



**The Superior Court**

*STATE OF CALIFORNIA - COUNTY OF SANTA BARBARA*

**- SUPERIOR COURT RULES -**

**and**

**SCHEDULE OF COURT SERVICES,  
FILING FEES AND SERVICE CHARGES**

**Effective January 1, 2024**

# LOCAL RULES OF COURT

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## SUPERIOR COURT ORGANIZATION & LOCATIONS

- JULY 1, 2023 -

### COURT LOCATIONS

Address / Phone, FAX

### Judicial Officers / Managers

#### **SOUTH SANTA BARBARA COUNTY LOCATIONS:**

Darrel E. Parker, *Court Executive Officer*  
Angela Braun, *Chief Deputy Executive Officer*

#### **Anacapa Division**

1100 Anacapa Street  
P. O. Box 21107  
Santa Barbara, CA 93121-1107  
(805) 882-4520  
FAX (805) 882-4519

#### **Filings Of**

Civil, Family Law,  
Probate (Wills, etc.)  
Mental Health, Civil Appeals  
Small Claims

**Thomas P. Anderle, Judge**

**Donna Geck, Judge**

**Colleen Sterne, Judge**

**Carol Hubner, Commissioner**

Bobby Baksh, *Supervisor*

Julie Nicola, *Manager*

#### **Figueroa Division**

118 East Figueroa Street  
Santa Barbara, CA 93101  
(805) 882-4735  
FAX (805) 882-4647

#### **Filings Of**

Criminal,  
Traffic, Infractions,  
Appeals

**Thomas Adams, Judge**

**Clifford Anderson III, Judge**

**Michael Carrozzo, Judge**

**Jean Dandona, Judge**

**Von Deroian, Judge**

**Pauline Maxwell, Presiding Judge**

**Raimundo Montes de Oca, Judge**

Liz Mendez, *Supervisor*

Esteban Enriquez, *Manager*



**NORTH SANTA BARBARA COUNTY LOCATIONS:**

Darrel E. Parker, *Court Executive Officer*  
Angela Braun, *Chief Deputy Executive Officer*

**Cook Division**

312 –C East Cook Street  
Santa Maria, CA 93454  
(805) 614-6414  
FAX (805)614-6616

**Filings Of**

Civil, Family Law  
Probate (Wills, etc.),  
Mental Health,  
Civil Appeals, Small Claims

**Jed Beebe, Judge**

**James F. Rigali, Judge**

Robert Mendez, *Supervisor*

Julie Nicola, *Manager*

**Miller Division**

312-M East Cook Street  
Santa Maria, CA 93454-5165  
(805) 614-7590  
FAX (805) 614-7591

**Filings Of**

Criminal,  
Criminal Appeals,  
Traffic Infractions

**Denise Hippach, Judge**

**Patricia Kelly, Judge**

**Kay Kuns, Judge**

**John F. McGregor, Judge**

**Karen O’Neil, Judge**

Darla Rodriguez, *Supervisor*

Esteban Enriquez, *Manager*

**Juvenile-Santa Maria**

4285 California Boulevard  
Santa Maria, CA 93455  
(805) 614-6579  
FAX (805) 614-6581

**Filings Of**

Juvenile Petitions

**Gustavo Lavayen, Judge**

Mary Allen, *Supervisor*

Mark Hanson, *Manager*

**Lompoc Division**

115 Civic Center Plaza  
Lompoc, CA 93436-6967  
(805) 737-7789  
FAX (805) 737-5440

**Filings Of**

Criminal, Criminal Appeals  
Restraining Orders,  
Civil (Limited Jurisdiction)  
Traffic Infractions

**Stephen Foley, Judge**

**Carol Hubner, Commissioner**

George Reyes, *Supervisor*

Esteban Enriquez, *Manager*

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**Official Publisher of These Rules**

The Executive Officer is the official publisher of these rules pursuant to CRC 10.613. Please report any publishing errors or omissions to:

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Superior Court  
1100 Anacapa St.  
Santa Barbara, CA 93101  
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## **Chapter One – ADMINISTRATION OF RULES**

### **100 AUTHORITY**

These local Court Rules (“local rules”) are adopted pursuant to Code of Civil Procedure section 575.1; California Rules of Court (“CRC”) 10.613 and Government Code sections 68070, *et seq.*

*(Amended effective 07-01-09; adopted effective 07-01-98; previously amended effective 07-01-09)*

### **101 AMENDMENTS**

These local rules may be amended only upon a majority vote of the judges present at any noticed regular or special meeting of the judges of the Superior Court of Santa Barbara County (“Court”).

*(Amended effective 07-01-09; adopted 07-01-98; previously amended effective 01-01-00)*

### **102 SANCTIONS FOR NON-COMPLIANCE**

If any counsel, a party represented by counsel, or a self-represented litigant fails to comply with any of the requirements of these local rules, a judge, on motion of a party or on his or her motion, may (1) strike all or any part of any pleading of that party, (2) dismiss the action or proceeding or any part thereof, (3) enter a judgment by default against that party, or (4) impose other penalties of a lesser nature as otherwise provided by law, and may order that party and counsel to pay to the moving party reasonable expenses associated with the motion, including reasonable attorney fees.

No penalty may be imposed under this rule without prior notice and an opportunity to be heard, by the party against whom the sanction is sought to be imposed. [CCP sections 177.5 and 575.2].

If failure to comply with these local rules is the responsibility of counsel and not the party, any penalty shall be imposed on counsel and shall not adversely affect the party's cause of action or defense thereto.

*(Amended effective 07-01-09; adopted effective 07-01-98; previously amended effective 07-01-03)*

## **Chapter Two - JURISDICTION & VENUE**

### **200 GEOGRAPHIC JURISDICTION**

The jurisdiction of the Court's geographic regions is specified by Article VI, sections 4 and 5 of the Constitution of the State of California; ordinances adopted by the Santa Barbara County Board of Supervisors, and by these local rules.

*(Amended effective 07-01-09; adopted 07-01-98; previously amended effective; 01-01-99)*

### **201 NORTH & SOUTH COUNTY REGIONS**

For the purpose of these local rules, it shall be assumed that Santa Barbara County has been divided geographically into two separate regions hereinafter referred to as "South County" and "North County." A map depicting this geographic division is contained in "Appendix 1" of these local rules.

The portion of Santa Barbara County southerly and easterly of the following described line constitutes "South County":

Beginning at the intersection of the west bank of Gaviota Creek and the mean high tide line of the Pacific Ocean; northerly to intersection with the westerly right-of-way line of U.S. Highway 101; northerly along the westerly right-of-way line of U.S. Highway 101 to the south bank of the Santa Ynez River; easterly along the south bank of said river to the westerly right-of-way line of Happy Canyon Road and Figueroa Mountain Road; northerly and northeasterly along said right-of-way line to the boundary line between Township 8 North and Township 7 North; and easterly along said boundary line to the Ventura County line, including the islands of Anacapa, San Miguel, Santa Rosa, and Santa Cruz.

The remainder of Santa Barbara County constitutes "North County." This geographic division is coterminous with the jurisdictional boundaries dividing the former Santa Barbara Municipal Court District and the former North Santa Barbara County Municipal Court District.

*(Amended effective 07-01-18; adopted 07-01-98; previously amended effective 07-01-09 and 01-01-99)*

### **202 COURT DIVISIONS**

For the purpose of these local rules, the following are designated as the divisions of the Court: Santa Maria, Lompoc, Solvang, Santa Barbara, Juvenile and Appellate.

*(Adopted 07-01-09)*

## 203 VENUE

**(a) [General Rule]** When, under California law, “North County” would be a “proper county” for venue purposes, all filings for such matters shall be in the appropriate division of the Clerk’s office in North County. All other filings shall be made in the Clerk’s office in the appropriate division of the Court in South County.

**(b) [Real Property Cases]** Notwithstanding whether venue may be proper in a different geographic area (North County or South County) under subdivision (a) of this rule, any case which asserts a claim under the California Environmental Quality Act (CEQA) (Pub. Res. Code, § 21000 et seq.), under the Williamson Act (Gov. Code, § 51200 et seq.), or which asserts a claim based upon title, use, or regulation of specific real property shall be filed initially in the geographic area where the real property that is the subject of the dispute is situated. Cases subject to this subdivision may be venued in a different division only upon a showing of good cause made to the appropriate department of the Court in the geographic area where the real property is situated.

**(c) [Designation and Change of Venue]** In electronic filings, the party making the filing shall designate the appropriate division of the Court based upon subdivisions (a) and (b) of this rule. The title of the Court required to be placed on the first page of documents pursuant to CRC 2.111 includes the name of the appropriate Court division. Any filing erroneously made in a division of the Court may be transferred to the appropriate division upon motion of any party or on the court’s own motion. Upon the motion of any party or on the court’s own motion, and upon good cause shown, the matter may be transferred to a different division. Nothing in this rule shall affect the power of the Presiding Judge or Assistant Presiding Judge to distribute court business as otherwise permitted by law.

*(Amended effective 01-01-22; adopted 07-01-99 previously amended effective 07-01-18, 07-01-09 and 01-01-99)*

## 204 FILING & LOCATION OF HEARING

The proper venue for filing documents will ordinarily, but not necessarily determine the Court location where any case will be heard. With respect to documents which are not required to be e-filed under Local Rule 1012, the Clerk shall not refuse to accept for filing a document delivered to the Clerk’s Office in a division different from the appropriate filing venue, provided that the document is otherwise legally acceptable for filing.

*(Amended effective 07-01-18; adopted 07-01-98; previously amended effective 07-01-09 and 01-01-99)*

## **Chapter Three - ORGANIZATION & MANAGEMENT**

### **300 MEETINGS OF THE JUDGES**

Regular meetings of the judges of the Court shall be called periodically by the Presiding Judge or by the Assistant Presiding Judge. Special meetings of the judges may be called by the Presiding Judge, or Assistant Presiding Judge, or by a majority vote of the judges of the Court. Meetings of the judges of either region of the Court may be called by the Presiding Judge or Assistant Presiding Judge or by any two judges of a region.

