearances through Zoom are available at no cost.

C. Remote appearances are permitted for a party in a Probate action. A "party" is defined as a petitioner, respondent, or their attorney of record. It also includes a parent or child in a guardianship proceeding and a conservatee in a conservatorship proceeding.

D. To request a remote appearance, a party must do the following:

1. File a Notice of Remote Appearance form (RA-010), at least five court days prior to the hearing. Forms received after five court days will be considered untimely and remote appearance will not be permitted.

2. Include an e-mail address on the Notice of Remote Appearance (RA-010) form. An e-mail address is required in order to receive confirmation of approval and Zoom link information by the Probate Clerk's office. If an e-mail address is not provided, the form will not be accepted for filing.

3. When e-filing the Notice of Remote Appearance (RA 010), it must be e-filed as a separate document. Additional documents shall not be included in the same electronic envelope. Unless a specific code for the Notice of Remote Appearance exists, the document shall be filed as a general notice with "Remote Appearance" indicated as the description. Failure to submit the form according to this process may inhibit timely processing and consideration by the Court.

4. When submitting the Notice of Remote Appearance (RA-010) by mail or over the counter, it must be submitted for filing as a separate document or placed at the top of the forms packet. Failure to submit the form according to this process may inhibit timely processing and consideration by the Court.

5. Requests for remote appearance in evidentiary hearings, such as a trial, will be directed to the assigned judicial officer for that proceeding.

E. **Court Discretion to Require In-Person Appearance**

Notwithstanding the other provisions of this rule and the availability of remote technology, the Court in its discretion and consistent with Code of Civil Procedure section 367.75, may:

1. Require a party, attorney, or other participant to personally appear in court; or

2. On its own motion, conclude a remote proceeding and require a party, their attorney or other participant to personally appear at a subsequent or continued hearing; or

3. On its own motion, terminate an authorized remote appearance and continue the matter for an in-person appearance for any of the following reasons:

a. Technical or audibility issues that interfere with the judicial officer's ability to make a determination required by the hearing.

b. Interference with a court reporter's ability to make an accurate record.

c. Interference with counsel's ability to provide effective representation.

d. Interference with an interpreter's ability to provide language access.

e. In-person appearance is determined necessary to assist in the interests of justice.

F. **Notice and Waiver for Duration of Case**

1. Notice of Remote Appearance (RA-010) is to be given to the court and all persons entitled to receive notice of the proceeding as set forth in the Declaration of Notice section of the form.

2. A party may provide notice to the court and all other parties that they are requesting to appear remotely for the duration of the case by filing the Notice of Remote Appearance (RA-010), at least five court days prior to the next hearing.

3. Parties to a case may agree to waive notice of remote appearance through written stipulation filed with the court or through an oral stipulation made during a proceeding.

G. **Recording**

Pursuant to California Rules of Court, rule 1.150, any recording, reproduction or re-broadcasting of a court proceeding held remotely, including transcription, screenshots or other visual or audio copying of a hearing, is strictly prohibited unless approved by the judicial officer. **(Effective September 15, 2022; Rule 7.2.2 renumbered effective January 1, 2006; adopted as Rule 71.2 effective January 1, 2004)**

(Rule 7.2 renumbered effective January 1, 2006; adopted as Rule 71 effective July 1, 1992)

RULE 7.3 PRE-APPROVED MATTERS/PROBATE EXAMINERS

A. All matters set for hearing are reviewed in advance by Probate Examiners. If the matter is submitted properly, if all procedural requirements have been satisfied, and if the matter does not require discretionary consideration by the assigned judicial officer, the matter may be pre-approved, and a court appearance will be optional. The Examiner Notes will state whether the matter has been recommended for approval.

B. Pre-approved matters are called by the court at the time set for hearing. If there are no objections, and if the assigned judicial officer approves, the order will be signed at that time. If a person with standing raises an objection at the hearing, or if the assigned judicial officer does not approve the petition, a new hearing date will be set and a copy of the minute order will be e-mailed to the petitioner or attorney.

C. For all non-confidential matters, the Probate Examiner Notes are available on the Court's website, at www.fresno.courts.ca.gov/divisions/probate or upon request.

D. If a matter is not pre-approved due to procedural irregularities or omissions, parties may file additional documents to cure the irregularities or omissions up to two (2) court days before the hearing. Additional documents received after that timeframe may not be considered by the court and may require a continuance. **(Effective January 1, 2023; 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 filed at least two (2) court days before the hearing. 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 July 1, 2023; Rule 7.4.1 renumbered effective January 1, 2006; adopted as Rule 73.1 effective January 1, 2004)**

7.4.2 Objections

The court may continue a matter so that written objections may be filed. When a matter has been continued to allow written objections, they shall be filed and served on all interested parties no later than five (5) days prior to the continued hearing date, unless otherwise ordered by the court. **(Rule 7.4.2 renumbered effective January 1, 2006; adopted as Rule 73.2 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 be continued by the judge at the time of the hearing. For all other matters, the Probate Clerk's Office may 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 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. **(Effective January 1, 2017; Rule 7.4.4 renumbered effective January 1, 2006; adopted as Rule 73.4 effective January 1, 2004)**

7.4.5 Resetting a Matter Taken Off Calendar

If a petition has been taken off calendar, it may be re-set for hearing by filing a new Notice of Hearing form, entitled "RESET Notice of Hearing." Reference shall be made to the original hearing date, and the new Notice shall be served in the same manner as that required for the original hearing. **(Rule 7.4.5 renumbered effective January 1, 2006; adopted as Rule 73.5 effective January 1, 2004)**

(Rule 7.4 renumbered effective January 1, 2006; adopted as Rule 73 effective January 1, 2004)

RULE 7.5 STATUS HEARINGS AND STATUS REPORTS

A. If a trustee or a court appointed Personal Representative, Guardian, or Conservator fails to timely file a required account, report, or petition for distribution, the court will set the matter for Status Hearing. Appearance at the hearing is mandatory for parties and counsel.

B. In all matters set for Status Hearing, (except as provided in the following paragraph) verified Status Reports must be filed no later than five (5) days before the hearing. Status Reports must comply with the applicable code requirements. A Proof of Service, together with a copy of the Status Report, shall be served on all 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 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 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 July 1, 2024; Rule 7.5 renumbered effective January 1, 2006; adopted as Rule 74 effective January 1, 2004)**

RULE 7.6 ORDERS

7.6.1 Form of Orders

A. All orders or decrees in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of persons, descriptions of property and/or amounts of money affected with the same particularity required of judgments in general civil matters. Monetary distributions must be stated in dollars, and not as a percentage of the estate.

B. If the order contains riders or exhibits, the signature line provided for the judicial officer shall appear after all such exhibits, at the end of the complete document.

C. All orders distributing property and orders settling accounts shall contain a statement as to the balance of the estate on hand, specifically noting the amount of cash included in the balance.

D. Probate orders shall be drawn so that their general effect may be determined without reference to the petition on which they are based.

E. In no case shall any material appear after the signature of the judge.

F. Some portion of the contents of the order must appear on the page upon which the judge's signature is affixed. **(Effective January 1, 2015; Rule 7.6.1 renumbered effective January 1, 2006; adopted as Rule 75.1 effective January 1, 2004)**

7.6.2 Pre-Approved Orders

Orders on uncontested matters may be approved by the court at the time noticed for hearing. A conformed copy of the signed order will be available upon entry of the signed order by the Probate Clerk's Office, and will be provided to the filing party or counsel electronically, or available upon request. **(Effective July 1, 2024; Rule 7.6.2 renumbered effective January 1, 2006; adopted as Rule 75.2 effective January 1, 2004)**

7.6.3 Orders Correcting Clerical Errors

A. If, through inadvertence, the signed order is incorrect, and such inadvertence is brought to the attention of the court by written ex parte petition, the court will sign a new, correct order that relates back to the date of the original order (nunc pro tunc).

B. If the nunc pro tunc order does not restate all of the terms of the original order, it shall be substantially in the following form: "Upon consideration of the petition of (name of declarant) to correct a clerical error, the (title and date of mistaken order) is corrected by striking the following: (incorrect sentence or paragraph) and by substituting the following: (correct sentence or paragraph."

C. A complete sentence or paragraph shall be stricken, even if it is intended to correct only one word or a single figure. Reference shall be made to page and line numbers of the order being corrected. **(Rule 7.6.3 renumbered effective January 1, 2006; adopted as Rule 75.3 effective January 1, 2004)**

(Rule 7.6 renumbered effective January 1, 2006; adopted as Rule 75 effective January 1, 2004)

RULE 7.7 EX PARTE PROCEEDINGS

A. All ex parte petitions requesting that notice be dispensed with must be filed with the Court. The Court may grant or deny an ex parte request, or may set the matter for hearing and require notice to appropriate parties. If set for hearing the appropriate filing fees are due.

B. No testimony is taken in connection with ex parte applications in the Probate Department, so the application must contain facts sufficient to justify the relief requested. The facts stated in each declaration shall be set forth with particularity. Each declaration shall show affirmatively that the declarant can testify competently to the facts stated therein. The declarant may be any person who has knowledge of the facts. The application and declarations must be verified.

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.

D. Requests to dispense with accountings will not be considered ex parte.

E. Petitions for Final Distribution on Waiver of Account or Accountings on Waiver of Notice may not be submitted ex-parte, but shall be placed on the court's regular calendar. **(Effective January 1, 2017; 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. **Notice and Hearing.** A petition seeking to deposit funds or securities into a blocked account in a financial institution or trust company may be granted by the court ex parte.

B. **Title to Account.** The order as well as the title to the blocked account shall show the name of the minor, conservatee, or estate and shall state that the account is "blocked" and that no withdrawals of principal or interest shall be made without the prior written order of the court.

C. **Account Requirements.** All cash deposits into blocked accounts shall be into federally insured, interest bearing accounts.

D. **Maximum in Blocked Accounts.** In no event shall assets exceeding the maximum insured amount be held in any one federally insured depository. If it becomes necessary to transfer funds to an additional federally insured depository to comply with this rule, a request to transfer such funds may be submitted to the court on ex parte application, and the transfer shall be by an interbank or other direct transfer transaction unless otherwise approved or ordered by the court.

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. **Withdrawals.** Withdrawals from a blocked account may be requested by ex parte application using the appropriate Judicial Council form. In all cases, sufficient documentation to support the requested withdrawal must be submitted with the application, including copies of bills, statements, or letters related to the request.

G. **Notice.** The court in its discretion may require a noticed hearing, even if the request to withdraw funds is submitted ex parte.

H. **Direct Payment.** If the withdrawal is granted, the order shall provide that payment will be made directly to the vendor or service provider and not to the applicant, unless the withdrawal is for reimbursement of an expense already paid by the applicant.

I. **Court Policy.** Absent a showing of good cause, it is the policy of the court to block all funds in Guardianship Estates. **(Effective January 1, 2017; 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. If a guardianship of the estate is established and the court orders that all assets are to be deposited into a blocked account, the guardian shall file an inventory and appraisal within ninety (90) days of appointment and thereafter file a first account one (1) year after date of appointment. The petition on the first account may include a request that the court dispense with further accountings until the guardianship is terminated.

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; 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. With the exception of withdrawals to pay taxes on a minor's funds, requests to withdraw funds will ordinarily be denied if either or both parents are living and financially able to pay the requested expenditure. An application to withdraw funds to pay income taxes on the minor's funds shall include a breakdown of state and federal taxes due and any costs of preparation. An application to withdraw funds for purposes other than payment of taxes shall be accompanied by a financial declaration by the parent or parents describing their income and expenses and, if applicable, other circumstances justifying the use of the minor's assets. A statement regarding the minor's employment and income, if any, shall also be attached. If the request is for multiple items, each item must be listed separately, with its cost.

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. If the request for withdrawal pertains to medical or dental care, including orthodontia, a statement from the doctor, dentist or orthodontist regarding the need for the treatment to be performed and the cost of the treatment shall be submitted, together with a declaration by the applicant explaining why the expense is not covered by insurance.

D. Requests to pay for educational or recreational programs must describe the program and include a statement as to the necessity or appropriateness of the program for the minor. **(Effective January 1, 2017; Rule 7.8.3 renumbered effective January 1, 2006; adopted as Rule 77.3 effective January 1, 2004)**

(Rule 7.8 renumbered effective January 1, 2006; adopted as Rule 77 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 may be made as follows:

If the residence or property owned was in:	**Publish in**
Clovis or Fresno	Fresno Bee, or Fresno Business Journal

Kerman	Kerman News
Kingsburg	Kingsburg Recorder
Mendota	Firebaugh Mendota Journal, or Mendota Times
Prather	Mountain Press
Reedley	Mid Valley Times
Sanger	Mid Valley Times
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, Coalinga, Del Rey, Dunlap, Firebaugh, Five Points, Fowler, Friant, Huron, Kings Canyon, Laton, Miramonte, Orange Cove, Parlier, Piedra, Pinedale, Raisin City, Riverdale, Shaver Lake, Yokuts Valley, Tollhouse, or Tranquility. **(Effective January 1, 2026; Rule 7.9 renumbered effective January 1, 2006; adopted as Rule 78 effective January 1, 2004)**

RULE 7.10 LETTERS FOR MULTIPLE REPRESENTATIVES

When more than one person is appointed as guardian, conservator, or personal representative, the names and signatures of all appointed persons shall appear on each copy of the Letters to be issued by the Clerk. **(Rule 7.10 renumbered effective January 1, 2006; adopted as Rule 79 effective January 1, 2004)**

7.10.1 Duties and Liabilities

The birth date and driver's license number, if any, of a personal representative (other than public entities or trust companies) shall be provided in the receipt of acknowledgement of duties and liabilities as required by Probate Code section 8404. This information shall be kept confidential and shall not be made available for public inspection without a court order. **(Effective January 1, 2006, New)**

(Rule 7.10 renumbered effective January 1, 2006; adopted as Rule 79 effective January 1, 2004)

RULE 7.11 INVENTORY AND APPRAISAL

7.11.1 Definitions

A "Final" Inventory and Appraisal may be submitted as a complete inventory of all estate assets, or may be filed after the filing of a partial inventory.

A "Partial" Inventory describes only a portion of the known estate assets, and should be identified as "Partial #1," #2, etc.

A "Supplemental" Inventory contains assets discovered or received after a Final Inventory and Appraisal has been filed.

A "Corrected" Inventory supersedes and completely restates an original inventory (final, partial or supplemental) and should show the total inventory amount as amended. **(Rule 7.11.1 renumbered effective January 1, 2006; adopted as Rule 80.1 effective January 1, 2004)**

7.11.2 Inventory Description of Real Property

The Inventory and Appraisal shall describe real property by legal description, street address (if any), whether improved or unimproved, and any assessor's parcel number. The Inventory must identify the estate's interest in the property by percentage of ownership, and how title was held (i.e., joint tenancy, community property, sole and separate property, etc.) **(Rule 7.11.2 renumbered effective January 1, 2006; adopted as Rule 80.2 effective January 1, 2004)**

***(Rule 7.11 renumbered effective January 1, 2006; adopted as Rule 80 effective January 1, 2004*)**

RULE 7.12 PETITIONS FOR DISTRIBUTION

7.12.1 Listing of Property to be Distributed

A petition for distribution must list and describe in detail all property to be distributed. The description shall include cash on hand. Promissory notes must be described as secured or unsecured. If secured, the security interest must be described. The legal description and APN of all real property must be included. Description in the petition of any asset by reference to the inventory is not acceptable. **(Rule 7.12.1 renumbered effective January 1, 2006; adopted as Rule 81.1 effective January 1, 2004)**

7.12.2 Characterization of Property to be Distributed

A petition for distribution must describe the character of the property, whether separate or community. If some portion of the estate consists of community property, the petition must show whether the interest to be distributed is the decedent's one-half (1/2) interest in the community property or the community property of both spouses. **(Rule 7.12.2 renumbered effective January 1, 2006; adopted as Rule 81.2 effective January 1, 2004)**

7.12.3 Distribution of Personal Effects

A. The Court will not order distribution of tangible or intangible personal property, assets in undivided interests without written consent of all distibutees, or factual allegations showing good cause.

B. Parties requesting distribution of personal property in undivided interests to a minor must first submit a detailed declaration documenting the need therefor and why it would be in the minor's best interest. **(Effective July 1, 2024; Rule 7.12.3 renumbered effective January 1, 2006; adopted as Rule 81.3 effective January 1, 2004)**

7.12.4 Distribution of Real Property

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

B. Parties requesting distribution of real property in undivided interests to a minor must first submit a detailed declaration documenting the need therefor and why it would be in the minor's best interest. **(Effective January 1, 2017; 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. Petitions for final distribution that request the retention of funds from distribution (a closing reserve) in excess of $5,000.00 shall be subject to an informal accounting to be filed with the Court within six (6) months of the date of the order for final distribution. The informal accounting shall be filed with the Court ten (10) days prior to the six-month status hearing which the Court shall set at the time the order for final distribution is made. If the informal accounting is timely filed and meets with the Court's satisfaction, the status hearing for the informal accounting may come off calendar and no appearance at the hearing will be required.

B. Where the closing reserve is in excess of $5,000.00 an order for final distribution of an estate shall specifically set forth the use that may be made of the funds retained for closing reserve. The informal accounting of funds retained for closing reserve shall specify the date of payments and all uses of the retained funds (i.e., income taxes, final closing costs, property tax assessments). The Court in its discretion may require a noticed hearing on the accounting and/or a more formal accounting of the funds retained for closing reserve.

C. Where the closing reserve is in excess of $5,000.00 the application for final discharge of the personal representative must include the disposition of all funds retained for closing reserve and receipts from beneficiaries shall be filed for any distributions of the retained funds to beneficiaries.

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

(Rule 7.12 renumbered effective January 1, 2006; adopted as Rule 81 effective January 1, 2004)

RULE 7.13 WAIVER OF ACCOUNTING IN PROBATE ESTATES

A petition requesting distribution on a waiver of accounting shall include the current status of all inventoried items. The petition must include a list of the property on hand for distribution as it exists at the time of the petition and not merely as shown on the inventory and appraisal, unless there has been no change. **(Rule 7.13 renumbered effective January 1, 2006; adopted as Rule 82 effective January 1, 2004)**

RULE 7.14 DISCLAIMERS AND ASSIGNMENTS IN PROBATE ESTATES

A copy of a disclaimer must be on file prior to the hearing on a petition for distribution of an affected asset. An assignment of a beneficiary's interest in a probate estate shall be filed prior to the hearing on a petition for distribution of the beneficiary's interest. **(Rule 7.14 renumbered effective January 1, 2006; adopted as Rule 83 effective January 1, 2004)**

RULE 7.15 CONSERVATORSHIPS AND GUARDIANSHIPS

7.15.1 Investigation Costs

Unless investigation fees are waived, pursuant to Probate Code section 1851.5 or 1513.1, the Court will assess fees for the cost of investigations in guardianship and conservatorship cases. Investigation fees in guardianship matters will usually be waived if the fee for filing the initial petition was waived. Petitioners who do not qualify for a waiver of investigation fees, may request a monthly installment plan. Monthly billing statements will be sent to conservators, guardians or parents, and copies will be sent to their attorneys. If the installment payment becomes 90-days in arrears, accounts will be forwarded to an outside collection agency.

Payments can be made in the Clerk's Office or mailed to the following address:

Fresno County Superior Court
Attention: Probate
1130 O Street, Room 300
Fresno, CA 93721

(Effective January 1, 2014; Rule 7.15.1 renumbered effective January 1, 2006; adopted as Rule 84.1 effective January 1, 2004)

7.15.2 Independent Powers

It is the policy of the court to grant a guardian or conservator only those independent powers necessary in each case to administer the estate. A request for all powers described in Probate Code § 2591 will not be granted by the court. Each independent power requested must be justified by, and narrowly tailored to the specific circumstances of that case. Any powers so granted must be specified in the order and in the Letters of Guardianship or Conservatorship. **(Rule 7.15.2 renumbered effective January 1, 2006; adopted as Rule 84.2 effective January 1, 2004)**

7.15.3 Temporary Conservatorships and Guardianships

A. **Filing Procedure**. The original and two (2) copies of the Petition for Appointment of Temporary Guardian or Conservator shall be presented to the Clerk for filing.

B. **Hearings**. All temporary requests are considered by the Court ex parte. 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**. To expedite court proceedings, the Court may refer or encourage parties to participate in a voluntary mediation.

D. **Requirements**. The court will generally deny requests for ex-parte appointment of a temporary guardian unless the application establishes that a present emergency exists and that the minor is currently residing with the petitioner. If the minor is residing with a parent and the petitioner believes the child is in danger, a referral should be made to Child Protective Services. **(Effective January 1, 2021; Rule 7.15.3 renumbered effective January 1, 2006; adopted as Rule 84.3 effective January 1, 2004)**

7.15.4 Receipt of Public Benefits

When the only asset or income of a proposed conservatee or ward is the receipt of public assistance benefits, the court does not require appointment of a conservator or guardian of the estate. **(Rule 7.15.4 renumbered effective January 1, 2006; adopted as Rule 84.4 effective January 1, 2004)**

7.15.5 Guardianship of the Estate

Where appointment of a guardian of the estate is sought for more than one related minor, a separate case number shall be assigned for each minor. If the petition requests appointment as guardian of the person only, a single petition shall be filed for all sibling minors. **(Effective January 1, 2015; Rule 7.15.6 (now 7.15.5) renumbered effective January 1, 2006; adopted as Rule 84.6 effective January 1, 2004)**

7.15.6 Guardianship Filing Requirements

A. When a Petition for Appointment of a Guardian is filed by a self-represented litigant, the court will retain the original copy of all documents (except the Notice of Hearing), and will require two additional copies of the following:

1. Petition for Appointment of Guardian (GC-210).

2. Guardianship Questionnaire (PPR-24 R10-17).

3. Declaration Under Uniform Child Custody and Jurisdiction Act (UCCJEA) (FL-105(A)/GC-120).

4. Consent of Proposed Guardian, Nomination of Guardian and Consent to Appointment of Guardian and Waiver of Notice (GC-211).

5. Confidential Screening Form (GC-212).

B. The Guardianship Questionnaire is a local form which is available at the Probate Clerk's Office located at 1130 O Street, Fresno, CA, or on the court's website, www.fresno.courts.ca.gov. **(Effective July 1, 2020; Rule 7.15.7 (now 7.15.6) renumbered effective January 1, 2006; adopted as Rule 84.7 effective January 1, 2005)**

7.15.7 Effect of Other Pending Proceedings Regarding the Child

A Petition for Appointment of a Guardian of a minor will not ordinarily be considered if any of the following circumstances exist:

A. A matter involving custody of a child is presently pending in the Family Law Court. In such case, a petitioner seeking custody or visitation rights will be instructed to seek joinder in the family law proceeding and request relief from that court. Under emergency conditions, a temporary guardianship may be granted, but only if the child is already in the custody of the proposed guardian.

B. The minor is subject to the jurisdiction of the Juvenile Court. **(Effective January 1, 2012; Rule 7.15.8 (now 7.15.7) renumbered effective January 1, 2006; adopted as Rule 84.8 effective January 1, 2004)**

7.15.8 Conservatorship Requirements

A. **Conservator Video.** Before the hearing on the appointment of a conservator, the proposed conservator shall view the video entitled "With Heart: Understanding Conservatorships." The video is available for viewing in the Probate Clerk's Office or on the Court's website at www.fresno.courts.ca.gov/probate/conservatorship. Individuals who plan to view the video in the Clerk's Office are encouraged to call the following number for viewing times: (559) 457-1888. The proposed conservator shall present the "Proof of Viewing" form, available in the Clerk's Office and on the Internet, to the Court at the time of the general hearing. A conservator who resides outside of Fresno County and has no access to the Internet may make arrangements to view the video at any other superior court location statewide.

B. **Sale of Conservatee's Residence and Exclusive Listings for Sale.** Petitions for authority to sell the conservatee's residence must be set on the regular probate calendar. Request for authorization to execute an exclusive listing agreement may be submitted ex parte.

C. **Appointment of Successor Conservator.** If the Petitioner and the proposed successor conservator are not the same person, the petition must specifically

allege that the petitioner met and conferred with the person being nominated for appointment as successor conservator and that the person agrees to accept appointment as successor conservator. Notice must be mailed to the proposed successor conservator. **(Effective July 1, 2016; Rule 7.15.9 (now 7.15.8) renumbered effective January 1, 2006; adopted as Rule 84.9 effective January 1, 2004)**

7.15.9 Compensation of Court-Appointed Attorney

A. **Source of Payment**. At the time of appointment, the Order Appointing Counsel shall indicate whether the attorney is to be paid by the conservator of the estate, by the person represented, or by the County of Fresno at the court rate.

B. **Payment by Conservator of Estate or Person Represented**. If the conservatee or person represented has the ability to pay compensation and expenses of counsel, as indicated on the Order Appointing Counsel, the attorney shall file a petition for compensation, including a complete statement of the services rendered and a detailed breakdown of the hours spent, the hourly rate and the total amount requested for such services. Notice of the hearing shall be given pursuant to Probate Code § 1460.

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 in accordance with the guidelines set forth in the Court's Claims Processing Policy for Court-Appointed Attorneys. The policy and the PGN 90 form for Application and Order for Payment of Attorney's Fees is located on the Court's website www.fresno.courts.ca.gov/forms-filing/local-forms., under the General Forms section.

1. Preparation of Claims: Counsel must provide a copy of the court order authorizing appointment, and the original plus one (1) copy of the following:

   a. A completed Application and Order for Payment Form;

   b. An "Attachment A" consisting of all detail supporting any request for payment of services rendered and/or mileage; and,

   c. An "Attachment B" consisting of all detail supporting any claim for reimbursement of expenses other than mileage. Original receipts and/or proof of payment (i.e. cancelled checks) must accompany each request for payment of expenses or the expense will be disallowed.

2. Detail of Claims: According to the Claims Processing Policy all requests for payment must include the following specific information:

   a. The month, day, year of service.

b. The name and title of person who actually performed the service.

c. The type of material read, reviewed or researched; the number of pages involved; and the number of times material was read, reviewed or researched.

d. The name of person interviewed or consulted, whether the contact was in person or by telephone, and—without disclosing confidential information—the general purpose/description of conservation.

e. The type of motion or document prepared, including the number of pages in each document.

f. The amount of time spent on each activity detailed in .1 hour (6 minute) increments.

g. Each activity within a bundled entry of time must be itemized by .1 increments.