*(Amended effective 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **301 PRESIDING JUDGE & ASSISTANT PRESIDING JUDGE**

The Presiding Judge and an Assistant Presiding Judge of the Court shall be elected by a secret ballot majority vote of all judges of the Court at a September meeting. The Presiding Judge shall be selected from one region and the Assistant Presiding Judge shall be selected from the other region. The term of office for these positions shall be concurrent and shall be for a period of two calendar years. Upon completion of the term, the Assistant Presiding Judge shall succeed the Presiding Judge for a full two-year term.

*(Amended effective 07-01-09; adopted effective 01-20-05)*

### **302 JUDICIAL VACATION & PERSONAL LEAVE**

A judge's vacation day is defined as an approved absence from the Court for one full business day. A request for vacation time or other absence from the Court shall be submitted to the Presiding Judge or a designee with reasonable advance notice. Absences from the court to attend an authorized education program, conference, or workshop or to participate in Judicial Council or other authorized committees or community outreach activities, is not considered vacation time if prior approval has been granted by the Presiding Judge or a designee.

A judge may take two personal leave days per year subject to prior approval by the Presiding Judge or a designee.

*(Amended effective 07-01-09; adopted effective 07-01-08)*

### **303 COURT EXECUTIVE OFFICER**

The judges of the Court may appoint an Executive Officer, who shall also serve as Clerk of the Court ("Clerk") and as Jury Commissioner, and who shall continue to serve at the pleasure of a majority of the judges of the Court. The duties of Executive Officer are prescribed by CRC 10.610.

*(Amended 07-01-09; Adopted 07-01-98; previously amended 01-01-99)*

## **Chapter Four - OFFICERS & PERSONNEL**

### **400 PERSONNEL PLAN**

The Executive Officer shall prepare and submit a Superior Court Personnel “Plan” to the judges of the Court for approval. The Plan, when adopted by a majority of the judges, shall apply to all Court employees, and the judges shall follow such Plan in all dealings with Court employees, except where inconsistent with California and federal statutes and the CRC, in which event the statutes and CRC shall be controlling.

*(Amended effective 07-01-09; adopted effective 07-01-98)*

### **401 COMPLAINTS AGAINST SUBORDINATE JUDICIAL OFFICERS**

**(a) [Applicability]** This rule applies to all subordinate judicial officers as that term is defined by CRC 10.703.

**(b) [Submission and Content]** Complaints against subordinate judicial officers must be in writing and must be submitted to the Presiding Judge. To be considered a complaint, the writing must contain the name, mailing address and telephone number of the complainant, and the name of the subordinate judicial officer against whom the complaint is made. The complaint must also state whether the complaint is about (1) the content or resulting effect of a decision or ruling, (2) or the exercise of judicial or administrative discretion by the subordinate judicial officer, or (3) whether the complaint is about other actions or conduct of the officer.

The complaint must include a statement of the specific action or conduct by the subordinate judicial officer that is the basis for the complaint and the approximate date that the action was taken or conduct occurred. If the complainant requests that particular witnesses to the action or conduct of the subordinate judicial officer be contacted in support of the complaint, the names, and if available to the complainant, the addresses and telephone numbers of those witnesses must be included in the complaint.

**(c) [Closing Complaints After Preliminary Review]** If a complaint against a subordinate judicial officer addresses the content or effect of a ruling of that officer, or if the complaint addresses the exercise of judicial or administrative discretion of the officer, the Presiding Judge will close the complaint after preliminary review and will notify the complainant and the subordinate judicial officer of that decision. [CRC 10.703(h)].

*(Former rule 402 renumbered effective 07-01-09; adopted effective 01-20-05)*

### **402 COURT EMPLOYMENT CONFLICT OF INTEREST CODE**

**(a) [Adoption of Code]** The Santa Barbara County Superior Court hereby adopts this Conflict of Interest Code, as provided by Article 3, commencing with Section 87300, of the California Government Code; which hereby incorporates, by reference, Title II Section 18730 of the California Code of Regulations, and any subsequent amendments thereto.

(b) **[Code Reviewing Body]** The Presiding Judge of the Court, or the Presiding Judge’s designee(s), shall act as the Code Reviewing Body for this Conflict of Interest Code.

(c) **[Place of Filing; Filing Officer]** The Superior Court Executive Officer and Clerk of the Court is designated as the Filing Officer for all Statements of Economic Interests filed under this Rule.

(d) **[Forms and Filing of Statements]** The California Fair Political Practices Commission will supply the Court with the required Statement of Economic Interests forms required by this Rule, the Court’s Human Resources staff will distribute the forms to those persons required to file, and the designated employees, contractors and consultants are responsible for completing and filing their own forms (1) on assuming employment in a designated classification (2) on terminating employment in a designated classification, and (3) annually, while so classified.

(e) **[Code Appendices: I. Designated Classifications; II Disclosure Categories]** The Superior Court of Santa Barbara County hereby adopts the following appendices to the Standard Code:

**APPENDIX I  
DESIGNATED EMPLOYMENT CLASSIFICATIONS**

Judges and Court Commissioners will file Statements of Economic Interests and any other related and required forms, as elsewhere provided by law.

Employees, contractors or consultants in the below-designated classifications shall report interests, investments and interests in the corresponding Disclosure Categories, as set forth in Appendix II:

<b>CLASSIFICATION</b>	<b>DISCLOSURE CATEGORY</b>
Superior Court Executive Officer	1, 2
Assistant Superior Court Executive Officer	1, 2
Information Technology Director	1, 2
Chief Financial Officer	1, 2
Procurement Specialist	1, 2
Procurement Specialist Senior	1, 2
Human Resources Manager	1, 2
Legal Research Attorney	3
Legal Research Attorney Senior	3
Legal Research Attorney Supervisor	3
Family Law Facilitator	1, 2
Family Custody Mediator	1, 2
Family Custody Mediator Sr	1, 2
Family Custody Supervisor	1, 2
Court Investigator	1, 2
Consultants	1

## APPENDIX II DISCLOSURE CATEGORIES

Category 1. Employees, contractors or consultants in designated classifications assigned to this disclosure category shall report interests in real property located within Santa Barbara County or within two miles of Santa Barbara County.

Category 2. Employees, contractors or consultants in designated classifications assigned to this disclosure category shall report investments in and income from business entities engaged in the manufacture, sale, lease or provision of supplies, materials, equipment, real property and services of the type used by these Courts within the past two (2) years.

Category 3. Employees, contractors or consultants in designated classifications assigned to this disclosure category shall report all investments, sources of income, interests in real property, and positions in business entities, as follows: If, during a reporting period, a designated employee in this category did not participate in, or was not required to disqualify himself or herself from participating in, a case or other assignment in which he or she had a financial interest as defined by Section 87103 of the Government Code, the employee shall sign a statement to that effect, under penalty of perjury. This statement shall be filed as the statement of economic interests required by Section 4(c) of the Standard Code. An employee who disqualified himself or herself from participating in a case or assignment in which he or she had a financial interest, shall disclose the case or assignment and the disqualifying interest, and file the statement with the Filing Officer. The requirements of this category are met by filing a completed CFPPC form 700 (or its successor form) identifying no reportable interests (for no reportable disqualification) or identifying reportable interests on the applicable form 700 schedule with additional required information as “comments”; no separate declaration is needed; this sentence is declaratory of existing law and practice, and is not intended to make any substantive change.

*(Amended 1-24-23; Adopted 07-01-98. As amended, eff. 01-01-11)*



## **Chapter Five - BUDGET, FINANCE & FISCAL SERVICES**

### **500 FEES & SERVICE CHARGES SCHEDULE**

The Executive Officer shall recommend, prepare for approval by the judges, and for review and authorization of the Judicial Council, a schedule of all fees charged by the Court and by the Clerk, to litigants and to the general public for filing documents and provision of other Court services. Upon adoption by the judges and upon authorization of the Judicial Council pursuant to CRC 10.815, the approved Schedule of Court Services, Filing Fees and Charges, and all instructions or information contained therein, shall be published and maintained for public inspection and shall have the full force and effect of a Rule of Court, except as may otherwise be prescribed by statute, the CRC, or otherwise by these local rules.

*(Amended effective 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **501 PAYMENT METHODS FOR FEES, CHARGES, FINES & BAIL**

(a) Personal checks, bank cashier's checks, drafts or money orders will be accepted by the Court in payment of any fee, service charge, fine or bail deposit if tendered in the appropriate manner and amount as defined in the Cash Handling Section of the Trial Court Financial Policies and Procedures Manual (Procedure No. FIN 10.02, section 6.3.3).

If a check is returned for non-sufficient funds or "account closed," the payor must reimburse the Court with cash, or cashier's check plus a service fee for the actual cost as determined by consultation between the Court Administrator and the County Auditor's Office.

(b) Credit cards will be accepted by the Court in payment of any fee, service charge, fine or bail deposit if tendered in the appropriate manner and amount as defined in the Cash Handling Section of the Trial Court Financial Policies and Procedures Manual (Procedure No. FIN 10.02, section 6.3.4).

*(Amended effective 07-01-09; adopted 07-01-98; previously amended effective 01-01-02)*

### **502 FINE PAYMENT PLANS**

The Court will not accept deferred or partial payments on fines unless a deferred fine payment or a financial payment plan is first approved, or as may otherwise be ordered by a judicial officer. To establish a fine deferment, for one future payment of the entire fine, or a financial payment plan for multiple future payments, the defendant must submit a completed application, along with a nominal fee for the cost of account administration, to the fiscal unit of the Clerk's office in the division where the case is calendared. Incomplete applications will not be accepted. Court approval of deferment or installment payment plans will include specified due dates and minimum amounts for payments, as determined by the Court at the time of the application is filed.

*(Amended effective 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **503 COURT COLLECTIONS CONTRACT(S)**

The Court has entered into contract(s) with private debt collections firm(s), for the purpose of collecting certain delinquent accounts. Court accounts may be referred for collection under such contract(s) and collections will be made and remitted to the Court, pursuant to the terms of the contract(s).

*(Amended 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **504 TRUST FUNDS INTEREST**

All interest earned on Court funds, and on funds deposited by the Court in fiduciary trust for other persons or entities, shall be paid promptly into the fund which contains the principal on which the interest accrued in accordance with Government Code section 53647(b), and to the extent not otherwise specifically provided by the CRC, or specific rule or formal order of the Court.