3. Timely Submission of Claims:

a. Requests for payment must be submitted on a timely basis. Requests submitted over six (6) months after services are provided will be deemed an untimely submission and will not be eligible for compensation.

b. Requests submitted more than ninety (90) days after the date of each specific service provided will be reduced by fifteen percent (15%) without further notice.

c. All claims for one billing period must be submitted on a single invoice.

d. Invoices for services rendered or expenses during a billing period for which an invoice was previously submitted will be returned unpaid.

4. Submission of Claim Applications: Claim application documents may be submitted by mail or hand delivery as follows:

a. Submit claims by U.S. Mail to: Court Claims Processing, Fresno Courthouse, 1100 Van Ness Avenue, Floor 1M, Fresno, California 93724.

b. Submit claims via hand-delivery to: Fresno Courthouse, 1100 Van Ness Avenue, Fourth Floor, Room 401, Claims Processing Window #6, Fresno, California.

c. Claims submitted via facsimile and/or email will be rejected.

Complete instructions and additional information are located on the Court's website, www.fresno.courts.ca.gov/forms-filing/local-forms, under the General Forms section.

D. **Payment to Counsel for LPS Conservatee**. If private counsel is appointed to represent an LPS conservatee or proposed LPS conservatee and the person has the ability to pay compensation and expenses of counsel, as indicated on the Order Appointing Counsel, the petition for compensation shall be filed in the LPS proceeding following the guidelines set forth in subsection (B) above. If a conservator of the estate has been appointed, the petition should include the case number of the estate proceeding, if known to the court-appointed attorney. The court shall order the conservator of the estate or, if none, the person, to pay in any manner the court determines to be reasonable and compatible with the person's financial ability.

E. **Time for Submission of Request for Compensation by Court Appointed Attorney.**

1. If an attorney is appointed by the Court to represent a proposed conservatee and will be paid by the County, they shall comply with the requirements outlined in subsection C.

2. If an attorney is appointed by the Court to represent a proposed conservatee and will be paid by the conservatorship estate upon Court approval of fees pursuant to Probate Code section 1470, et. seq., any request for fees shall be made within ninety (90) days of the appointment of a conservator.

a. If the attorney fees requested relate 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.

b. If the Court does not discharge counsel for a conservatee 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 July 1, 2021; Rule 7.15.10 (now 7.15.9) renumbered effective January 1, 2006; adopted as Rule 84.10 effective January 1, 2004)**

(Rule 7.15 renumbered effective January 1, 2006; adopted as Rule 84 effective January 1, 2004)

RULE 7.16 ATTORNEY'S FEES AND COMMISSIONS IN GUARDIANSHIP AND CONSERVATORSHIP

A. Attorney fees and commissions in guardianship and conservatorship matters are awarded based upon what is just and reasonable. Except as set forth in Rule 7.16 (B), below, an attorney seeking compensation or reimbursement of costs shall comply with California Rules of Court, Rules 7.750 through 7.752.

B. The court will allow a flat fee for attorney services, without the need to comply with Rule 7.16 (A) above, as follows:

1. Establishment of a conservatorship or guardianship and preparation of the first account: $2,500.00, upon settling the account.

2. Court confirmed sale of real property: $2,500.00.

3. Attorney-prepared income tax returns: $600.00.

4. Each timely filed subsequent account: $1,250.00 per year.

5. If the account is not timely filed, compliance with Rule 7.16 (A), above, is required.

C. The court will allow a flat fee for guardians and conservators, without the need to comply with Rule 7.16 (A), above, as follows:

1. Sale of personal property: 10% of the sales price, up to a maximum fee of $1,000.00.

2. Sale of real property: $1,000.00 (court confirmation is not required).

D. Attorneys, guardians, and conservators may request fees in excess of the flat fees set forth in paragraphs B and C, above, but must comply with the requirements of Rule 7.16 (A), above.

E. Absent a showing of good cause, no fees to the fiduciary or the fiduciary's attorney will be ordered paid in guardianships or conservatorship proceedings until the filing of an inventory and in no event, before the expiration of ninety (90) days from the issuance of letters. Requests for fees to the fiduciary or fiduciary's attorney will be considered as part of a petition for approval of an account. **(Effective July 1, 2024, Rule 7.16 renumbered effective January 1, 2006; adopted as Rule 85 effective July 1, 2004)**

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

A. The following costs advanced may be reimbursed to the attorney, conservator, guardian or personal representative without prior court permission:

1. Fees charged by the Clerk of the Court.

2. Newspaper publication fee.

3. Surety bond premiums.

4. Probate referee fees.

5. Court investigator's fees.

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

1. Photocopy expense (except as set forth in C below).

2. Telephone charges including appearances such as Court Call.

3. Computer research fees.

4. Clerical services.

5. Travel to and from court including parking fees.

6. Communications with Probate Examiners.

7. Runner or filing service fees. (Vendor service fees associated with electronic filing shall be reimbursable from the estate, and must be distinguished from fees charged by filing services used by attorneys)

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. Necessary use of alternative delivery services: i.e., UPS, Fed-Ex, wire transfer. **(Effective July 1, 2024, Rule 7.17 renumbered effective January 1, 2006; adopted as Rule 86 effective January 1, 2004)**

RULE 7.18 EXTRAORDINARY FEES IN DECEDENT'S ESTATES

A. The court will allow the following amounts as extraordinary fees for attorneys without further justification or declaration as would otherwise be required by California Rules of Court, Rule 7.702-7.703:

1. Court confirmed sales of real property: $2,500.00.

2. Attorney-prepared Federal Estate Tax return: $2,000.00.

3. Attorney-prepared Estate Income Tax return: $500.00.

B. The court will allow the following amounts as extraordinary fees for personal representatives without further justification or declaration as would otherwise be required by California Rules of Court, Rule 7.702-7.703:

1. Sales of real property: $1,000.00.

2. Sale of personal property: 10% of the sales price, up to a maximum fee of $1,000.00.

3. Personal-representative prepared Federal Estate Tax return: $2,000.00.

4. Personal-representative prepared Estate Income Tax return: $500.00. **(Effective July 1, 2024, Rule 7.18 renumbered effective January 1, 2006; adopted as Rule 87 effective January 1, 2004)**

RULE 7.19 TRUSTS, SPECIAL NEEDS TRUSTS AND SUBSTITUTED JUDGMENTS

A. A copy of the proposed trust instrument shall be attached to the petition. Special needs trust instruments shall include a "Schedule A" which lists the assets that will fund the special needs trust.

B. Trusts funded by court order in Fresno County must comply with California Rules of Court 7.903 and must require court confirmation of sales of trust real property and advance approval of any purchases of real property. Payments for the purchase of any real property, and any tangible personal property valued at $2,000.00 or greater, shall be accounted for and the asset purchased identified and included on a Schedule of Trust Property on Hand at the time of the special needs trust accounting.

C. A petition to approve the establishment of a trust for a conservatee should include a recommendation for the amount of bond to be posted by the proposed trustee and for termination of the conservatorship estate. Following termination of the conservatorship of the estate, new Letters shall issue for the conservatorship of the

person only. Prior to granting a petition to establish a trust, the court will require that a final accounting be filed by the conservator. Thereafter, all trust accountings shall be filed in a new Trust file, and a filing fee shall be payable upon the filing of each account.

D. Trusts created by the court shall be subject to the court's continuing jurisdiction unless otherwise specified, and shall be subject to periodic accounts as are required in guardianship and conservatorship matters. The trust must include language that prior to any distribution to remainder beneficiaries, a final Trust Accounting must be approved by the Court.

E. When a trust is subject to continuing court supervision, no payment of fees to attorneys, trustees, or others may be made without prior court approval. **(Effective January 1, 2015, Rule 7.19.1 renumbered effective January 1, 2006; adopted as Rule 88.1 effective January 1, 2004)**

(Rule 7.19 renumbered effective January 1, 2005; adopted as Rule 88 effective January 1, 2004)

RULE 7.20 COURT CONFIRMED SALES OF REAL PROPERTY

Overbids. When an overbid is made in court, the bidder must submit cash, money order, or certified check at the time of the hearing in the amount of ten (10) percent of the minimum overbid. **(Effective July 1, 2011, New)**

(Rule 7.20, New effective July 1, 2011)

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)**

(Rule 7.21, New effective January 1, 2017)

RULE 7.22 PERSONAL REPRESENTATIVE WHO IS AN ATTORNEY

A. Where an attorney is the personal representative and also acts as the attorney for the estate or is a member of the law firm representing the personal representative in the estate proceeding, statutory attorney's fees will not be allowed to the attorney or the firm in which the attorney is a member or associated unless a request is made by petition to the court filed within ninety (90) days of the initial appointment of the personal representative and the Court approves such request. The request if made to allow statutory attorney's fees to a firm in which the personal representative is a member or is associated, shall include a statement that the personal representative will not share in the statutory attorney's fees to be received by the firm. Unless the Court finds that the arrangement is to the advantage, benefit and best interest of the decedent's estate as required by Probate Code § 10804, neither the personal representative nor a firm in which the personal representative is a member, shall be allowed a statutory attorney's fee.

B. Where an attorney serves as personal representative the Court will allow fees for extraordinary legal services to the personal representative or to a law firm in which the personal representative is a member only on a showing of the necessity of the services and that an arrangement for the extraordinary legal services be provided by the personal representative or firm in which the personal representative is a member will be to the advantage, benefit and best interest of the decedent's estate. The personal representative shall petition for authorization to have the personal representative or law firm with which the personal representative is a member provide such extraordinary legal services prior to the legal services being provided. **(Effective July 1, 2017, New)**

(Rule 7.22, New effective January 1, 2017)

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 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)**

(Rule 7.23, New effective July 1, 2018)

(Chapter 7 amended effective January 1, 2006; adopted as VII effective July 1, 1992)

APPENDIX A: CIVIL

APPENDIX A1

ATTORNEYS' FEES UPON DEFAULT JUDGMENT

A. Upon entry of default judgment the following attorneys' fees shall be awarded under normal conditions, or included in the judgment by the Clerk, in actions on promissory notes, contracts, and foreclosures, which provide for attorneys' fees:

1. Action on note or contract:

20% of the first $5,000.00 in principal, or $400.00, whichever is greater;
15% of the next $10,000.00 in principal;
10% of the next $10,000.00 in principal;
5% of the next $25,000.00 in principal;
2% of the next $50,000.00 in principal;
1% of the principal amount over $100,000.00.

"Principal," as used here means the principal obligation owing under the note or contract.

2. Foreclosure: the same amount as computed above, increased by 10%, or $750.00, whichever is greater.

3. A petition for compensation for additional services shall include an itemized statement of the services rendered or to be rendered by the attorney and a reference in the caption and prayer to the request for additional fees. An appearance by the attorney or the parties is not normally, but may be, required. In determining such fees, the court shall consider the experience of counsel, the time expended, the complexity of the issues, the amount involved and the results achieved.

B. An action on a book account, when Civil Code § 1717 does not apply, shall be governed by Civil Code § 1717.5. **(Effective July 1, 2004)**

APPENDIX B: CRIMINAL

APPENDIX B1

RESERVED.

APPENDIX C: FAMILY LAW

APPENDIX C1

LIST OF ABBREVIATIONS

CAU	Fresno County District Attorney – Child Abduction Unit
DCSS	Department of Child Support Services
FCS	Fresno County Family Court Services
MSA	Marital Settlement Agreement
NOM	Notice of Motion
OSC	Order to Show Cause
TRO	Temporary Restraining Order
UCCJEA	Uniform Child Custody Jurisdiction and Enforcement Act

(Effective January 1, 2006)

APPENDIX D: JUVENILE

APPENDIX D1

TABLE OF ABBREVIATIONS

CASA	Court Appointed Special Advocate
CPS	Child Protective Services
DCFS	Department of Children and Family Services
GAL	Guardian Ad Litem
RRD	Revenue and Reimbursement Division

(Effective January 1, 2007)

SUPERIOR COURT, COUNTY OF FRESNO
SITTING AS THE JUVENILE COURT

COURT DESIGNATED CHILD ADVOCATE OATH

_____
print your full legal name

I, _____, do solemnly swear, that
ADVOCATE'S NAME

I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that in performing the duties of a Court Appointed Special Advocate, I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of a Court Appointed Special Advocate to the best of my ability and will serve the best interests of the child.

As an officer of the Court, I will respect and follow the rules of the Court and will to the best of my ability maintain fairness, impartiality and integrity in my role as advocate for the child.

I will adhere to the rules of confidentiality and will respect the privacy of all parties.

I will not take a case where I have any prior knowledge of the child or family member.

I agree to comply with the requirements of the child abuse reporting law (Welfare and Institutions Code Section 11165 et. seq.), reporting any known or suspected instances of child abuse or neglect.