*(Amended 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

## **Chapter Six - COURT FACILITIES; ACCESS & SECURITY**

### **600 COURT SECURITY OFFICER**

The Sheriff of Santa Barbara County is designated Court Security Officer (“CSO” for the Court. The CSO shall provide court security services within and about the perimeter of all Court facilities, prisoner transportation services, prisoner escort services, bailiff services, and the execution of court orders and bench warrants requiring the immediate presence of a defendant or witness in court pursuant to Government Code section 26671.4 and in compliance with Government Code sections 69920 *et seq.*, and the CRC.

*(Amended effective 07-01-09; previously amended effective 01-01-99; adopted 07-01-98)*

### **601 SECURITY PLAN**

The Court Security Officer shall prepare, periodically review and revise, a Court Security Plan (“Plan”), for consideration and approval by the Court Security Committee created pursuant to CRC 10.173 and Government Code section 26671.6. The Plan shall be submitted for approval of a majority of the judges of the Court and shall comply with the requirements of Government Code section 69925 and CRC 10.172.

*(Amended effective 07-01-09; previously amended effective 01-01-99; adopted 07-01-98)*

### **602 BAILIFF SERVICES; JUDICIAL DIRECTION**

The Court Security Plan shall include, and the CSO shall provide, a bailiff for each department of the Court where a judicial officer is presiding in accordance with the Memorandum of Understanding (“MOU”) between the Court and the Sheriff prescribed by Government Code section 69926 and for such other Court proceedings as directed by the Presiding Judge. The courtroom bailiff’s primary responsibility is to assure the security of the attending public, courtroom personnel, jurors and other participants in court hearings as well as the security of court facilities, equipment and evidence in the courtroom. In the execution of this duty, each bailiff shall serve under the direction of the judicial officer presiding in the courtroom to which the bailiff is assigned, as well as under the supervision of the CSO. The CSO shall consult with the Court Security Committee before assigning newly-hired personnel or transferring personnel into the Sheriff’s Court Services Division pursuant to Government Code section 26671.7.

*(Amended effective 07-01-09; previously amended effective 01-01-99; adopted 07-01-98)*

### **603 PUBLIC ACCESS; COURT CONTROL**

The Court shall control the use and occupation of the courtrooms, corridors, and adjacent public spaces, when court is in session and immediately before and after court sessions, as necessary to allow the courts to function, and to protect the right of access to court proceedings by parties litigant, witnesses, observers, and the general public. The Court may specify procedures for protection of the operations of the Court against disruption or obstruction due to noise, crowding, or other disruptive conditions that may occur in or immediately adjacent to court facilities; as further implemented by the Court-adopted Court Security Plan.

All judicial officers are hereby empowered to make such orders as they may deem necessary to

limit the occupancy of the courtrooms in which they preside and the public corridors in court facilities immediately adjacent thereto, and to limit and control the behavior of persons gathered therein, when the circumstances indicate that the operations of the court, or public access to the court, are being disrupted or are about to be disrupted by congestion or disturbance. The CSO is empowered to enforce such Court orders, and also to implement the intent of this rule, generally, as consistent with the Plan.

Before limiting the activities of members of the news media within the courthouse, or in the areas immediately adjacent to the court building within the courthouse grounds, the court shall give such notice as is practical in the circumstances to all identifiable news media members who may be affected by an order under this rule, and offer them an opportunity to make a showing that the proposed order is unnecessary, or should be modified. Nothing in this rule is intended to impact the procedures established in the CRC regarding the coverage of court proceedings by electronic media.

Any party aggrieved by an order made pursuant to this rule may apply to the court to modify the order, or to be exempted from it, by making a request in writing to the judge who issued the order, or to the Presiding or Assistant Presiding Judge of the Court, if the judge who issued the order is not available. Such written request shall be made under penalty of perjury, and shall state the specific impact of the order on the party requesting exemption or modification, as well as the specific relief requested.

*(Amended effective 07-01-09; previously amended effective 01-01-99; adopted 07-01-98)*

#### **604 CLOSURE OF COURT PROCEEDINGS**

Court proceedings are generally open to the public, but certain exceptions are provided by California statutes and the CRC and may be further specified by court order. Closed court proceedings will be noticed by a sign, "Courtroom Closed."

When a court order is sought for closure of any proceeding or for opening any closed proceeding, the party seeking such order shall file written notice of motion at least two (2) court days prior to the hearing. The motion shall be scheduled to be heard at least one day prior to the hearing. Motions for closure of hearings may be heard on shorter notice at the discretion of the court.

*(Amended 07-01-09; previously amended effective 01-01-99; adopted 07-01-98)*

#### **605 REQUESTS FOR MEDIA COVERAGE**

Rule number 605 is reserved for future use.

*(Rule 605 repealed effective 07-01-18; adopted 07-01-98; previously amended effective 07-01-09 and 01-01-03.)*

## **Chapter Seven - LEGAL & PROFESSIONAL SERVICES & FEES**

### **700 COURT SERVICE VENDOR RATE & FEE SCHEDULE**

**(a) [Services to the Courts]** The fees payable by the Court to non-employee, court-appointed, experts and specialist service providers to the Court, including but not limited to: medical, psychiatric or psychological examiners and diagnosticians, expert witnesses, legal counsel, investigators, receivers, appraisers and other economic experts, verbatim reporters, language interpreters and translators, jurors and witnesses, where not otherwise specifically prescribed by statute, the CRC, by these local rules, or by a written contract approved for such services, shall be as established by the Court Service Vendor Rate & Fee Schedule (“Schedule”) attached to these rules.

**(b) [Court Service Vendor Rate & Fee Schedule]** The CEO shall periodically survey rates and fees paid for such services in the county and by other courts in neighboring counties. With consideration for maintenance of effective services to the Court, and to minimize the costs of government services, the CEO shall recommend and prepare for approval by the judges of the Court, and shall publish and maintain for public inspection a schedule of approved rates and fees for such specialized services. Upon adoption by a majority of judges of the Court, the Schedule, and all instructions and information contained therein, shall have the full force and effect of a rule, except as may otherwise be prescribed by statute, the CRC, or otherwise by these Rules.

**(c) [Fee Exceptions By Order]** Where the fees to be charged for any expert, professional or specialized service are not provided by statute, rule, Court contract, or by the Schedule, or are inconsistent with the service rates specified by the Schedule, such fees shall be prescribed by written order or minute order of the appointing judge in each case. Such Special Fee Approval Order shall be made prior to providing of such service upon motion or application by counsel, self-represented litigant, by the prospective service provider, or upon the court's own motion.

**(d) [Fee Payment Responsibilities]** Where fees and expenses for appointed expert, professional and specialized services are prescribed by statute or local rule as charges against the Court or County of Santa Barbara, they shall be paid from the Court’s budget only when specifically prescribed by statute or local rule, where the statute or local rule requires that the Court make the appointment without discretion or motion of the parties, or where appointment has been made by the Court on its own motion. Such fees and expenses shall otherwise be paid by the prosecution or defense agency or department requesting the appointment.

*(Amended effective 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **701 SERVICES OF JURORS, INTERPRETERS & REPORTERS**

Rule number 701 is reserved for future use.

*(Rule 701 repealed effective 07-01-18; adopted 07-01-98; previously amended effective 07-01-09, 07-01-99 and 01-01-03)*

## 702 COURT DISCRETION

The allowance of fees in excess of those provided in the Schedule for appointed counsel, diagnosticians or other court service providers is subject to the discretion of the court upon proper and sufficient showing by the claimant of the necessity or justification thereof, except as may otherwise be specifically provided by statute.

*(Amended 07-01-09; adopted effective 07-01-98)*

## 703 COURT-APPOINTED COUNSEL FOR INDIGENT DEFENDANTS

Except as to those Public Defender and Conflict cases subject to written contract between the court, Santa Barbara County and contract counsel, the following appointment and counsel fee approval procedures shall apply:

**(a) [Public Defender Conflict or Other Inability; Court Appointment]** In the event the Public Defender's Office declares a legal conflict of interest or other inability to act for appointment to represent a person qualifying for the assistance of court-appointed counsel, the court shall appoint counsel as set forth in this rule and such policies as the court may adopt periodically.

**(b) [Billing for Counsel Services and Expenses]** At the conclusion of all proceedings in a case in which counsel has been appointed, counsel shall submit an original plus two copies of an itemized statement showing all services reasonably provided on behalf of the represented client and the dates that each such service was provided. Counsel shall attach an attorney fee order form for the judge's signature to the front of the original and two copies of the declaration supporting the request signed under penalty of perjury. The amount of time billed on the itemized statement shall not exceed the actual "billable" time the attorney would ordinarily bill to a typical client that attorney might represent in private practice. The time itemized shall not include attorney's traveling time or related expenses within the South region of Santa Barbara County in cases prosecuted in South County, or traveling time or related expenses within the North region of Santa Barbara County in cases prosecuted in North County, or research or preparation time which would not be required of an attorney reasonably experienced in the practice of criminal law.

**(c) [Court Determination and Payment; Hearing on Denial or Reduction]** Within a reasonable period of time after the date of filing counsel's request for a fee order and itemized declaration in support thereof, the court shall determine whether or not said request and declaration conform to this rule and any corresponding court policy. If the request and declaration conform to this rule and any corresponding court policy, an order shall be made and delivered forthwith to the Auditor of the County of Santa Barbara for payment pursuant to Penal Code section 987.2 (a). In the event the court determines that the request and declaration is not or may not conform with this rule and any corresponding court policy, the court may reduce the claim as it deems appropriate or may notify counsel that the request for attorneys fees is denied, pending a hearing. Counsel shall not bill the court for any time spent to prepare for or attend the hearing. At the conclusion of the hearing, the court shall make a final order as to the amount of

attorney's fees to which counsel is entitled pursuant to this rule and to any corresponding court policy.

*(Amended effective 07-01-09; adopted effective 07-01-98)*

#### **704 QUALIFICATION FOR COURT-APPOINTED COUNSEL**

To assist the court in determining the qualifications of otherwise unrepresented persons for court-appointed counsel, and to permit effective compliance with legal requirements for court determination of the ability of such persons to pay for the public services provided by appointed counsel, all court-appointed counsel, including the Public Defender, contract and non-contract appointed attorneys, shall collect financial information regarding the represented client's assets, liabilities, income and expenses for all defendants who are not in custody, and provide such information to the court at the time of the initial appointment and again on conclusion counsel shall also advise the court of the number of professional hours and the nature and amount of expenses that the defense has incurred at public expense.

*(Amended 07-01-09; adopted effective 07-01-98)*

#### **705 COUNSEL FEE STANDARDS IN TORT ACTIONS INVOLVING MINORS, INSANE OR INCOMPETENT PERSONS**

Rule number 705 is reserved for future use.

*(Rule 705 repealed effective 07-01-18; adopted 07-01-98; previously amended effective 07-01-09, 01-01-01 and 01-01-08)*

#### **706 COMPROMISE OF CLAIMS; ATTORNEY'S INTEREST DISCLOSURE**

Rule number 706 is reserved for future use.

*(Rule 706 repealed effective 07-01-18; adopted effective 07-01-98; amended 07-01-09)*

#### **707 CIVIL DEFAULT CASES; ATTORNEY FEES**

**(a) Reasonable Attorney Fees.** In default cases, when the obligation sued on provides for the recovery of reasonable attorneys' fees, the following schedule will apply to the principal amount of the judgment unless otherwise provided by law or determined by the court:

\$0.01 to \$1,000, \$250;  
\$1,000.01 to \$5,000, \$250 plus 20% of the excess over \$1,000;  
\$5,000.01 to \$10,000, \$1,050 plus 15% of the excess over \$5,000;  
\$10,000.01 to \$15,000, \$1,800 plus 10% of the excess over \$10,000;  
\$15,000.01 to \$50,000, \$2,300 plus 5% of the excess over \$15,000;  
\$50,000.01 to \$100,000, \$4,050 plus 2% of the excess over \$50,000;  
Over \$100,000, \$5,050 plus 1% of the excess over \$100,000.

When the plaintiff is entitled to an award of attorneys' fees in an unlawful detainer default judgment, the sum of One Thousand Dollars (\$1000.00) will be awarded.

**(b) Attorney Fees Different From Schedule.** A party may apply for award of attorney fees in excess of the applicable fee determined under subdivision (a) by appropriate request supporting the higher award as provided by CRC 3.1800(a)(9). The Court may, in exercise of its discretion and in compliance with applicable law, award attorney fees in an amount greater than or less than the applicable fee determined under subdivision (a).

**(c) Application of Rule.** This local rule does not apply to applications for an award of attorney fees under Probate Code sections 3600-3601. This local rule shall not be construed to permit an award of attorney fees where otherwise prohibited or limited by law.

*(Amended 07-01-18; adopted effective 07-01-98; previously amended effective 01-01-16 and 07-01-09)*



## **Chapter Eight - GRAND JURY & TRIAL JURY SELECTION**

### **800 GRAND JURY SELECTION**

The selection of the grand jury shall be conducted pursuant to Penal Code sections 896 – 908.2. The Jury Commissioner shall ascertain that each nominee complies with the qualifications prescribed by Penal Code section 893.

The Court shall interview all volunteer applicants who have submitted properly completed applications. After certifying the competence and qualifications of the applicants, the Clerk shall deposit their names in five separate boxes according to the supervisorial district in which the applicant resides. The Clerk shall randomly draw an appropriate number of applicants as directed by the Court from each supervisorial district. The judges shall jointly nominate those applicants for grand jury duty and those names shall be deposited into the “grand jury box” by the Clerk. Another drawing shall be held to reduce the randomly-drawn applicants to not less than twenty-five (25) nor more than thirty (30) names. A final, random drawing shall be held from the pool of not less than twenty-five (25) nor more than thirty (30) names to select the required number of grand jurors.

Any grand juror who fails to obey the oath taken or charge by the court pursuant to Penal Code sections 911 or 914 is subject to removal from office by the Presiding Judge.

*(Amended 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **801 TRIAL JURY SELECTION; VENUE**

Trial jury selection shall be conducted in accordance with Code of Civil Procedure section 198.5. Jury venires for all South County divisions shall be selected from the South County geographic region, and jury venires for all North County divisions shall be selected from the North County geographic region as defined in rule 201 of these local rules, unless the Presiding Judge or Assistant Presiding Judge orders a countywide venire in the interest of justice.

*(Amended 07-01-09; adopted 07-01-98; previously amended effective 01-01-00)*

### **802 CIVIL CASE SETTLEMENT; NOTICE & JURY FEES**

In the event a civil case settles prior to the commencement of trial, the party who has demanded trial by jury shall notify the Jury Commissioner no later than 3:00 p.m. on the court day prior to the date set for trial. Failure to provide timely notice shall result in the party's forfeiture of the jury fee deposit and liability for all of the costs of the jurors appearing for trial. If the case settles on the day of trial after the jurors have actually appeared and cannot be utilized in another trial on the same date, the parties shall be responsible for the actual costs of all jurors appearing for the trial to be determined by the judge.

*(Amended 07-01-09; adopted effective 07-01-98)*

## **803 ACCESS TO JUROR IDENTIFICATION INFORMATION**

Rule number 803 is reserved for future use.

*(Rule 803 repealed effective 07-01-18; adopted effective 07-01-99; amended 07-01-09)*

## **Chapter Nine - COURT CALENDARS & DISTRIBUTION OF CASES**

### **900 DIRECT CALENDAR SYSTEM**

The Court maintains a direct calendar system with cases generally assigned to one department for all purposes including trial. The Presiding Judge or Assistant Presiding Judge may assign and re-assign cases to other departments.

*(Amended 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **901 SCHEDULES**

The Clerk shall post in a prominent public location at each division by 4:00 p.m. every court day, a copy of the weekly schedule of judicial assignments and a copy of the daily calendar the hearings and trials scheduled for the following court day, excluding the name and other identifying information regarding juvenile or other confidential actions except as may otherwise be provided by law.

*(Amended 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **902 “AFTER HOURS DUTY” JUDICIAL OFFICERS**

The Court shall establish a schedule of judicial officers to be available to consider and to make necessary court orders after regular business hours for the review and setting of bail, issuance of search warrants, and emergency juvenile, domestic violence and other protective orders. The Court has established a system of telephonic or other contact with such “after-hours duty judicial officers,” and shall provide such information to law enforcement agencies and child protective service agencies on a confidential basis.

*(Amended 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **903 ISSUANCE OF PROTECTIVE AND CHILD CUSTODY ORDERS**

**(a) [Communication and Coordination]** All judicial officers shall, prior to issuance of criminal protective orders or orders involving child custody or visitation, make reasonable efforts to determine the existence and terms of any prior orders that may have been issued as to any party to the action pursuant to Penal Code section 136.2(i) (1) and (2) and CRC 5.450.

**(b) [Coexistence of Orders; Conditions]** A family or juvenile court order may coexist with a criminal protective order; orders permitting contact between the restrained person and his or her children shall provide for safe exchange of the children, and shall not contain language that violates a "no contact" order issued in a criminal case; further, that the family or juvenile court order specifies the time, day, place and manner of transfer of the child, as provided by Family Code section 3100.

**(c) [Modification of Orders]** Any judicial officer to whom a criminal case has been assigned and in which case a criminal protective order has been issued, may, after consultation with the judicial officer assigned to a family or juvenile case where a subsequent child custody or

visitation order has been issued involving the same parties, modify the criminal protective order to allow or restrict contact between the person restrained and his or her children.

**(d) ["After Hours" Emergency Protective Orders]** Upon application for an emergency protective order by law enforcement or child welfare personnel, and prior to issuing such order, "after hours" duty officers shall inquire of the applying law enforcement or child welfare officer to confirm completion of the required Judicial Council application form for such orders, particularly including information as to such officer's knowledge of the fact and terms of any existing protective or custody orders. The "after hours duty judicial officers" may require further inquiry of the person or persons to be protected concerning the existence and terms of any prior court orders.

*(Amended 07-01-09; adopted effective 01-01-04)*

#### **904 JUDICIAL ASSISTANCE**

**(a) [Requests for Assistance]** All requests for judicial assistance required by any judicial officer, whether for reasons of judicial absence, disqualification or recusal, or for calendar conflicts or workload, shall be made to the Presiding Judge or Assistant Presiding Judge.

**(b) [Sources for Assistance]** In determining the need and the appropriate source for obtaining judicial assistance, available sources will be considered in the following order: first, judicial resources of the division where the need arises; second, judicial resources within other divisions located in the same geographic region; and, third, judicial resources in the other geographic region.

**(c) [Considerations]** In determining sources for judicial assistance, convenience and potential travel requirements for parties, counsel and jurors shall be considered.

**(d) [Judicial Council Assistance]** Requests for judicial assistance from the Judicial Council Assigned Judges Program shall be made only on approval of the Presiding Judge or Assistant Presiding Judge.

*(Amended 07-01-09; adopted 07-01-98; Former Rule 903; re-numbered effective 01-01-04; previously amended effective 01-01-99)*

## **Chapter Ten – GENERAL COURT PROCEDURES**

### **1000 CASE DISPOSITION TIME STANDARDS**

To assure timely disposition of all cases consistent with the goals of Government Code section 68607 and California Standards of Judicial Administration 2.1, the Court will actively manage all cases from filing to disposition.

*(Amended 07-01-09; adopted effective 07-01-99; previously amended effective 01-01-99)*

### **1001 CONTINUANCES**

Parties seeking a continuance of any matter must apply to the Court in the manner provided by law, i.e., by stipulation, by ex parte application, or by noticed motion. Except where otherwise required by law, continuances are granted or denied in the court’s discretion and are not granted solely on the basis of the stipulation of the parties. The Clerk is not authorized to continue a matter without an order from the Court.

*(Amended 07-01-18; adopted effective 07-01-98; previously amended effective 07-01-99)*

### **1002 SCHEDULING HEARINGS & TRIALS**

Except upon specific order of a judicial officer or as may otherwise be provided by law, no case shall be scheduled in any division of the court without approval of the Clerk.