DATED:_____

_____
Appointed Child Advocate

_____
Presiding Judge, Juvenile Court

FRESNO COUNTY SUPERIOR COURT
APPENDIX D3

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

In the matter of, _____ DOB: A Minor.	No. _____ **STIPULATION FOR DISCLOSURE OF JUVENILE COURT RECORDS** [W&I §827]

The parties in the above-entitled action hereby stipulate to a limited disclosure of juvenile court records involving the minor in the above-entitled matter. The limitations are as follows:

1. The disclosure is limited to only those documents that meet the description of the documents requested in the Welfare & Institutions Code §827 petition.

2. The disclosure is limited to the party that filed the §827 petition, opposing parties, all parties' counsel, counsel's immediate office staff, and any expert witness and/or investigator retained by counsel for purposes of the pending matter that gave rise to the petition.

///

3. The disclosed records are still open to any available objection and no determination is made as to their admissibility in any judicial or administrative proceeding.

4. This disclosure does not allow for testimony to be taken concerning the documents nor the documents to be entered into evidence at trial or an evidentiary hearing. Any such further dissemination requires an additional §827 petition.

5. The requesting party shall pay the County Department of Social Services reasonable copy costs as defined in Evidence Code §1563(b)(1).

6. At the conclusion of the matter that gave rise to the petition, all parties are required to destroy the released documents or return them to _____.

Date: _____ _____

_____

Date: _____ _____

ORDER

Pursuant to stipulation of the parties and good cause appearing therefor,

IT IS ORDERED that the County of Fresno, Department of Social Services shall disclose documents responsive to the §827 petition within 10 days of the signing of this order or as soon thereafter as the parties agree.

Date: _____ _____

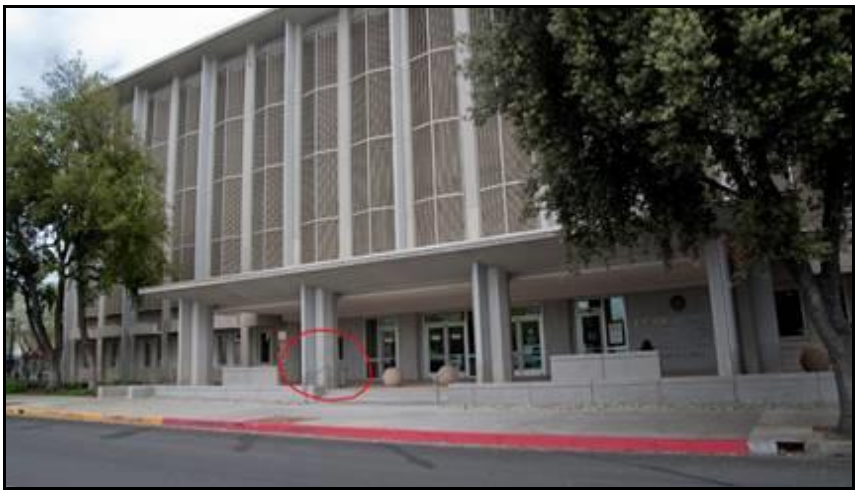
Judge of the Superior Court

APPENDIX E: MISCELLANEOUS

APPENDIX E1

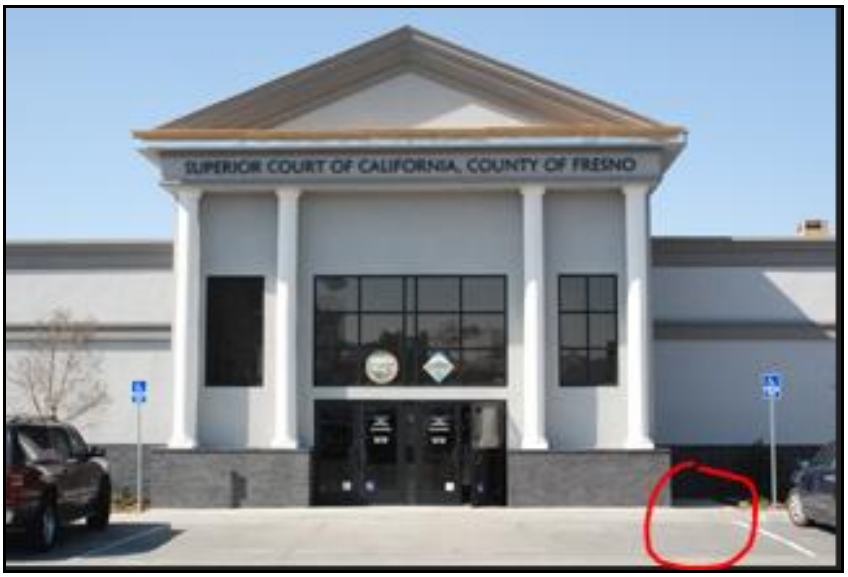
Main Courthouse – Breezeway between buildings

B.F. Sisk Courthouse – Front steps – near exit



FRESNO COUNTY SUPERIOR COURT

Traffic Courthouse – Front area – East Side



Juvenile Justice Campus – Front steps – Near Sign

FRESNO COUNTY SUPERIOR COURT

APPENDIX F: PROBATE

APPENDIX F1

ADDITIONAL USEFUL INFORMATION

1. Service on Foreign Consulates: When service upon a foreign consulate is required, contact information for all registered consulates may be obtained at the following web site: www.state.gov/s/cpr/rls/fco. Click on the release you want, then the foreign consul.

2. Guardianship Assistance: Guardianship self-help packets in Spanish and English are available in the Probate Filing Clerk's Office for a nominal fee. The court also offers a Guardianship Clinic to provide assistance and information to self-represented litigants.

3. Location of Probate Court: The Probate Clerk's Office and Probate Court are located at the B.F. Sisk Courthouse, 1130 O Street, Third Floor, Fresno, CA. (**Effective January 1, 2017**)

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APPEALS			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
TCV-25	Abandonment of Appeal	E01-02	Mandatory
TAP-41	Appellate Case Briefing Schedule and Notice of Hearing	R01-25	Optional
TAP-32	Counsel's Declaration (Appeals in Death Penalty Cases)	E02-08	Optional
TAP-60	Electronic Transcripts Letter	E11-15	Optional
TAP-03	Notice of Completion of Record on Appeal	R06-18	Mandatory
TAP-02	Notice of Estimate for Preparation of Clerk's Transcript on Appeal	R05-16	Optional
TAP-17	Notice of Estimate for Preparation of Reporter's Transcript on Appeal	R03-21	Mandatory
TAP-81	Notice Regarding Juvenile Dependency Appeals and Writ Filing	R08-19	Mandatory
TAP-06	Notice To Reviewing Court Of Failure To Procure Record On Appeal	R07-24	Mandatory
TAP-48	Remittitur	R01-25	Optional
TAP-26	Untimely Notice of Intent to File Writ Petition	R05-18	Mandatory
ALTERNATIVE DISPUTE RESOLUTION			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
TADR-07	ADR Settlement Conference Minute Order	R04-18	Optional
TADR-03	Alternative Dispute Resolution Status Report	E12-05	Mandatory
PFL-40	Family Law Mediator Panel Application	E05-16	Optional
TADR-02	Stipulation Extra Attachment	R11-11	Mandatory
TADR-01	Stipulation Regarding Alternative Dispute Resolution	R08-20	Mandatory
PADR-05	Stipulation Regarding Participation in the ADR Family Law Mediation Program	E09-16	Optional
CIVIL			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
PCV-23	Application and Order for Publication; Posting of Summons, Citation; Extension of Time	R04-19	Optional
PCV-32	Application and Order to Continue or Vacate Case Management Conference	R01-20	Optional
PCV-34	Application and Order to Continue or Vacate OSC re Case Management Conference	R01-05	Optional
PCV-12	At Issue Memorandum	R08-18	Mandatory
FGN-24	Attachment to At Issue Memorandum	E05-01	Mandatory
TCV-42ch	Civil CLETS Background Check - Civil Harassment	R08-22	Mandatory
TCV-42nc	Civil CLETS Background Check - Name Change	R08-22	Mandatory
TCV-02	Clerk's Judgment on Sister State Judgment	R05-21	Mandatory

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FCV-10	Collection Case Status Declaration/Request for Case Management Conference	R07-12	Optional
TCV-51	Court's Findings Re: Petition for Injunction Request for Temporary Restraining Order	R08-22	Mandatory
TCV-33	CRC Rule 2.515 Authorization Form	E02-23	Mandatory
PGN-35	Designation of Attorney	E09-01	Mandatory
FCV-28	Information for Warrant Department	R03-20	Optional
TCV-29	Inmate/Prisoner Attachment to Order on Court Fee Waiver	E11-21	Mandatory
TCV-17	No Summons Issued - Dismissal Hearing	E09-21	Mandatory
TCV-48	Notice of Case Management Conference and Assignment of Judge for All Purposes	R07-21	Optional
PCV-75	Notice of Exhibits - Unlawful Detainer Court Trial	E11-20	Mandatory
TCV-56	Notice of Restricted Access	R08-22	Mandatory
PCV-30	Notice of Settlement/Request for Extension of Time to File Dismissal and Order	R03-05	Optional
TCV-58	Notice of Striking of Filed Documents	R05-24	Mandatory
PCV-71	Opposition to Request for Pretrial Discovery Conference	R05-19	Mandatory
TCV-74	Order	R10-21	Optional
TCV-72	Order on Request for Pretrial Discovery Conference	R02-20	Optional
TCV-30	Order to Show Cause - 3.740 Collection Cases	R07-18	Mandatory
TCV-59 / PCV-59	Request for Presence of a Court Reporter	R07-19	Mandatory
PCV-70	Request for Pretrial Discovery Conference	R10-20	Mandatory
TCV-05	Status - Settlement Minute Order	R03-21	Mandatory
PCV-37	Stipulation to Trial Setting in Lieu of Case Management Conference	R12-16	Mandatory
TCV-44	Trial Readiness Minutes	R01-22	Mandatory
TCV-11	Unlawful Detainer Dismissal Hearing Minute Order	E03-18	Mandatory
TCV-76	Unlawful Detainer Not Entered - Attachment	E11-20	Optional
TCV-73	Unlawful Detainer Supplemental Cover Sheet	E09-20	Optional
TCV-78	Untimely Filing of Motion to Require Examination	E01-25	Optional
TCV-49	Untimely Filing of Peremptory Challenge of a Judge	R09-16	Mandatory
TCV-49A	Untimely Filing of Peremptory Challenge of a Judge (Factual Finding)	R09-24	Mandatory
TCV-63	Warrant to Arrest Witness or Person	E03-06	Mandatory
CRIMINAL			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
TCR-90	Adult Drug Court Action Plan	E10-15	Mandatory
TCR-91	Adult Drug Court Participant Service Delivery Form	E10-15	Mandatory
TCP-04	Agreement on Release	R04-14	Mandatory
TCR-94	Application for Admission into Veterans Treatment Court	R04-21	Mandatory

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TCR-95	Application for Admission into Veterans Treatment Court	R10-22	Mandatory
TCR-80	Application for Reduction of Felony Conviction – Proposition 47	R03-15	Optional
TCR-15	Approval of Calendar Setting - Criminal Law and Motion	R01-23	Optional
TCR-50	Approval of Calendar Setting Felony Law & Motion	R10-17	Mandatory
TCR-41	Approval of Calendar Setting Misdemeanor Law & Motion	R04-19	Optional
TCR-55	Arrest Warrant	R07-11	Mandatory
TCR-57	Calendar Setting Request	R11-06	Optional
TCR-40	Clerk's Certificate of Mental Health Upload/Service	E04-18	Mandatory
FCR-26	Contract for PC 1000	R03-16	Mandatory
TCR-99	Court Order Recall/Suspension of Fines and Fees (Prop 64)	R04-22	Mandatory
TGN-67	Court's Reponse to Jury Request/Question	R05-24	Optional
TCR-68	Criminal Minute Order - Mental Health Attachment	R02-25	Optional
FCR-80	Declaration of Unavailability/Declination of Appointment and Order of Appointment	E01-10	Mandatory
TCR-10	Disposition of Surety Bond	R05-22	Optional
TCR-83	DUI Court Minute Order Attachment	R11-21	Optional
TCR-54	Felony Advisement, Waiver of Rights, and Plea Form	R12-24	Mandatory
TCR-44f	Felony Advisement, Waiver of Rights, and Plea Form (VC 23152 & 23153)	R12-24	Mandatory
TCR-54b	Felony Advisement, Waiver of Rights, and Plea Form AB 109	R12-24	Mandatory
TCR-56	In Custody Violation of Parole Hold and Hearing Notification	R11-14	Mandatory
TCR-34	Jail Warrant	E01-06	Mandatory
TCR-88	Mental Health Diversion Worksheet	R10-22	Mandatory
TCR-96	Miscellaneous Bond Minute Order	E03-20	Mandatory
TCR-42	Misdemeanor Advisement, Waiver of Rights, and Plea Form	R12-17	Mandatory
TCR-45	Misdemeanor Advisement, Waiver of Rights, and Plea Form (VC 12500)	R12-17	Mandatory
TCR-43	Misdemeanor Advisement, Waiver of Rights, and Plea Form (H&S 11550)	R12-17	Mandatory
TCR-47	Misdemeanor Advisement, Waiver of Rights, and Plea Form (PC 484(a))	R12-17	Mandatory
TCR-46	Misdemeanor Advisement, Waiver of Rights, and Plea Form (VC 14601)	R12-17	Mandatory
TCR-44	Misdemeanor Advisement, Waiver of Rights, and Plea Form (VC 23152, 23153, 23103/23103.5)	R12-17	Mandatory
TCR-74	Misdemeanor Notice and Order of the Revocation of Probation	R11-21	Optional
FCR-40	Misdemeanor/Infraction Minute Order	E11-15	Mandatory
TCR-11	Motion and Order Dismissing Criminal Action	E07-06	Mandatory
TCR-188	Non-Hearing Order On Application For Relief (Health & Safety Code, section 11361.8, subdivision (f))	R07-24	Optional
TCR-98	Non-Opposition, Order Granting Relief	R02-21	Optional
TCR-93	Not Eligible for Resentencing Pursuant to Penal Code §1171 and Penal Code §1171.1	E04-22	Mandatory
TCR-62	Notice of Assignment of Judge for All Purposes – Petition Writ of Habeas Corpus	E12-14	Mandatory