*(Amended 07-01-09; adopted effective 07-01-98; previously amended effective 01-01-99)*

### **1003 TIME ESTIMATES**

To the extent permitted by law and in the discretion of the judicial officer presiding, if time estimates are exceeded, any case may be deemed submitted for decision on the evidence presented, ordered off calendar, or a mistrial declared.

*(Amended 07-01-18; adopted effective 07-01-98; previously amended effective 07-01-09)*

### **1004 ATTENDANCE OF PARTIES & WITNESSES**

Counsel in both civil and criminal cases are responsible for having their parties and witnesses present in court promptly so that no proceeding is delayed. It is also the responsibility of counsel to attempt to mitigate unnecessary attendance of witnesses at proceedings where they may not be necessary, and to attempt to schedule witnesses on an “on-call” basis whenever possible. The court will not impose sanctions in cases where there is a short continuance required for the appearance of a witness who has been placed “on-call” in a reasonable manner.

*(Amended 07-01-09; adopted effective 07-01-98; previously amended effective 01-01-99)*

## **1005 APPEARANCE BY TELEPHONE**

**(a)** (1) Counsel or self-represented parties may appear by remote means (including Zoom) as permitted by Code of Civil Procedure section 367.75, and California Rules of Court, rules 3.670 and 3.672.

(2) Those appearing by remote means must be at the appearance at least five minutes prior to the time set for the hearing.

(3) Persons intending to make regular remote appearances are encouraged to provide notice of intent to appear remotely for the duration of the case as provided in California Rules of Court, rule 3.672.

**(b)** Remote appearances are provided through a private vendor under agreement with the Court. Those wishing to appear by remote means must comply with Code of Civil Procedure section 367.75, and California Rules of Court, rules 3.670 or 3.672. Contact information for the remote conference vendor is available on the Court's website: [santabarbara.courts.ca.gov](http://santabarbara.courts.ca.gov).

*(Amended 01-1-2024; Adopted effective 07-01-98; previously amended effective 07-01-09, 01-01-99 and 07-01-18)*

## **1006 AVAILABLE COURT REPORTING SERVICES**

Subject to Government Code section 68086 and CRC 2.956, official reporting services are normally available in all Departments of the Court for trials and all other proceedings in civil cases, excepting small claims hearings and ex parte proceedings.

*(Adopted effective 07-01-18; former Rule 1006, adopted 07-01-98, was repealed effective 07-01-09)*

## **1007 ADMINISTRATIVE RECORDS IN ADMINISTRATIVE WRIT CASES**

**(a) [Form of Record]** A single e-filed or e-lodged document may not be larger than 25 megabytes. In all cases where exhibits or other documents are required to be e-filed or e-lodged under Local Rule 1012, including proceedings brought under Code of Civil Procedure section 1094.5 or otherwise requiring the lodging or filing of an administrative record, and the exhibits or other documents to be e-filed or e-lodged would otherwise exceed 25 megabytes in a single document, the document to be e-filed or e-lodged must be separated into sequentially numbered volumes, each volume of which does not exceed 25 megabytes. If the number of volumes exceeds 10 volumes, an electronic version of all volumes may alternatively be lodged in tangible form (i.e., on a flash drive, CD, or DVD) in lieu of e-lodging the documents. In all cases where multiple volumes are e-filed or e-lodged (or otherwise filed or lodged), the parties are strongly encouraged to e-file an appendix to their papers containing excerpts from the lodged volumes of those specific pages cited in their papers (and limited other pages necessary for context) to facilitate review of the cited materials.

**(b) [Confidential Records]** If any part of the e-lodged record is confidential, the party lodging the e-lodged record must clearly identify and separate the record into a public access version, if any part is not confidential, and a confidential version. The confidential version shall be lodged

provisionally under seal. If the confidential part of the e-lodged record is confidential by law, the party lodging the e-lodged record shall include in its notice of lodging both a statement that the confidential version of the e-lodged record is confidential by law and a citation to the authority for confidentiality. Otherwise, the parties shall comply with CRC 2.550 and 2.551.

*(Amended effective 01-01-22; previously adopted effective 07-01-18; former Rule 1007 (07-01-98) repealed effective 07-01-09)*

### **1008 DIRECT FILING BY FAX**

**(a) [Fax Filing Requirements]** Except for documents subject to mandatory e-filing under Local Rule 1012, any party may file documents by fax directly to the Court. Direct filing by fax must be made in full compliance with Code of Civil Procedure section 1010.5 and CRC 2.300 – 2.306. Where feasible and optional, parties are strongly encouraged to e-file rather than fax file documents.

**(b) [Fax Numbers]** The Court Fax numbers are as follows:

#### **SOUTH COUNTY COURT DIVISIONS:**

Santa Barbara – Civil	(805) 882-4519
Santa Barbara – Criminal & Traffic	(805) 882-4647

#### **NORTH COUNTY COURT DIVISIONS:**

Santa Maria – Civil	(805) 614-6616
Santa Maria – Criminal & Traffic	(805) 614-6591
Lompoc Division	(805) 737-5440
Solvang Division	(805) 686-7491

**(c) [Fax Fees; Credit Cards]** All direct Fax filings shall be accompanied by payment of fees by Credit Card, pursuant to CRC 2.304(d).

*(Amended 07-01-18; adopted effective 07-01-98; previously amended effective 07-01-09, 01-01-03 and 01-01-99)*

### **1009 EX PARTE ORDERS**

All applications for ex parte orders shall comply with CRC 3.1200-3.1207 and shall be e-filed where mandatory under Local Rule 1012. Applications which are not required to be e-filed under Local Rule 1012 shall be filed in the Clerk’s office of the appropriate court division where the case is pending.

*(Amended 07-01-18; adopted effective 07-01-98; previously amended 07-01-09)*

## 1010 COURT RECORDS MANAGEMENT & ACCESS

Access to review records in the court's public electronic and non-electronic files is available at the Clerk's Office under the supervision of court personnel as provided by law. Copies of such records are available from the Clerk upon request, subject to any established court charge.

*(Amended 07-01-18; adopted effective 01-20-05; previously amended 07-01-09; former rule 1010, Acceptance of Certain Hand Printed Documents and Forms, Repealed, effective 1-1-03)*

## 1011 LIMIT ON NUMBER OF COPIES THE CLERK WILL CONFORM

For documents not e-filed, the Clerk will conform a maximum of two (2) copies of any document at the time of filing. Additional copies will be provided by photocopy and the established fee for copies will be charged. If conformed copies are to be returned by mail, a stamped, self-addressed envelope must be included.

*(Amended 07-01-18; adopted effective 01-01-03; previously amended 07-01-09)*

## 1012 E-FILING AND E-SERVICE

### (a) Scope.

**(1) Mandatory E-Filing.** Except as set forth in subdivision (a)(2), all documents presented for filing or lodging in all civil cases, including limited, unlimited, complex, small claims, family law, and probate, must be electronically filed (e-filed) or electronically lodged (e-lodged), respectively, with the court as provided in Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.250 through 2.261.

**(2) Exceptions to Mandatory E-Filing.** The following documents are not subject to mandatory e-filing under subdivision (a)(1):

- (i) Documents presented for filing or lodging by a self-represented party. Although not required, self-represented parties are encouraged to e-file documents.
- (ii) Documents ordered by the court as exempt from e-filing or e-lodging. A party may seek a court-ordered exemption by ex parte application for reason of undue hardship, significant prejudice, or other good cause.
- (iii) Documents and other materials that are not feasibly converted to electronic form by scanning, imaging, or other means.
- (iv) Documents and other materials that are so voluminous that they may be alternatively lodged in tangible form as set forth in Local Rule 1007.
- (v) Documents with jurisdictional time limits, including notices of appeal, motions for new trial, motions for JNOV, motions to quash service for personal



jurisdiction, and petitions for writs. Although not required, e-filing of these documents is encouraged.

(vi) Documents for which ‘originals’ are required by statute or otherwise, including, where appropriate, bench warrants, subpoenaed documents, affidavits re real property of small value, bonds, undertakings, documents supporting a court accounting submitted by a guardian or conservator, letters (probate, guardianship, conservatorship), and wills and codicils (for filing or safekeeping).

(vii) Trial exhibits. Trial exhibits are to be filed, lodged, or otherwise made available to the court pursuant to the respective department’s policy and orders for such exhibits.

**(3) Procedure for Excepted Documents.** Unless otherwise ordered by the court, documents listed in subdivision (a)(2)(i), (ii), (iv), and (v) may be permissively e-filed or e-lodged, as applicable, with the court at the election of the filing party. Documents excepted from mandatory e-filing or e-lodging under subdivision (a)(2), and not permissibly e-filed or e-lodged, are to be filed or lodged with the court as provided by the Code of Civil Procedure and California Rules of Court for documents not e-filed or e-lodged.

*(Amended 01-1-2024)*

**(b) Procedure for E-Filing.**

**(1) Use of Approved Provider.** The electronic filing of documents required by this rule must be effected through a court-approved electronic filing service provider. A list of approved electronic filing service providers is available on the court's website: sbcourts.org. In addition to terms required by the California Rules of Court, the court's contract with an electronic filing service provider may require that documents e-filed meet court-provided specifications.

**(2) E-Filing Fees.** Electronic filing service providers may charge reasonable fees in addition to any filing fees required by the court. Any party who has received a fee waiver from the court, or who has otherwise obtained an order of the court waiving such fees, is exempt from the fees and costs associated with electronic filing.

**(3) Courtesy Copies.** The court may by order require the delivery of paper courtesy copies of e-filed documents.

**(c) Format of E-Filed Documents.**

**(1) Required Formatting.** All electronic documents must be in text searchable format and must comply with the formatting and content requirements of the California Rules of Court for electronic documents, including particularly CRC 3.1110(f)(4) requiring electronic bookmarks. Additional formatting requirements are set forth on the court's

website: sbcourts.org.

**(2) Compliance.** Compliance with all of the formatting requirements for electronic documents is extremely important for the court’s timely consideration of e-filed documents. In cases of noncompliance, the court may, in its discretion, order any, or all, of the following in addition to any other sanction permitted by law: (i) the noncomplying document to be stricken as improperly filed; (ii) the continuance of the hearing to which the noncomplying document pertains; or, (iii) the imposition of monetary sanctions for violation of the California Rules of Court or these Local Rules, following adequate notice and an opportunity to be heard.