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TCR-86	Notice of Objection to Application for Relief, Setting Hearing and Appointment of Counsel	R11-17	Mandatory
TCR-84	Notice of Petition or Application for Relief (PC §1170.18)	R12-19	Mandatory
TCR-100	Notice of Request to Extend Release of Bail	E01-23	Mandatory
TCR-27	Notice Regarding Calendaring of Petition for Certificate of Rehabilitation and Pardon	R01-23	Mandatory
TCR-36	Notification to Elections Official of Disqualification from Voting or Registering to Vote	R05-16	Mandatory
TCR-37	Notification to Elections Official of Restoration of Right to Vote	R05-16	Mandatory
TCR-85	Order Denying Petition or Application for Relief (PC §1170.18)	R11-21	Mandatory
TCR-48	Order for Commitment and Delivery to State Department of State Hospitals	R03-25	Mandatory
TCR-48.1	Order for Commitment and Delivery to State Hospital	R07-24	Mandatory
TCR-87	Order Granting Application for Relief	R05-16	Optional
TCR-184	Order on Petition for Dismissal (PC §1203.42)	E05-18	Mandatory
FCR-51	Order re Terms and Conditions of Probation (Prop 36)	R05-16	Mandatory
TCR-72	Order Returning Individual to Fresno Superior Court	R01-23	Mandatory
TCR-61	Petition and Order, Advisement, Waiver of Rights, Consequences of Waiver	R07-12	Mandatory
TCR-81	Petition for Resentencing – Proposition 47	R03-15	Optional
TCR-58	Petition to Seal and Destroy Adult Arrest Records	R05-14	Mandatory
TCR-63	Procedure for Court-Ordered HIV Education and Testing	E04-11	Mandatory
TCR-210	Prohibited Persons Firearms Relinquishment Findings and Order	E01-18	Optional
FCR-09	Proposition 36 Advisement	R12-21	Mandatory
TCR-97	Remand to Custody	E03-20	Mandatory
TCR-76	Request for Criminal Records – Prior Packet	E08-13	Mandatory
TCR-24	Request for Criminal Records – Public Law Enforcement	E01-14	Mandatory
TCR-89	Request for Information	E01-16	Optional
TCR-67	Request for Modification and Order PC §1203.2(b)(1)	R01-14	Optional
TCR-77	Request to Appoint Counsel and Provide Discovery/Medical Records	R08-18	Mandatory
TCR-92	Resentencing Pursuant to Penal Code §1171 and Penal Code §1171.1	E04-22	Mandatory
TCR-14	State Prison Case Costs Worksheet	R07-22	Mandatory
TCR-60	Stop Notice - Unpaid Summary Judgment	R03-23	Optional
FCR-26i	Terms and Conditions of Participation in Pretrial Drug Diversion Program	E01-18	Mandatory
FCR-52	Terms of Participation in Proposition 36	R05-16	Mandatory
TCR-53	Violation of Pretrial Supervision Hearing Notification	E09-16	Mandatory
PCR-07	Waiver of Defendant's Personal Presence (Video Arraignment)	R08-04	Mandatory
TCR-33	Warrant of Arrest	E01-06	Mandatory

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EXHIBITS			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
TEX-06	Clerk	R12-22	Mandatory
TEX-05	Notice to Dispose of Exhibits Introduced or Filed in the Civil Case and Remaining in Possession of the Exhibit Clerk	R12-22	Mandatory
TEX-08	Notice to Return Exhibits	E04-23	Mandatory
FAMILY COURT SERVICES			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
PFC-12	Basic Co-Parenting Programs	R12-24	Optional
PFC-03	Batterer Intervention Programs	R01-20	Mandatory
FFC-04	Common Holiday Schedules	R03-16	Optional
PFC-13	Drug and Alcohol Assessment Facilities	R04-18	Optional
PFC-14	Drug Testing and Collection Facilities	R01-19	Optional
PFC-25i	Family Court Services CCRC Information Packet	R05-20	Optional
PFC-25	Family Court Services CCRC Intake Form	R05-20	Mandatory
PFC-60	Family Court Services Complaint Form	E03-12	Mandatory
TFC-60	Family Court Services Complaint Form	R10-15	Mandatory
PFC-15i	Family Court Services Tier 1 Information Packet	R05-20	Optional
PFC-15	Family Court Services Tier 1 Packet	R06-20	Mandatory
PFC-24i	Family Court Services Tier 2 Information Packet	R05-20	Optional
PFC-24	Family Court Services Tier 2 Intake Form	R05-20	Mandatory
FFC-07	Joint Custody Order – Example	R03-16	Optional
PFC-09	List of Court Approved Custody Evaluators - External	R08-19	Optional
PFC-38	Program Services List Application - Attachment C	R02-16	Mandatory
FFC-05	Programs and Services – Example	R03-16	Optional
PFC-61	Request for New Family Court Services Counselor	R07-22	Mandatory
FFC-06	Sole Custody Order – Example	R03-16	Optional
PFC-16	Specialized Co-Parenting Programs	R02-20	Optional
FFC-08	Standard Language – Custody Order	R03-16	Optional
PFL-99	Standards for 3rd Party Supervisors of Supervised Visit	E05-14	Mandatory
PFC-08	Supervised Visit and/or Supervised Exchanges – Additional Information	E01-16	Mandatory
PFC-17	Supervised Visits and Exchange Facilities	R12-24	Optional
PFC-45	Waiver of Separate Child Custody Recommending Counseling Appointment	R07-22	Mandatory

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FAMILY LAW / FAMILY SUPPORT

Form No.	Form Name	Eff. Date	Mandatory / Optional
PFL-35	Application and Agreement for Family Law Indigent Panel	E01-15	Mandatory
PGN-23	At Issue Memorandum	R06-10	Mandatory
TFL-50	Certificate of No Appeal	E12-21	Optional
TFL-16	Family Centered Case Status Order Minute Order	R05-20	Mandatory
PFL-30	Family Law Facilitator Complaint Form	R05-16	Optional
TFL-03	Family Law Findings and Order After Hearing w/Attachment	R02-23	Mandatory
PFL-40	Family Law Mediator Panel Application	E05-16	Optional
PFL-415	Findings and Orders Regarding Contempt	R03-20	Optional
PFC-65	Interpreter Participation Form	E02-14	Mandatory
PFL-15	Request for Status or Family Centered Case Resolution Conference	R07-20	Mandatory
TFL-15	Request for Status or Family Centered Case Resolution Conference	R11-14	Mandatory
PFL-688	Short Form Order After Hearing	R03-20	Optional
TFL/PFL-99	Standards for 3rd Party Supervisors of Supervised Visit	E05-14	Mandatory
TFL-51	Stipulation for the Appointment of Court Commissioner as Temporary Judge	E02-23	Mandatory
PFC-66	Support Person Participation Form	E02-14	Mandatory

INTERPRETERS

Form No.	Form Name	Eff. Date	Mandatory / Optional
PCI-09	Addendum to Interpretation Services by Individual's Agreement	R01-23	Mandatory
TCI-01	Claim for Payment	E04-11	Mandatory
PCI-08	Interpretation Services by Agencies Agreement with Attachments	R03-25	Mandatory
PCI-07	Interpretation Services by Individuals Agreement with Attachments	R03-25	Mandatory
TCI-06	Interpreter Claim Form	E05-21	Mandatory
PNT-01	Interpreter Request Form	R03-17	Optional
PCI-05	LAP Complaint Form	E01-17	Optional
PCI-04	LAP Language Access Services Notice	E01-17	Mandatory

JURY

Form No.	Form Name	Eff. Date	Mandatory / Optional
TJR-10	Jury Panel Request Form	R11-20	Mandatory

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JUVENILE			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
TJV-06	Agreement to Appear – Juvenile	E04-12	Mandatory
TJV-34	Agreement to Join Community Justice Conference (CJC) Program	E07-13	Mandatory
PJV-45	Application and Agreement for Judge Pro Tem – Youth Court	E11-15	Mandatory
PJV-40	Application and Agreement for Juvenile Law Indigent Panel	E09-14	Mandatory
TJV-54	Application for Reduction of Felony Conviction – Prop 47	R06-16	Optional
PJV-20	Application to Inspect and/or Copy Juvenile Case File	R11-12	Mandatory
TJV-23	Behavioral Health Court Proceeding Minute Order	R06-22	Mandatory
TJV-42	Certificate of Compliance	R06-22	Optional
PJV-07	CJC/VORP Referral/Re-Referral Form	R01-22	Mandatory
PJV-68	Commitment to the Fresno County Secure Youth Treatment Program	E07-21	Mandatory
TJV-19	Consideration of Informal Resolution Request to Obtain Records	E12-11	Mandatory
TJV-16	Court Order to Report for Financial Evaluation	R05-14	Mandatory
PJV-49	Dependency Court Friday Court Screening Order	R02-20	Mandatory
PJV-26	Determination and Order of Eligibility and Suitability (DA)	E06-18	Mandatory
PJV-27	Determination and Order of Eligibility and Suitability (Minor's counsel)	E06-18	Mandatory
PJV-18	Determination and Order of Suitability and Referral	R01-22	Mandatory
TJV-665	Disposition - Juvenile Delinquency	R08-21	Optional
TJV-09	Ex Parte Application to Calendar and Order	R04-21	Mandatory
PJV-09	Ex Parte Application to Calendar and Order or Order Without a Hearing	R06-21	Mandatory
PJV-42	F.D.T.C. Acknowledgements and Agreement for Other Parent	E11-13	Mandatory
PJV-44	F.D.T.C. Acknowledgements and Agreements (DSS)	E11-13	Mandatory
PJV-41	F.D.T.C. Acknowledgements and Agreements Parent Participation	E11-13	Mandatory
PJV-43	F.D.T.C. Agreement	E11-13	Mandatory
PJV-47	File/Copy Document Request	E08-15	Mandatory
PJV-29	Friday Court Referral Form	E07-19	Mandatory
TJV-28	Friday Court Screening Report	R11-18	Mandatory
TJV-36	Friday Juvenile Court Minute Order	R01-18	Mandatory
PJV-60i	Information on Filing a Petition to Terminate Juvenile Sex Offender Registration	E07-21	Optional
TJV-640	Juvenile Court Delinquency Proceeding	R04-22	Optional
TJV-37	Juvenile Dependency Attorney Fees	E09-13	Mandatory
TJV-14	Juvenile Justice Drug Court Minute Order	R01-22	Mandatory
PJV-12	Juvenile Law – Financial Declaration	R12-11	Mandatory
TJV-51	Notice of Objection to Application for Relief, Setting Hearing & Appointment of Counsel (PC §1170.18)	E01-16	Optional
TJV-53	Notice of Petition or Application for Relief (PC §1170.18)	R06-16	Optional

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TJV-52	Order Denying Petition or Application for Relief (PC §1170.18)	R02-16	Optional
TJV-50	Order Granting Application for Relief (PC §1170.18(g))	R07-16	Optional
PJV-63	Order on Petition to Terminate Juvenile Sex Offender Registration	E07-21	Mandatory
TJV-25	Order on Welfare and Institutions Code Section 786 Review	R06-24	Mandatory
TJV-56	Petition for Redisposition – Prop 47	E02-16	Optional
TJV-55	Petition to Have Felony Violation(s) Designated as a Misdemeanor and for Redisposition	E01-16	Mandatory
PJV-60	Petition to Terminate Juvenile Sex Offender Registration	E07-21	Mandatory
PJV-61	Proof of Service - Juvenile Sex Offender Registration Termination	E07-21	Mandatory
TJV-30	Recommendation Regarding Ability to Repay Costs of Legal Services	E10-11	Mandatory
PJV-62	Response by District Attorney to Petition to Terminate Juvenile Sex Offender Registration	E07-21	Mandatory
TJV-31	Response to Recommendation Regarding Ability to Repay Costs of Legal Services	E09-11	Mandatory
PJV-24	Stipulated Request and Order for Submission on Report(s) without Hearing of Setting Hearing	E04-20	Mandatory
TJV-11	Stipulation Appointment Temporary Judge (Juvenile Delinquency)	R07-02	Mandatory
TJV-640a	Unity Court - Attachment	R03-22	Optional
TJV-57	WIC Section 602 Hearing: Pre-Permanency Minute Order	R03-21	Mandatory
TJV-05	Youth Court Application and Order to Seal Juvenile Record	R08-22	Mandatory
PJV-22	Youth Court Referrals - Statistical Data	R10-14	Mandatory
PROBATE			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
PPR-43	Attorney Application for Appointment to Conservatorship Appointment Panel	E07-16	Optional
TPR-60	Confidential Notification of Court Order Modifying Voting Rights	E06-17	Mandatory
PPR-28	Declaration and Affidavit of Transfer of Personal Property Without Probate	R05-21	Mandatory
PPR-26	Declaration of Due Diligence	R07-03	Optional
TPR-05	Guardianship Termination Questionnaire (Confidential)	R11-20	Mandatory
FPR-51	Guardianship Workshop Disclosure	E01-16	Mandatory
TPR-39	LPS Conservatorship/Mental Health Minute Order	R01-23	Mandatory
PPR-61	Notice of Deposit of Estate Planning Documents and Acknowledgement	E08-23	Mandatory
PPR-27	Objection to Guardianship	R05-21	Mandatory
TPR-19	Order Appointing Counsel	R09-20	Optional
PPR-29	Petition for Visitation	R05-21	Mandatory
PPR-24	Order Appointing Counsel	R10-17	Optional
TPR-53	Probate Investigator Information Request from Fresno County Sheriff	R01-16	Mandatory
TPR-06	Probate Mediation Agreement	R09-13	Mandatory
TPR-52	Request for Record via CLETS	R01-16	Mandatory
FPR-15	Use of Probate Referee in Non-Probate Transfers of Real Property	R12-11	Optional

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SMALL CLAIMS			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
PSC-20	Certificate of Full Satisfaction of Judgment	R05-22	Optional
PSC-21	Request for Issuance of Clerk's Certificate of Satisfaction of Judgment/Order RE: Use of Copies	R05-22	Optional
SHP-24	Small Claims Defendant's Packet	R12-16	Optional
SHP-15	Small Claims Plaintiff's Packet	R12-16	Optional
TRAFFIC			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
TTR-80	Affidavit of Dismissal of Traffic Infraction	E03-23	Mandatory
TTR-02	Agreement on Extension	R02-06	Optional
TTR-12	Agreement on Release to Appear or Furnish Traffic School Completion Certificate	R04-07	Mandatory
TTR-300	Agreement to Pay and Forfeit Bail in Installments	R02-23	Mandatory
TTR-310	Agreement to Pay Traffic Violator School Fees in Installments	R02-23	Mandatory
TTR-06A	Amnesty / Monthly Payment Agreement	E10-15	Mandatory
TTR-25	Application and Declaration to Vacate or Reduce Civil Assessment	R10-17	Mandatory
TTR-25a	Application to Show Good Cause to Vacate Civil Assessment	R10-17	Mandatory
TTR-13	Baby Safe Referral Agreement	E08-07	Mandatory
TGN-74	Court Referral - Community Service through Non-Profit Organization	E06-09	Mandatory
TTR-19	Courtesy Notice – Failure to Appear	R02-23	Mandatory
TTR-20	Courtesy Notice – Failure to Pay	R02-23	Mandatory
TTR-20c	Courtesy Notice - Failure to Pay, Criminal	R02-23	Mandatory
PTR-205.2	Election for Trial by Written Declaration	E07-14	Mandatory
TTR-06G	Guilty Plea / Monthly Payment Agreement	R04-15	Mandatory
TGN-72	HandsOn Central California Center Referral	R07-21	Mandatory
TTR-40	Infraction Advisement, Waiver of Rights and Plea Form	R01-17	Mandatory
TTR-41	Infraction Case Notice	R02-23	Mandatory
JCNCE	Juvenile Courtesy Notice	R06-23	Mandatory
TTR-11	Juvenile Traffic Notice to Appear	R07-20	Mandatory
TTR-05	Juvenile Truancy Notice to Appear	E03-23	Mandatory
TTR-28	Mandatory Reminder Notice	R02-23	Mandatory
TTR-29	Notice of Civil Assessment and Election for Trial by Written Declaration for Adult Traffic - FTA	R03-23	Mandatory
PTR-206	Notice of Election for Trial by Written Declaration (ETBD) and Instructions to Defendant	E07-14	Mandatory

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PTR-37	Notice of Exhibits Associated with Remote Video Trial	R04-21	Mandatory
TTR-27	Notice of Intent to Plead Not Guilty and Set Same Day Arraignment and Court Trial	R10-15	Mandatory
TTR-31	Options for Resolving Your Case Without Coming to Court	R02-23	Optional
PTR-105RC	Petition for Consideration re Ability to Pay	R03-18	Mandatory
TTR-08	Promise to Appear	R12-15	Mandatory
TTR-50	Receipt of Trial by Written Declaration Form & Information on a Failure to Appear Case	R03-12	Mandatory
TTR-71	Request for the Court to Transfer or Issue a Refund	E12-14	Mandatory
PTR-36	Request to Appear in Court Instead of Remote Location	R04-21	Mandatory
TTR-24	Stipulation and Consent for the Appointment of Temporary Judge-Traffic Department	E01-23	Mandatory
TCR-30	Written Promise to Pay Fine in Installments	R12-04	Mandatory
GENERAL			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
PGN-48	Application Access Request	R05-20	Mandatory
PGN-90	Application and Order for Payment of Court Appointed Vendor / Attorney	R01-23	Mandatory
PGN-23	At Issue Memorandum	R06-10	Mandatory
PGN-91	Attachment A Services Performed	R04-13	Mandatory
TGN-91	Attachment A Services Performed	E05-11	Mandatory
PGN-92	Attachment B Expenses Paid	R06-20	Mandatory
TGN-92	Attachment B Expenses Paid	E03-11	Mandatory
PGN-93	Attachment C Psychological/Psychiatric Evaluation Guidance Memo	R06-23	Mandatory
TGN-93	Attachment C Psychological/Psychiatric Evaluation Guidance Memo	E05-13	Mandatory
TGN-71	Bench Warrant/Body Attachment	R03-21	Optional
PGN-81	Case Index Request Form	R11-17	Mandatory
TGN-86	Certified Copy of Case File	E03-16	Mandatory
PGN-90b	Claims Processing Policy for Court-Appointed Vendor	R07-20	Mandatory
TGN-06	Clerk's Certificate of Mailing/Electronic Service	R08-22	Mandatory
PGN-87	Copy Request Authorization Form	R01-20	Mandatory
PGN-61	Court Reporter Realtime Hardware and Software Requirements and Configuration	R04-21	Mandatory
PGN-96	Court Vendor Notice of Interest - Psychiatrist and Psychologist	E02-22	Mandatory
PGN-95	Court Vendors Notice of Interest - Investigators/Paralegals/Legal Document Assistants	E02-22	Mandatory
TGN-80	Decisions for Life Customer Receipt	R03-20	Mandatory
TGN-24	Declaration for Withdrawal of Bond	R06-06	Mandatory
TGN-110	Department Procedure-Guide Template	R01-25	Optional
PGN-62	Deposit/Payment to Fresno Superior Court	E08-03	Mandatory
TGN-62	Deposit/Payment to Fresno Superior Court	E08-03	Mandatory
PGN-35	Designation of Attorney	E09-01	Mandatory

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PGN-89	Designation of Electronic Service	R03-24	Optional
TGN-26	DMV Security Requirements, Policy & Procedures	E08-15	Mandatory
TGN-40	Exemplification	R01-22	Optional
PFAC-02	Facilities Use Permit	R06-18	Mandatory
TGN-72	HandsOn Central California Community Court Referral Service Program	R07-21	Mandatory
TGN-99	Info - Designation of Electronic Service	E01-25	Optional
TGN-33	Information for Warrant Department	R11-01	Optional
PGN-55	Notice and Acknowledgement Consistent with California Code of Judicial Ethics; Stipulation and Consent to Court Commissioner to Assignment for All Purposes	R03-17	Mandatory
TGN-98	Notice of Cancellation of Hearing	E12-24	Optional
PGN-51	Notice of Change of Address and Telephone Number	R05-05	Optional
PGN-94	Notice of Interest - Psychiatrist & Psychologist	E11-21	Mandatory
TGN-28	Notice of Result Pursuant to PC 1202.1	E04-18	Mandatory
TGN-05	Notice of Returned Payment	R05-24	Mandatory
TGN-54	Off Calendar/Continuance Request	R12-03	Optional
PGN-59	Order Appointing Court-Approved Reporter as Official Reporter Pro Tempore	R05-21	Mandatory
TGN-08A	Receipt	R03-23	Mandatory
TGN-87	Receipt of Records for Supervision Transfer	E06-18	Mandatory
PGN-64	Request for Copies of Compact Discs	R01-22	Mandatory
PGN-65	Request for Transcribed Copy of Recorded Proceedings	R03-23	
PGN-64a	Request for Typed Copy of Recorded Proceedings	R02-13	Mandatory
TGN-64A	Request for Typed Copy of Recorded Proceedings	R02-13	Mandatory
TGN-07	Stipulation and Consent for the Appointment of Court Commissioner as Temporary Judge	R06-05	Mandatory
TGN-07a	Stipulation and Consent for the Appointment of Temporary Judge	R06-06	Mandatory
TGN-07b	Stipulation and Consent for the Appointment of Temporary Judge - Appeals	R10-17	Mandatory
PGN-63	Stipulation and Order to Use Certified Shorthand Reporter	R05-21	Mandatory
TGN-84	Temporary Judge Evaluation Form	R03-16	Mandatory

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APPEALS			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
TAP-02	Notice of Estimate for Preparation of Clerk's Transcript on Appeal	R05-16	Optional
TAP-03	Notice of Completion of Record on Appeal	R06-18	Mandatory
TAP-06	Notice To Reviewing Court Of Failure To Procure Record On Appeal	R07-24	Mandatory
TAP-17	Notice of Estimate for Preparation of Reporter's Transcript on Appeal	R03-21	Mandatory
TAP-26	Untimely Notice of Intent to File Writ Petition	R05-18	Mandatory
TAP-32	Counsel's Declaration (Appeals in Death Penalty Cases)	E02-08	Optional
TAP-41	Appellate Case Briefing Schedule and Notice of Hearing	R01-25	Optional
TAP-60	Electronic Transcripts Letter	E11-15	Optional
TAP-81	Notice Regarding Juvenile Dependency Appeals and Writ Filing	R08-19	Mandatory
TAP-48	Remittitur	R01-25	Optional
TCV-25	Abandonment of Appeal	E01-02	Mandatory
ALTERNATIVE DISPUTE RESOLUTION			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
PADR-05	Stipulation Regarding Participation in the ADR Family Law Mediation Program	E09-16	Optional
PFL-40	Family Law Mediator Panel Application	E05-16	Optional
TADR-01	Stipulation Regarding Alternative Dispute Resolution	R08-20	Mandatory
TADR-02	Stipulation Extra Attachment	R11-11	Mandatory
TADR-03	Alternative Dispute Resolution Status Report	E12-05	Mandatory
TADR-07	ADR Settlement Conference Minute Order	R04-18	Optional
CIVIL			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
FCV-10	Collection Case Status Declaration/Request for Case Management Conference	R07-12	Optional
FCV-28	Information for Warrant Department	R03-20	Optional
FGN-24	Attachment to At Issue Memorandum	E05-01	Mandatory
PCV-12	At Issue Memorandum	R08-18	Mandatory
PCV-23	Application and Order for Publication; Posting of Summons, Citation; Extension of Time	R04-19	Optional
PCV-30	Notice of Settlement/Request for Extension of Time to File Dismissal and Order	R03-05	Optional
PCV-32	Application and Order to Continue or Vacate Case Management Conference	R01-20	Optional
PCV-34	Application and Order to Continue or Vacate OSC re Case Management Conference	R01-05	Optional

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PCV-37	Stipulation to Trial Setting in Lieu of Case Management Conference	R12-16	Mandatory
PCV-70	Request for Pretrial Discovery Conference	R10-20	Mandatory
PCV-71	Opposition to Request for Pretrial Discovery Conference	R05-19	Mandatory
PCV-75	Notice of Exhibits - Unlawful Detainer Court Trial	E11-20	Mandatory
PGN-35	Designation of Attorney	E09-01	Mandatory
TCV-02	Clerk's Judgment on Sister State Judgment	R05-21	Mandatory
TCV-05	Status - Settlement Minute Order	R03-21	Mandatory
TCV-11	Unlawful Detainer Dismissal Hearing Minute Order	E03-18	Mandatory
TCV-17	No Summons Issued - Dismissal Hearing	E09-21	Mandatory
TCV-29	Inmate/Prisoner Attachment to Order on Court Fee Waiver	E11-21	Mandatory
TCV-30	Order to Show Cause - 3.740 Collection Cases	R07-18	Mandatory
TCV-33	CRC Rule 2.515 Authorization Form	E02-23	Mandatory
TCV-42ch	Civil CLETS Background Check - Civil Harassment	R08-22	Mandatory
TCV-42nc	Civil CLETS Background Check - Name Change	R08-22	Mandatory
TCV-44	Trial Readiness Minutes	R01-22	Mandatory
TCV-48	Notice of Case Management Conference and Assignment of Judge for All Purposes	R07-21	Optional
TCV-49	Untimely Filing of Peremptory Challenge of a Judge	R09-16	Mandatory
TCV-49A	Untimely Filing of Peremptory Challenge of a Judge (Factual Finding)	R09-24	Mandatory
TCV-51	Court's Findings Re: Petition for Injunction Request for Temporary Restraining Order	R08-22	Mandatory
TCV-56	Notice of Restricted Access	R08-22	Mandatory
TCV-58	Notice of Striking of Filed Documents	R05-24	Mandatory
TCV-59 / PCV-59	Request for Presence of a Court Reporter	R07-19	Mandatory
TCV-63	Warrant to Arrest Witness or Person	E03-06	Mandatory
TCV-72	Order on Request for Pretrial Discovery Conference	R02-20	Optional
TCV-73	Unlawful Detainer Supplemental Cover Sheet	E09-20	Optional
TCV-74	Order	R10-21	Optional
TCV-76	Unlawful Detainer Not Entered - Attachment	E11-20	Optional
TCV-78	Untimely Filing of Motion to Require Examination	E01-25	Optional
CRIMINAL			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
FCR-09	Proposition 36 Advisement	R12-21	Mandatory
FCR-26	Contract for PC 1000	R03-16	Mandatory
FCR-26i	Terms and Conditions of Participation in Pretrial Drug Diversion Program	E01-18	Mandatory
FCR-40	Misdemeanor/Infraction Minute Order	E11-15	Mandatory