**(d) E-Service.**

**(1) Mandatory E-Service.** E-filed Documents shall be served electronically by and on (i) each party who has appeared and is represented by counsel and (ii) all other persons entitled to service and expressly consenting to electronic service, unless personal service is required by statute or other law or unless the court orders otherwise. Electronic service (e-service) shall be made in the manner, and subject to the requirements of, Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.251. “E-filed Documents” include all documents that have been, or subsequent to service will be, e-filed or presented for e-filing with the court pursuant to this rule.

**(2) Permissive E-Service.** In all cases where e-filing is mandatory under subdivision (a)(1) and e-service is not mandatory under subdivision (d)(1), e-service is optional as provided in Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.251. Parties are strongly encouraged to file an express consent to electronic service with the court. (See Judicial Council Form EFS-005-CV.)

*(Amended 1-1-24; Amended 01-01-22; Adopted effective 01-01-16; previously amended 07-01-18)*

## **Chapter Eleven – ALTERNATIVE DISPUTE RESOLUTION (“ADR”)**

### **1100 ADR COMMITTEE**

An ADR Committee is established pursuant to CRC 10.783 for guidance and oversight of all court alternative dispute resolution programs, including the Judicial Arbitration Program. Members of the ADR Committee and the ADR Program Administrator are appointed by the Presiding Judge.

*(Amended 07-01-09; adopted 07-01-98; amended effective 01-20-05)*

### **1101 COURT ADMINISTERED DISPUTE RESOLUTION (CADRe)**

**(a) [Arbitration Administrator]** The ADR Administrator shall serve as ADR program administrator for all court administered ADR as provided in CRC 10.783, including serving as Arbitration Administrator for judicial arbitration. The ADR Administrator shall establish such local forms, lists of arbitrators and other procedures necessary to implement the Judicial Arbitration Program, and other court administered ADR programs to the extent not otherwise provided by law or the Standards of Judicial Administration.

**(b) [Service and Filing]** Plaintiff(s) shall include with service of complaints a copy of the Court Administered Dispute Resolution (CADRe) Program Information and a Stipulation and Order to Alternative Dispute Resolution (ADR) Process form pursuant to CRC 3.221(c).

**(c) [ADR Consultation]** Counsel and self-represented litigants may be required to attend a consultation with the CADRe staff within ten (10) court days of the 120-day CMC or as otherwise directed by the court. Parties and counsel shall be fully prepared to discuss the appropriate dispute resolution method(s) for the case with the court and CADRe staff.

*(Amended 07-01-18; adopted effective 07-01-98; previously amended effective 07-01-09 and 01-20-05)*

### **1102 CADRe METHODS**

**(a) [Applicability of Certain Methods]** The Court will make a determination of the amount in controversy at the CMC pursuant to Code of Civil Procedure sections 1141.16 and 1775.5.

**(b) [Amount in Controversy Does Not Exceed \$50,000]** Where the Court determines that the amount in controversy does not exceed \$50,000 for each plaintiff, the court shall order the parties to engage in either of the following ADR processes unless exempt by law:

(1) Judicial arbitration pursuant to Code of Civil Procedure section 1141.10 et seq. and CRC 3.810 et seq.; or,

(2) Limited Mediation in lieu of judicial arbitration pursuant to Code of Civil Procedure section 1775 et seq. (“CADRe Limited Mediation”) subject to program rules, at the request of the parties or in the discretion of the court.

**(c) [Amount in Controversy Exceeds \$50,000]** Where the Court determines that the amount in controversy exceeds \$50,000, the Court may order the parties to attend a continued Case Management and ADR Early Settlement Session (“CMADRESS”) orientation conference with a court-appointed neutral. The neutral will meet with the parties and their counsel to discuss the case with respect to issues of trial preparation, the volume of anticipated discovery, and the potential costs of the litigation if pursued through trial, and to assist them in deciding whether ADR would help resolve the dispute. The parties will be given the opportunity to mediate their case at this conference if they choose. The parties will not have to pay for the services of the neutral assigned to the case for the first 1.5 hours of the session. The neutral for each case will be chosen by the CADRe Director from a list of mediators approved by the Court’s ADR Committee. The parties shall be responsible for scheduling the CMADRESS conference, which must be held within the time limits set by the Court in the case management order.

**(d) [Settlement Conferences]** The Court may order one or more mandatory settlement conference in all cases to be conducted pursuant to CRC 3.1380. At the request of the parties, the Court may in its discretion order mediation in addition to or in lieu of a mandatory settlement conference.

**(e) [Stipulations]** The parties may stipulate to ADR processes in addition to or different from CADRe processes ordered by the Court. If an ADR process is stipulated, counsel shall file a fully executed Stipulation and Order to Alternative Dispute Resolution Process form (“ADR Stipulation”) within ten (10) court days after the later of either (1) the 120-day CMC or (2) the CADRe consultation. If the parties elect to pursue private ADR with their own neutral and at their own expense, they must inform the Court at the CMC and the Court will exempt them from the CMADRESS conference. Parties attending the CMADRESS conference may continue mediation or other ADR with the assigned neutral or any mediator after the CMADRESS conference, but they will be responsible for making a fee arrangement with the selected mediator for subsequent ADR sessions.

**(f) [Participation]** All parties are required to participate in court ordered ADR processes in good faith. Personal attendance at the CMADRESS and mandatory settlement conferences is required of all parties, their attorney and any claims representatives, except for defendants who are fully insured and represented by a claims agent for their insurance carrier and who do not have to consent to a settlement. Requests for excused personal attendance must be directed to the Mandatory Settlement Conference Judge.

*(Amended 07-01-18; adopted 01-01-98; previously amended effective 07-01-09 and 01-20-05)*

### **1103 ADR TIMING AND COMPLETION**

**(a) [Timing]** The parties shall conduct the ADR process within sixty (60) calendar days of filing the ADR Stipulation unless otherwise approved by the court. The neutral shall file a Statement of Agreement or Non-Agreement (ADR-100) within ten (10) court days of the final ADR session. All reports to the court by any mediator shall comply strictly with Evidence Code sections 1115 et seq. regarding disclosure of confidential or privileged information.

**(b) [Court Monitoring]** At the time an ADR process is ordered by the Court, or at any time in the Court’s discretion, the Court may schedule a follow-up CMC or order to show cause to ensure that the ADR process has been completed by the time set by the Court. Any continuance of dates scheduled for ADR, including mandatory settlement conference dates and completion dates, must be directed to the assigned trial judge. Participation in an ADR process shall not affect time periods specified in the Trial Court Delay Reduction Act.

**(c) [Settlement]** Upon any settlement or other disposition of a case other than by trial, where an ADR process has occurred or is pending, notice of such disposition shall be given to all parties, the court, the arbitrator or other ADR neutral involved in the case, and to the CADRe staff as required by CRC 3.1385.

**(d) [Follow-Up Reports]** The neutral will be directed by the Court to report to the CADRe Director on the CMADRESS conference using a form approved by the Court’s ADR Committee and provided to the neutral upon assignment of the case. The completed forms will be filed with the Court.

*(Adopted effective 07-01-18)*

## **1104 PROCEDURES FOR HANDLING COMPLAINTS ABOUT COURT PROGRAM MEDIATORS**

### **(a) [Application]**

This rule establishes the court’s procedures for receiving, investigating, and resolving complaints about mediators in the court’s mediation program for general civil cases, as required by rule 3.868 of the California Rules of Court. Nothing in this rule should be interpreted in a manner inconsistent with rules 3.865–3.862 of the California Rules of Court or as limiting the court’s inherent or other authority, in its sole and absolute discretion, to determine who may be included on or removed from its list of mediators or who may be recommended, selected, appointed, or compensated as a mediator by the court. This rule also does not limit the court’s authority to follow other procedures or take other actions to ensure the quality of mediators who serve in the court’s mediation program in contexts other than when addressing a complaint. The failure to follow a requirement or procedure in this rule will not invalidate any action taken by the court in addressing a complaint.

### **(b) [Definitions]**

As used in this rule:

(1) “The rules of conduct” means the Rules of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases set out in rules 3.850–3.860 of the California Rules of Court.

(2) “Court-program mediator” means a mediator who:

(A) Has agreed to be included on the court’s list or panel of mediators for general civil cases and is notified by the court or the parties that he or she has been selected to mediate a case within the court’s mediation program; or

(B) Has agreed to mediate a general civil case in the court’s mediation program after being notified by the court or the parties that he or she was recommended, selected, or appointed by the court or will be compensated by the court to mediate that case.

(3) “Inquiry” means an unwritten communication presented to the court’s complaint coordinator indicating that a mediator may have violated a provision of the rules of conduct.

(4) “Complaint” means a written communication presented to the court’s complaint coordinator indicating that a mediator may have violated a provision of the rules of conduct.

(5) “Complainant” means the person who makes or presents a complaint.

(6) “Complaint coordinator” means the person designated by the presiding judge to receive complaints and inquiries about the conduct of mediators.

(7) “Complaint proceeding” means all of the proceedings that take place as part of presenting, receiving, reviewing, responding to, investigating, and acting on any specific inquiry or complaint.

(8) “Mediation communication” means any statement that is made or any writing that is prepared for the purpose of, in the course of, or pursuant to a mediation or a mediation consultation, as defined in Evidence Code section 1115, and includes any communications, negotiations, and settlement discussions between participants in the course of a mediation or a mediation consultation.

**(c) [Confidentiality]**

**(1) Preserving the confidentiality of mediation communications**

All complaint proceedings will be conducted in a manner that preserves the confidentiality of mediation communications, including but not limited to the confidentiality of any communications between the mediator and individual mediation participants or subgroups of mediation participants.

**(2) Confidentiality of complaint proceedings**

All complaint proceedings will occur in private and will be kept confidential. No information or records concerning the receipt, investigation, or resolution of an inquiry or a complaint will be open to the public or disclosed outside the course of the complaint proceeding except as provided in rule 3.871(d) of the California Rules of Court or as otherwise required by law.

**(d) [Submission of inquiries and complaints to the complaint coordinator]**

All inquiries and complaints should be submitted or referred to the complaint coordinator.

**(e) [Addressing inquiries]**

If the complaint coordinator receives an inquiry, the coordinator must inform the person making the inquiry that the complaint procedure provides for investigation of written complaints only and that the person should submit a written complaint if he or she wants the court to conduct an investigation or take action. If the person does not submit a complaint, the complaint coordinator may prepare a written summary of the inquiry.

**(f) [Acknowledgment and preliminary review of complaints]**

**(1) Acknowledgment of complaints**

When the complaint coordinator receives a complaint, the coordinator will send the complainant a written acknowledgment of this receipt.

**(2) Preliminary review of complaints**

(A) The complaint coordinator will review each complaint to determine whether it warrants investigation or can be promptly, informally, and amicably resolved or closed. The coordinator may:

(i) Informally contact the complainant to obtain clarification or additional information or to provide information that may address the complainant's concern.

(ii) Communicate informally with the mediator to obtain the mediator's perspectives.

(B) If it appears to the complaint coordinator that the mediator may have violated a provision of the rules of conduct, the complaint coordinator must inform the mediator about the complaint and give the mediator an opportunity to provide an informal response.

(C) The complaint coordinator may close a complaint without initiating an investigation if:

(i) The complaint is withdrawn by the complainant;

(ii) No violation of the rules of conduct appears to have occurred or the complaint is without sufficient merit to warrant an investigation;

(iii) The conduct alleged would constitute a very minor violation of the rules of conduct, the coordinator has discussed the complaint with the mediator, and the mediator has provided an acceptable explanation or response; or

(iv) The complainant, the mediator, and the complaint coordinator have agreed on a resolution to the complaint.

### **(3) Notification of closure**

If the complaint coordinator closes a complaint without initiating an investigation, the coordinator must send the complainant notice of this action.

### **(g) [Appointing an investigator or a complaint committee]**

The presiding judge will appoint an investigator who has experience as a mediator and is familiar with the rules of conduct, or a complaint committee that includes at least one such individual, to investigate and make recommendations concerning any complaint that is not resolved or closed by the complaint coordinator as a result of the preliminary review.

### **(h) [Investigations]**

#### **(1) Application**

The procedures in this rule apply only if a complaint is not resolved or closed through the preliminary review or if the complaint coordinator initiates an investigation under (3).

#### **(2) Referral of a complaint for investigation**

If a complaint is not closed as a result of the preliminary review, the complaint coordinator will refer it to the investigator or complaint committee for investigation. The complaint coordinator will provide the investigator or complaint committee with a summary of the preliminary review that includes:

(A) A copy of the complaint;

(B) A copy or summary of any response from the mediator;

(C) A list of any violations of the rules of conduct that it appears may have occurred; and

(D) Copies of any previous complaints about the mediator and any written summaries of inquiries that are relevant to the current complaint.

#### **(3) Initiation by the complaint coordinator**

The complaint coordinator may initiate an investigation based on information received from any source, including an inquiry, indicating that a mediator may have violated a provision of the rules of conduct. To initiate the investigation, the complaint coordinator must refer the information received to an investigator or complaint committee with a list of the violations of the rules of conduct that it appears may have occurred.

**(4) Mediator’s notice and opportunity to respond**

(A) The investigator or complaint committee must provide the mediator with a copy of the materials provided to the investigator or complaint committee by the complaint coordinator under (2) or (3).

(B) The mediator will be given an opportunity to respond to the complaint and the list of apparent violations.

**(5) Preparing report and recommendation**

The investigator or complaint committee will conduct the investigation that the investigator or complaint committee considers appropriate. Thereafter, the investigator or complaint committee will prepare a written report that summarizes the investigation and states the investigator’s or complaint committee’s recommendation concerning the final decision on the complaint. The investigator or complaint committee may recommend one or more actions that are permissible under rule 3.870 of the California Rules of Court.

**(6) Informing mediator of recommendation**

The investigator or complaint committee may inform the mediator of its recommendation and inquire whether the mediator accepts that recommendation. If the mediator accepts the recommendation, the investigator’s or complaint committee’s report must indicate this.

**(7) Submitting report and recommendation**

The investigator or complaint committee must submit its report and recommendation to the complaint coordinator. The complaint coordinator must promptly forward a copy of the report and recommendation to the presiding judge or to his or her designee.

**(i) Final decision on a complaint that was investigated**

**(1) Responsibility for final decision**

The presiding judge is responsible for making the final decision about the action to be taken on any complaint that was investigated under subdivision (h) or for designating another judicial officer or a committee that includes a judicial officer to perform this function.

**(2) Acting on recommendation**

(A) Within 30 days after the investigator’s or complaint committee’s recommendation is forwarded to the presiding judge or the presiding judge’s designee, the presiding judge or designee may submit to the complaint coordinator a decision:

(i) Affirmatively adopting the investigator’s or complaint committee’s recommendation as the final decision on the complaint; or

(ii) Directing a different action that is permissible under rule 3.870 of the California Rules of Court.

(B) If the presiding judge or his or her designee does not submit a decision within 30 days after the complaint committee’s recommendation is forwarded, as provided in (A), the investigator’s or complaint committee’s recommendation will become the final decision on the complaint.

**(3) Notification of final action**

The complaint coordinator must promptly notify the complainant and the mediator in writing of the final action taken by the court on the complaint.



**(4) Authorized disclosures**

After the decision on a complaint, the presiding judge, or a person whom the presiding judge designates to do so, may authorize the public disclosure of information or records concerning the complaint proceeding that do not reveal any mediation communications. The disclosures that may be authorized under this subdivision include the name of a mediator against whom action has been taken, the action taken, and the general basis on which the action was taken. In determining whether to authorize the disclosure of information or records under this subdivision, the presiding judge or designee should consider the purposes of the confidentiality of complaint proceedings stated in rule 3.871 of the California Rules of Court.

**(j) [Interim suspension pending a final decision on a complaint]**

If the preliminary review or the investigation indicates that a mediator may pose a threat of harm to mediation participants or to the integrity of the court's mediation program, the presiding judge or the other judicial officer or committee designated by the presiding judge to make the final decision about the action to be taken on any complaint may suspend the mediator from the court's panel or list pending final decision on the complaint. The complaint coordinator may make a recommendation to the presiding judge or the designee regarding such a suspension.

*(Adopted effective 07-01-18)*

## **Chapter Twelve – APPELLATE DIVISION**

### **1200 APPELLATE DIVISION PANELS**

Appeals and petitions for writs are ordinarily heard by a panel of three judges of the Appellate Division. Appeals from convictions of traffic infractions may be heard and decided by one judge of the appellate division designated by the presiding judge of the appellate division.

*(Amended 01-01-20; adopted 07-01-98; previously amended effective 01-01-18, 07-01-09, and 01-01-99)*

### **1201 USE OF TRIAL COURT FILE**

The original trial court file may be used instead of a clerk's transcript on appeal in limited civil cases, misdemeanor and infraction appeals pursuant to CRC 8.833, 8.863 and 8.914.

*(Amended 01-01-20; Adopted effective 07-01-09)*

### **1202 OFFICIAL ELECTRONIC RECORDING**

(a) On stipulation of the parties or on order of the trial court pursuant to CRC 8.835, 8.837(d)(6), 8.868, 8.869(d)(6), 8.915 and 8.916, the original of an official electronic recording of the trial court proceedings, or a copy made by the court, may be transmitted to the appellate division clerk as the record of the oral proceedings without being transcribed.

(b) The clerk shall make the official electronic recording available to the parties and counsel for listening in court facilities during normal business hours.

*(Amended 01-01-20; Adopted effective 07-01-09)*

### **1203 CLERK'S DUTIES**

The duty of the clerk to send or to transmit trial court records to the Appellate Division is satisfied when the court record is made available to the Appellate Division clerk for use by the Appellate Division either electronically or in hardcopy.

*(Amended 01-01-20; Adopted effective 07-01-09)*

### **1204 RETURNING COPY OF SOUND RECORDING**

*(Rule 1204 repealed effective 01-01-20; Adopted effective 07-01-09)*

### **1205 NOTICE OF ORAL ARGUMENT**

*(Rule 1205 repealed effective 01-01-20; Adopted effective 07-01-09)*

## **1206 APPELLATE COURT PROCEEDINGS BY VIDEOCONFERENCE**

(a) Unless otherwise ordered by the Presiding Judge of the Appellate Division or the Presiding Judge's designee, appellate court proceedings in the Appellate Division shall be conducted by videoconference as provided in CRC 8.885(b) and 8.929(b).

(b) Unless personal appearance has been expressly ordered:

- (1) A party waiving oral argument by written notice is not required to appear at oral argument.
- (2) The court may deem the failure of a party to appear at oral argument who has not provided written notice as that party's waiver of oral argument. In such case, the cause will be submitted following oral argument of the parties who have appeared.

*(Amended 01-01-20; Adopted effective 07-01-09)*

## **1207 RECORD ON APPEAL**

*(Rule 1207 repealed effective 01-01-20; Adopted effective 07-01-14)*

## **1208 BRIEFS**

### **(a) [Format of Electronic Briefs]**

Briefs filed in electronic form should comply with the formatting requirements for documents filed in the Court of Appeal as provided in CRC 8.74 to the extent not otherwise required by CRC 8.883 (applicable to misdemeanor and limited civil case appeals), CRC 8.928 (applicable to infraction appeals), or other applicable statute or rule.

### **(b) [Binding]**

If filed in paper, briefs must be bound at the top left corner. Paperclips are preferred for binding to facilitate scanning of the document. If stapled, the staples should not be covered with tape.

### **(c) [Attachments]**

Briefs generally should not include attachments and may not include evidence not presented to the trial court. However, a party filing a brief may attach copies of trial court exhibits or other materials in the appellate record or copies of relevant local, state, or federal regulations or rules, out-of-state statutes, or other similar citable materials that are not readily accessible. These attachments must not exceed a combined total of 5 pages, but on application the presiding judge of the Appellate Division may, for good cause, permit additional pages of attachments or attachment of other matter. All attachments must be printed on paper complying with CRC 2.103 or, if electronically filed, must comply with CRC 2.256(b). 3

### **(d) [Wende Briefs]**

*People v. Wende* shall be prominently cited on the cover, or the first page if there is no cover, of any brief requesting the Appellate Division to review the record on appeal to determine if there are any arguable issues that may require briefing as provided in *People v. Wende* (1979) 25 Cal.3d 436.