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FCR-51	Order re Terms and Conditions of Probation (Prop 36)	R05-16	Mandatory
FCR-52	Terms of Participation in Proposition 36	R05-16	Mandatory
FCR-80	Declaration of Unavailability/Declination of Appointment and Order of Appointment	E01-10	Mandatory
PCR-07	Waiver of Defendant's Personal Presence (Video Arraignment)	R08-04	Mandatory
TCP-04	Agreement on Release	R04-14	Mandatory
TCR-10	Disposition of Surety Bond	R05-22	Optional
TCR-11	Motion and Order Dismissing Criminal Action	E07-06	Mandatory
TCR-14	State Prison Case Costs Worksheet	R07-22	Mandatory
TCR-15	Approval of Calendar Setting - Criminal Law and Motion	R01-23	Optional
TCR-24	Request for Criminal Records – Public Law Enforcement	E01-14	Mandatory
TCR-27	Notice Regarding Calendaring of Petition for Certificate of Rehabilitation and Pardon	R01-23	Mandatory
TCR-33	Warrant of Arrest	E01-06	Mandatory
TCR-34	Jail Warrant	E01-06	Mandatory
TCR-36	Notification to Elections Official of Disqualification from Voting or Registering to Vote	R05-16	Mandatory
TCR-37	Notification to Elections Official of Restoration of Right to Vote	R05-16	Mandatory
TCR-40	Clerk's Certificate of Mental Health Upload/Service	E04-18	Mandatory
TCR-41	Approval of Calendar Setting Misdemeanor Law & Motion	R04-19	Optional
TCR-42	Misdemeanor Advisement, Waiver of Rights, and Plea Form	R12-17	Mandatory
TCR-43	Misdemeanor Advisement, Waiver of Rights, and Plea Form (H&S 11550)	R12-17	Mandatory
TCR-44	Misdemeanor Advisement, Waiver of Rights, and Plea Form (VC 23152, 23153, 23103/23103.5)	R12-17	Mandatory
TCR-44f	Felony Advisement, Waiver of Rights, and Plea Form (VC 23152 & 23153)	R12-24	Mandatory
TCR-45	Misdemeanor Advisement, Waiver of Rights, and Plea Form (VC 12500)	R12-17	Mandatory
TCR-46	Misdemeanor Advisement, Waiver of Rights, and Plea Form (VC 14601)	R12-17	Mandatory
TCR-47	Misdemeanor Advisement, Waiver of Rights, and Plea Form (PC 484(a))	R12-17	Mandatory
TCR-48	Order for Commitment and Delivery to State Department of State Hospitals	R03-25	Mandatory
TCR-48.1	Order for Commitment and Delivery to State Hospital	R07-24	Mandatory
TCR-50	Approval of Calendar Setting Felony Law & Motion	R10-17	Mandatory
TCR-53	Violation of Pretrial Supervision Hearing Notification	E09-16	Mandatory
TCR-54	Felony Advisement, Waiver of Rights, and Plea Form	R12-24	Mandatory
TCR-54b	Felony Advisement, Waiver of Rights, and Plea Form AB 109	R12-24	Mandatory
TCR-55	Arrest Warrant	R07-11	Mandatory
TCR-56	In Custody Violation of Parole Hold and Hearing Notification	R11-14	Mandatory
TCR-57	Calendar Setting Request	R11-06	Optional
TCR-58	Petition to Seal and Destroy Adult Arrest Records	R05-14	Mandatory
TCR-60	Stop Notice - Unpaid Summary Judgment	R03-23	Optional

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TCR-61	Petition and Order, Advisement, Waiver of Rights, Consequences of Waiver	R07-12	Mandatory
TCR-62	Notice of Assignment of Judge for All Purposes – Petition Writ of Habeas Corpus	E12-14	Mandatory
TCR-63	Procedure for Court-Ordered HIV Education and Testing	E04-11	Mandatory
TCR-67	Request for Modification and Order PC §1203.2(b)(1)	R01-14	Optional
TCR-68	Criminal Minute Order - Mental Health Attachment	R02-25	Optional
TCR-72	Order Returning Individual to Fresno Superior Court	R01-23	Mandatory
TCR-74	Misdemeanor Notice and Order of the Revocation of Probation	R11-21	Optional
TCR-76	Request for Criminal Records – Prior Packet	E08-13	Mandatory
TCR-77	Request to Appoint Counsel and Provide Discovery/Medical Records	R08-18	Mandatory
TCR-80	Application for Reduction of Felony Conviction – Proposition 47	R03-15	Optional
TCR-81	Petition for Resentencing – Proposition 47	R03-15	Optional
TCR-83	DUI Court Minute Order Attachment	R11-21	Optional
TCR-84	Notice of Petition or Application for Relief (PC §1170.18)	R12-19	Mandatory
TCR-85	Order Denying Petition or Application for Relief (PC §1170.18)	R11-21	Mandatory
TCR-86	Notice of Objection to Application for Relief, Setting Hearing and Appointment of Counsel	R11-17	Mandatory
TCR-87	Order Granting Application for Relief	R05-16	Optional
TCR-88	Mental Health Diversion Worksheet	R10-22	Mandatory
TCR-89	Request for Information	E01-16	Optional
TCR-90	Adult Drug Court Action Plan	E10-15	Mandatory
TCR-91	Adult Drug Court Participant Service Delivery Form	E10-15	Mandatory
TCR-92	Resentencing Pursuant to Penal Code §1171 and Penal Code §1171.1	E04-22	Mandatory
TCR-93	Not Eligible for Resentencing Pursuant to Penal Code §1171 and Penal Code §1171.1	E04-22	Mandatory
TCR-94	Application for Admission into Veterans Treatment Court	R04-21	Mandatory
TCR-95	Application for Admission into Veterans Treatment Court	R10-22	Mandatory
TCR-96	Miscellaneous Bond Minute Order	E03-20	Mandatory
TCR-97	Remand to Custody	E03-20	Mandatory
TCR-98	Non-Opposition, Order Granting Relief	R02-21	Optional
TCR-99	Court Order Recall/Suspension of Fines and Fees (Prop 64)	R04-22	Mandatory
TCR-100	Notice of Request to Extend Release of Bail	E01-23	Mandatory
TCR-184	Order on Petition for Dismissal (PC §1203.42)	E05-18	Mandatory
TCR-188	Non-Hearing Order On Application For Relief (Health & Safety Code, section 11361.8, subdivision (f))	R07-24	Optional
TCR-210	Prohibited Persons Firearms Relinquishment Findings and Order	E01-18	Optional
TGN-67	Court's Reponse to Jury Request/Question	R05-24	Optional

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EXHIBITS			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
TEX-05	Notice to Dispose of Exhibits Introduced or Filed in the Civil Case and Remaining in Possession of the Exhibit Clerk	R12-22	Mandatory
TEX-06	Clerk	R12-22	Mandatory
TEX-08	Notice to Return Exhibits	E04-23	Mandatory
FAMILY COURT SERVICES			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
FFC-04	Common Holiday Schedules	R03-16	Optional
FFC-05	Programs and Services – Example	R03-16	Optional
FFC-06	Sole Custody Order – Example	R03-16	Optional
FFC-07	Joint Custody Order – Example	R03-16	Optional
FFC-08	Standard Language – Custody Order	R03-16	Optional
PFC-03	Batterer Intervention Programs	R01-20	Mandatory
PFC-08	Supervised Visit and/or Supervised Exchanges – Additional Information	E01-16	Mandatory
PFC-09	List of Court Approved Custody Evaluators - External	R08-19	Optional
PFC-12	Basic Co-Parenting Programs	R12-24	Optional
PFC-13	Drug and Alcohol Assessment Facilities	R04-18	Optional
PFC-14	Drug Testing and Collection Facilities	R01-19	Optional
PFC-15	Family Court Services Tier 1 Packet	R06-20	Mandatory
PFC-15i	Family Court Services Tier 1 Information Packet	R05-20	Optional
PFC-16	Specialized Co-Parenting Programs	R02-20	Optional
PFC-17	Supervised Visits and Exchange Facilities	R12-24	Optional
PFC-24	Family Court Services Tier 2 Intake Form	R05-20	Mandatory
PFC-24i	Family Court Services Tier 2 Information Packet	R05-20	Optional
PFC-25	Family Court Services CCRC Intake Form	R05-20	Mandatory
PFC-25i	Family Court Services CCRC Information Packet	R05-20	Optional
PFC-38	Program Services List Application - Attachment C	R02-16	Mandatory
PFC-45	Waiver of Separate Child Custody Recommending Counseling Appointment	R07-22	Mandatory
PFC-60	Family Court Services Complaint Form	E03-12	Mandatory
PFC-61	Request for New Family Court Services Counselor	R07-22	Mandatory
PFL-99	Standards for 3rd Party Supervisors of Supervised Visit	E05-14	Mandatory
TFC-60	Family Court Services Complaint Form	R10-15	Mandatory

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FAMILY LAW / FAMILY SUPPORT

Form No.	Form Name	Eff. Date	Mandatory / Optional
PFC-65	Interpreter Participation Form	E02-14	Mandatory
PFC-66	Support Person Participation Form	E02-14	Mandatory
PFL-15	Request for Status or Family Centered Case Resolution Conference	R07-20	Mandatory
PFL-30	Family Law Facilitator Complaint Form	R05-16	Optional
PFL-35	Application and Agreement for Family Law Indigent Panel	E01-15	Mandatory
PFL-40	Family Law Mediator Panel Application	E05-16	Optional
PFL-415	Findings and Orders Regarding Contempt	R03-20	Optional
PFL-688	Short Form Order After Hearing	R03-20	Optional
PGN-23	At Issue Memorandum	R06-10	Mandatory
TFL-03	Family Law Findings and Order After Hearing w/Attachment	R02-23	Mandatory
TFL-15	Request for Status or Family Centered Case Resolution Conference	R11-14	Mandatory
TFL-16	Family Centered Case Status Order Minute Order	R05-20	Mandatory
TFL-50	Certificate of No Appeal	E12-21	Optional
TFL-51	Stipulation for the Appointment of Court Commissioner as Temporary Judge	E02-23	Mandatory
TFL/PFL-99	Standards for 3rd Party Supervisors of Supervised Visit	E05-14	Mandatory

INTERPRETERS

Form No.	Form Name	Eff. Date	Mandatory / Optional
PCI-04	LAP Language Access Services Notice	E01-17	Mandatory
PCI-05	LAP Complaint Form	E01-17	Optional
PCI-07	Interpretation Services by Individuals Agreement with Attachments	R03-25	Mandatory
PCI-08	Interpretation Services by Agencies Agreement with Attachments	R03-25	Mandatory
PCI-09	Addendum to Interpretation Services by Individual's Agreement	R01-23	Mandatory
PNT-01	Interpreter Request Form	R03-17	Optional
TCI-01	Claim for Payment	E04-11	Mandatory
TCI-06	Interpreter Claim Form	E05-21	Mandatory

JURY

Form No.	Form Name	Eff. Date	Mandatory / Optional
TJR-10	Jury Panel Request Form	R11-20	Mandatory

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JUVENILE			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
PJV-07	CJC/VORP Referral/Re-Referral Form	R01-22	Mandatory
PJV-09	Ex Parte Application to Calendar and Order or Order Without a Hearing	R06-21	Mandatory
PJV-12	Juvenile Law – Financial Declaration	R12-11	Mandatory
PJV-18	Determination and Order of Suitability and Referral	R01-22	Mandatory
PJV-20	Application to Inspect and/or Copy Juvenile Case File	R11-12	Mandatory
PJV-22	Youth Court Referrals - Statistical Data	R10-14	Mandatory
PJV-24	Stipulated Request and Order for Submission on Report(s) without Hearing of Setting Hearing	E04-20	Mandatory
PJV-26	Determination and Order of Eligibility and Suitability (DA)	E06-18	Mandatory
PJV-27	Determination and Order of Eligibility and Suitability (Minor's counsel)	E06-18	Mandatory
PJV-29	Friday Court Referral Form	E07-19	Mandatory
PJV-40	Application and Agreement for Juvenile Law Indigent Panel	E09-14	Mandatory
PJV-41	F.D.T.C. Acknowledgements and Agreements Parent Participation	E11-13	Mandatory
PJV-42	F.D.T.C. Acknowledgements and Agreement for Other Parent	E11-13	Mandatory
PJV-43	F.D.T.C. Agreement	E11-13	Mandatory
PJV-44	F.D.T.C. Acknowledgements and Agreements (DSS)	E11-13	Mandatory
PJV-45	Application and Agreement for Judge Pro Tem – Youth Court	E11-15	Mandatory
PJV-47	File/Copy Document Request	E08-15	Mandatory
PJV-49	Dependency Court Friday Court Screening Order	R02-20	Mandatory
PJV-60	Petition to Terminate Juvenile Sex Offender Registration	E07-21	Mandatory
PJV-60i	Information on Filing a Petition to Terminate Juvenile Sex Offender Registration	E07-21	Optional
PJV-61	Proof of Service - Juvenile Sex Offender Registration Termination	E07-21	Mandatory
PJV-62	Response by District Attorney to Petition to Terminate Juvenile Sex Offender Registration	E07-21	Mandatory
PJV-63	Order on Petition to Terminate Juvenile Sex Offender Registration	E07-21	Mandatory
PJV-68	Commitment to the Fresno County Secure Youth Treatment Program	E07-21	Mandatory
TJV-05	Youth Court Application and Order to Seal Juvenile Record	R08-22	Mandatory
TJV-06	Agreement to Appear – Juvenile	E04-12	Mandatory
TJV-09	Ex Parte Application to Calendar and Order	R04-21	Mandatory
TJV-11	Stipulation Appointment Temporary Judge (Juvenile Delinquency)	R07-02	Mandatory
TJV-14	Juvenile Justice Drug Court Minute Order	R01-22	Mandatory
TJV-16	Court Order to Report for Financial Evaluation	R05-14	Mandatory
TJV-19	Consideration of Informal Resolution Request to Obtain Records	E12-11	Mandatory
TJV-23	Behavioral Health Court Proceeding Minute Order	R06-22	Mandatory
TJV-25	Order on Welfare and Institutions Code Section 786 Review	R06-24	Mandatory
TJV-28	Friday Court Screening Report	R11-18	Mandatory

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TJV-30	Recommendation Regarding Ability to Repay Costs of Legal Services	E10-11	Mandatory
TJV-31	Response to Recommendation Regarding Ability to Repay Costs of Legal Services	E09-11	Mandatory
TJV-34	Agreement to Join Community Justice Conference (CJC) Program	E07-13	Mandatory
TJV-36	Friday Juvenile Court Minute Order	R01-18	Mandatory
TJV-37	Juvenile Dependency Attorney Fees	E09-13	Mandatory
TJV-42	Certificate of Compliance	R06-22	Optional
TJV-50	Order Granting Application for Relief (PC §1170.18(g))	R07-16	Optional
TJV-51	Notice of Objection to Application for Relief, Setting Hearing & Appointment of Counsel (PC §1170.18)	E01-16	Optional
TJV-52	Order Denying Petition or Application for Relief (PC §1170.18)	R02-16	Optional
TJV-53	Notice of Petition or Application for Relief (PC §1170.18)	R06-16	Optional
TJV-54	Application for Reduction of Felony Conviction – Prop 47	R06-16	Optional
TJV-55	Petition to Have Felony Violation(s) Designated as a Misdemeanor and for Redisposition	E01-16	Mandatory
TJV-56	Petition for Redisposition – Prop 47	E02-16	Optional
TJV-57	WIC Section 602 Hearing: Pre-Permanency Minute Order	R03-21	Mandatory
TJV-640	Juvenile Court Delinquency Proceeding	R04-22	Optional
TJV-640a	Unity Court - Attachment	R03-22	Optional
TJV-665	Disposition - Juvenile Delinquency	R08-21	Optional
PROBATE			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
FPR-15	Use of Probate Referee in Non-Probate Transfers of Real Property	R12-11	Optional
FPR-51	Guardianship Workshop Disclosure	E01-16	Mandatory
PPR-24	Probate Court Guardianship Questionnaire	R10-17	Optional
PPR-26	Declaration of Due Diligence	R07-03	Optional
PPR-27	Objection to Guardianship	R05-21	Mandatory
PPR-28	Declaration and Affidavit of Transfer of Personal Property Without Probate	R05-21	Mandatory
PPR-29	Petition for Visitation	R05-21	Mandatory
PPR-43	Attorney Application for Appointment to Conservatorship Appointment Panel	E07-16	Optional
PPR-61	Notice of Deposit of Estate Planning Documents and Acknowledgement	E08-23	Mandatory
TPR-05	Guardianship Termination Questionnaire (Confidential)	R11-20	Mandatory
TPR-06	Probate Mediation Agreement	R09-13	Mandatory
TPR-19	Order Appointing Counsel	R09-20	Optional
TPR-39	LPS Conservatorship/Mental Health Minute Order	R01-23	Mandatory
TPR-52	Request for Record via CLETS	R01-16	Mandatory
TPR-53	Probate Investigator Information Request from Fresno County Sheriff	R01-16	Mandatory
TPR-60	Confidential Notification of Court Order Modifying Voting Rights	E06-17	Mandatory

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SMALL CLAIMS			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
PSC-20	Certificate of Full Satisfaction of Judgment	R05-22	Optional
PSC-21	Request for Issuance of Clerk's Certificate of Satisfaction of Judgment/Order RE: Use of Copies	R05-22	Optional
SHP-15	Small Claims Plaintiff's Packet	R12-16	Optional
SHP-24	Small Claims Defendant's Packet	R12-16	Optional
TRAFFIC			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
JCNCE	Juvenile Courtesy Notice	R06-23	Mandatory
PTR-36	Request to Appear in Court Instead of Remote Location	R04-21	Mandatory
PTR-37	Notice of Exhibits Associated with Remote Video Trial	R04-21	Mandatory
PTR-105RC	Petition for Consideration re Ability to Pay	R03-18	Mandatory
PTR-205.2	Election for Trial by Written Declaration	E07-14	Mandatory
PTR-206	Notice of Election for Trial by Written Declaration (ETBD) and Instructions to Defendant	E07-14	Mandatory
TCR-30	Written Promise to Pay Fine in Installments	R12-04	Mandatory
TGN-72	HandsOn Central California Center Referral	R07-21	Mandatory
TGN-74	Court Referral - Community Service through Non-Profit Organization	E06-09	Mandatory
TTR-02	Agreement on Extension	R02-06	Optional
TTR-05	Juvenile Truancy Notice to Appear	E03-23	Mandatory
TTR-06A	Amnesty / Monthly Payment Agreement	E10-15	Mandatory
TTR-06G	Guilty Plea / Monthly Payment Agreement	R04-15	Mandatory
TTR-08	Promise to Appear	R12-15	Mandatory
TTR-11	Juvenile Traffic Notice to Appear	R07-20	Mandatory
TTR-12	Agreement on Release to Appear or Furnish Traffic School Completion Certificate	R04-07	Mandatory
TTR-13	Baby Safe Referral Agreement	E08-07	Mandatory
TTR-19	Courtesy Notice – Failure to Appear	R02-23	Mandatory
TTR-20	Courtesy Notice – Failure to Pay	R02-23	Mandatory
TTR-20c	Courtesy Notice - Failure to Pay, Criminal	R02-23	Mandatory
TTR-24	Stipulation and Consent for the Appointment of Temporary Judge-Traffic Department	E01-23	Mandatory
TTR-25	Application and Declaration to Vacate or Reduce Civil Assessment	R10-17	Mandatory
TTR-25a	Application to Show Good Cause to Vacate Civil Assessment	R10-17	Mandatory
TTR-27	Notice of Intent to Plead Not Guilty and Set Same Day Arraignment and Court Trial	R10-15	Mandatory

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TTR-28	Mandatory Reminder Notice	R02-23	Mandatory
TTR-29	Notice of Civil Assessment and Election for Trial by Written Declaration for Adult Traffic - FTA	R03-23	Mandatory
TTR-31	Options for Resolving Your Case Without Coming to Court	R02-23	Optional
TTR-40	Infraction Advisement, Waiver of Rights and Plea Form	R01-17	Mandatory
TTR-41	Infraction Case Notice	R02-23	Mandatory
TTR-50	Receipt of Trial by Written Declaration Form & Information on a Failure to Appear Case	R03-12	Mandatory
TTR-71	Request for the Court to Transfer or Issue a Refund	E12-14	Mandatory
TTR-80	Affidavit of Dismissal of Traffic Infraction	E03-23	Mandatory
TTR-300	Agreement to Pay and Forfeit Bail in Installments	R02-23	Mandatory
TTR-310	Agreement to Pay Traffic Violator School Fees in Installments	R02-23	Mandatory
GENERAL			
Form No.	**Form Name**	**Eff. Date**	**Mandatory / Optional**
PFAC-02	Facilities Use Permit	R06-18	Mandatory
PGN-23	At Issue Memorandum	R06-10	Mandatory
PGN-35	Designation of Attorney	E09-01	Mandatory
PGN-48	Application Access Request	R05-20	Mandatory
PGN-51	Notice of Change of Address and Telephone Number	R05-05	Optional
PGN-55	Notice and Acknowledgement Consistent with California Code of Judicial Ethics; Stipulation and Consent to Court Commissioner to Assignment for All Purposes	R03-17	Mandatory
PGN-59	Order Appointing Court-Approved Reporter as Official Reporter Pro Tempore	R05-21	Mandatory
PGN-61	Court Reporter Realtime Hardware and Software Requirements and Configuration	R04-21	Mandatory
PGN-62	Deposit/Payment to Fresno Superior Court	E08-03	Mandatory
PGN-63	Stipulation and Order to Use Certified Shorthand Reporter	R05-21	Mandatory
PGN-64	Request for Copies of Compact Discs	R01-22	Mandatory
PGN-64a	Request for Typed Copy of Recorded Proceedings	R02-13	Mandatory
PGN-65	Request for Transcribed Copy of Recorded Proceedings	R03-23	
PGN-81	Case Index Request Form	R11-17	Mandatory
PGN-87	Copy Request Authorization Form	R01-20	Mandatory
PGN-89	Designation of Electronic Service	R03-24	Optional
PGN-90	Application and Order for Payment of Court Appointed Vendor / Attorney	R01-23	Mandatory
PGN-90b	Claims Processing Policy for Court-Appointed Vendor	R07-20	Mandatory
PGN-91	Attachment A Services Performed	R04-13	Mandatory
PGN-92	Attachment B Expenses Paid	R06-20	Mandatory
PGN-93	Attachment C Psychological/Psychiatric Evaluation Guidance Memo	R06-23	Mandatory
PGN-94	Notice of Interest - Psychiatrist & Psychologist	E11-21	Mandatory
PGN-95	Court Vendors Notice of Interest - Investigators/Paralegals/Legal Document Assistants	E02-22	Mandatory
PGN-96	Court Vendor Notice of Interest - Psychiatrist and Psychologist	E02-22	Mandatory

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TGN-05	Notice of Returned Payment	R05-24	Mandatory
TGN-06	Clerk's Certificate of Mailing/Electronic Service	R08-22	Mandatory
TGN-07	Stipulation and Consent for the Appointment of Court Commissioner as Temporary Judge	R06-05	Mandatory
TGN-07a	Stipulation and Consent for the Appointment of Temporary Judge	R06-06	Mandatory
TGN-07b	Stipulation and Consent for the Appointment of Temporary Judge - Appeals	R10-17	Mandatory
TGN-08A	Receipt	R03-23	Mandatory
TGN-24	Declaration for Withdrawal of Bond	R06-06	Mandatory
TGN-26	DMV Security Requirements, Policy & Procedures	E08-15	Mandatory
TGN-28	Notice of Result Pursuant to PC 1202.1	E04-18	Mandatory
TGN-33	Information for Warrant Department	R11-01	Optional
TGN-40	Exemplification	R01-22	Optional
TGN-54	Off Calendar/Continuance Request	R12-03	Optional
TGN-62	Deposit/Payment to Fresno Superior Court	E08-03	Mandatory
TGN-64A	Request for Typed Copy of Recorded Proceedings	R02-13	Mandatory
TGN-71	Bench Warrant/Body Attachment	R03-21	Optional
TGN-72	HandsOn Central California Community Court Referral Service Program	R07-21	Mandatory
TGN-80	Decisions for Life Customer Receipt	R03-20	Mandatory
TGN-84	Temporary Judge Evaluation Form	R03-16	Mandatory
TGN-86	Certified Copy of Case File	E03-16	Mandatory
TGN-87	Receipt of Records for Supervision Transfer	E06-18	Mandatory
TGN-91	Attachment A Services Performed	E05-11	Mandatory
TGN-92	Attachment B Expenses Paid	E03-11	Mandatory
TGN-93	Attachment C Psychological/Psychiatric Evaluation Guidance Memo	E05-13	Mandatory
TGN-98	Notice of Cancellation of Hearing	E12-24	Optional
TGN-99	Info - Designation of Electronic Service	E01-25	Optional
TGN-110	Department Procedure-Guide Template	R01-25	Optional