*(Amended 01-01-20; Adopted effective 07-01-14)*

### **1209 RULING ON REQUESTS, APPLICATIONS AND MOTIONS**

In addition to the requirements of CRC 8.808, all motions, requests, and applications must be accompanied by a proposed order.

*(Amended 01-01-20; Adopted effective 07-01-14)*

### **1210 MANDATORY E-FILING IN LIMITED CIVIL CASE APPEALS**

(a) Except as provided in subdivision (b), all documents presented for filing in the Appellate Division in limited civil appeals must be electronically filed (e-filed) as provided in Code of Civil Procedure section 1010.6, CRC 2.250 through 2.261, and Local Rule 1012.

(b) Documents presented for filing by a self-represented party (as defined in CRC 2.250(b)(10)) and documents which are not feasibly converted to electronic form are not required to be e-filed under subdivision (a). Self-represented parties are encouraged to e-file documents although not required to do so.

*(Adopted effective 01-01-20)*

## **Chapter Thirteen - GENERAL CIVIL COURT PROCEDURES**

### **1300 LAW AND MOTION HEARING CALENDARING**

Unless otherwise ordered by the Court, civil law and motion hearings are to be set on the civil law and motion calendar of the department to which the matter is assigned. It is the responsibility of the filing party to ensure that the Court is available to hear the matter on the applicable civil law and motion calendar and that the matter is timely filed and served with notice of the hearing date and time.

*(Adopted effective 07-01-18; former Rule 1300, adopted 07-01-98, was repealed effective 07-01-09)*

### **1301 TENTATIVE RULINGS**

Tentative rulings in civil law and motion matters are posted pursuant to CRC 3.1308 and require notice of intent to appear. Tentative rulings are not required, but any judicial officer who does issue tentative rulings shall use this procedure. Tentative rulings shall be made available by telephone notice and, at the option of the judicial officer, by posting on the Court's web site at <http://www.sbcourts.org/os/tr/> not later than 3:00 p.m. on the court day preceding the scheduled hearing. As set forth in CRC 3.1308, if the court has not directed argument, oral argument must be permitted only if a party notifies all other parties and the court by 4:00 p.m. on the court day before the hearing of the party's intention to appear. A party may obtain tentative rulings and provide notice to the court of intention to appear using the following telephone numbers:

#### **Santa Barbara Civil Departments:**

Department 3	(805) 882-4570
Department 4	(805) 882-4590
Department 5	(805) 882-4570
Department 6	(805) 882-4590

#### **Santa Maria Civil Departments:**

Department 1	(805) 614-6500
Department 2	(805) 614-6500
Department 4	(805) 614-6515

*(Amended 07-01-18; adopted 07-01-98; previously amended effective 07-01-09 and 01-01-03)*

### **1302 NOTICE OF MOTIONS IN LIMINE**

Rule number 1302 is reserved for future use.

*(Rule 1302 repealed effective 07-01-18; adopted effective 07-01-98; amended 07-01-09)*

## 1303 JUDGMENT DEBTOR EXAMINATION PROCEEDINGS

**(a) [Application for Examination]** A judgment creditor shall apply for an order requiring the judgment debtor or a third party to appear for examination pursuant to Code of Civil Procedure sections 708.110 or 708.120 using Judicial Council form EJ-125 (or successor form). It is the judgment creditor's responsibility to complete the proposed order portion of the form, including the date and time of the examination hearing, and to verify that the court is available at such date and time for the examination. Examinations are to be set in the department to which the case is assigned. A natural person must be named in the order for examination proceedings on behalf of a corporation, limited liability company, partnership, or other entity, unless the court for good cause orders otherwise.

**(b) [Proof of Service of Order]** Proof of service of an order requiring the judgment debtor or a third party to appear for examination pursuant to Code of Civil Procedure sections 708.110 or 708.120 must be filed with the court at least three (3) court days prior to the examination.

**(c) [Continuance of Examination Hearing]** Unless otherwise ordered by the court, continuances of an examination hearing will be granted only where: (i) both the applicant and the person to be examined appear on the date of the examination, (ii) the applicant and the person to be examined stipulate in writing to a continuance, or (iii) proof of timely service of the order has been filed prior to the request for a continuance and the applicant declares that the person to be examined has agreed to appear at the continued date. If timely service has not been effected, the court may set a new examination date upon request of the applicant but a new order for examination must be submitted to the court and the new order served as required as required by applicable law.

**(d) [Failure to Appear at Hearing by Applicant]** If the applicant fails to appear at the hearing and the person named in the order appears, the proceeding will be taken off calendar without costs awarded to the applicant. Except as otherwise ordered by the court, no further hearing will be scheduled except upon application for a new order with the further hearing scheduled no earlier than 120 days from the date of the originally scheduled hearing.

**(e) [Failure to Appear at Hearing by Person Ordered to Appear]**

**(1) [Alternative Nonexclusive Remedies]** If the person ordered to appear for examination fails to appear after timely service of the order for examination, the court may enforce the order to appear by any means permitted by law, including the issuance of a warrant of attachment pursuant to Code of Civil Procedure section 1212 and punishment for contempt and the issuance of a civil warrant pursuant to Code of Civil Procedure section 1993 and the imposition of fines or other monetary sanctions. A judicial officer of this court may express a preference that a particular remedy be employed before or in lieu of any other remedy; however, unless otherwise provided by law, all available remedies are nonexclusive and cumulative to each other, so that notwithstanding any stated preference or prior remedy employed, the court may invoke any otherwise appropriate remedy or remedies.

**(2) [Code of Civil Procedure Section 1993 Procedures]**

**(i) [First Failure to Appear]** If the person ordered to appear for examination fails to appear and proof of service of the order has been timely filed, upon application of the

judgment creditor at the time scheduled for the appearance or within 30 calendar days thereafter, the court pursuant to section 708.170, subdivision (a)(1)(B), may enforce the order by a warrant issued pursuant to Code of Civil Procedure section 1993. Pursuant to section 1993, subdivision (a)(2), prior to the issuance of the warrant, the court shall issue a “failure to appear” notice informing the person ordered to appear that a warrant may issue. The “failure to appear” notice shall be in the form of Local Form SC-2068, which shall be completed by the applicant and submitted to the court for signature and mailing. The “failure to appear” notice shall set a new examination date and time at which the person to be examined shall be required to appear.

**(ii) [Subsequent Failure to Appear]** If the person ordered to appear for examination fails to appear on the date identified in the letter, the court, upon application of the judgment creditor, may issue an arrest warrant pursuant to Code of Civil Procedure section 1993 and may impose fines or civil assessments as provided by law.

**(3) [Limitations on Issuance of Warrants]** A warrant shall issue if a judgment creditor has completed and filed all necessary papers for the issuance of a warrant and paid all required fees within 30 days of the last scheduled examination hearing at which the person subject to the warrant was ordered to appear but failed to do so. Otherwise, the judgment creditor must obtain and serve a new order to appear for examination to be scheduled no earlier than 120 days from the date of the last scheduled examination hearing except as otherwise ordered by the court.

**(f) [Obtaining Exceptions]** Where exceptions to this rule are permitted upon order of the court, a party seeking such exception shall apply for the exception by stipulation, by ex parte application, or by noticed motion, and such application or motion shall be supported by a declaration showing good cause.

*(Amended 07-01-18; adopted effective 07-01-98; previously amended effective 07-01-09)*

#### **1304 FAILURE TO APPEAR FOR DEBTOR EXAMINATION**

Rule number 1304 is reserved for future use.

*(Rule 1304 repealed effective 07-01-18; adopted effective 07-01-98; previously amended effective 07-01-09)*

#### **1305 MANDATORY SETTLEMENT CONFERENCE; CRC 3.1380**

Rule number 1305 is reserved for future use.

*(Rule 1305 repealed effective 07-01-18; adopted 07-01-98; previously amended effective 07-01-09 and 01-01-99)*

#### **1306 TRIAL BRIEFS**

Rule number 1306 is reserved for future use.

*(Rule 1306 repealed effective 07-01-18; adopted effective 07-01-98; previously amended effective 07-01-09)*

## 1307 UNCONTESTED MATTERS

**(a) [Stipulations]** Stipulations for a court order are filed with the court without setting a hearing date. The court will accept, modify, or reject the stipulation for an order in chambers without a hearing. The court does not accept stipulations to continue trial except by ex parte application.

### **(b) [Default Judgments]**

**(1) [Clerk's Judgment]** A request for default judgment by the court clerk (Code Civ. Proc., § 585, subd. (a)) is made by submitting the request on Judicial Council form CIV-100 (or successor form) without requesting a court hearing.

**(2) [Court Judgment by Declaration]** Where live testimony is not required by law or by court order, the preferred procedure for applications for court judgment on default is by declarations pursuant to Code of Civil Procedure section 585, subdivision (d). The party applying for the default judgment shall concurrently file the application, all supporting documents, and proposed judgment with the court. After the application and supporting documents are filed, the court may: (i) enter the judgment as proposed; (ii) enter judgment as modified by the court to reflect the court's findings under section 585; (iii) set a hearing on the application for default judgment (usually on the on the regular law and motion calendar of the department to which the case is assigned); (iv) request further documentation, argument, or explanation from the party applying for the judgment; (v) deny the application; or, (vi) make other orders appropriate for the disposition of the application for default judgment.

**(3) [Court Judgment by Live Testimony]** Except as provided in subdivision (b)(4) or otherwise ordered by the court, where an application for court judgment on default is sought through the presentation of live testimony, the hearing shall be set on the regular law and motion calendar of the department to which the case is assigned. It is the responsibility of counsel to arrange to set the hearing through the calendar clerk. Unless otherwise ordered by the court, the application and all supporting documentary evidence must be filed with the court at least five court days prior to the hearing.

**(4) [Court Judgment in Unlawful Detainer Cases]** In cases of unlawful detainer or other action brought under chapter 4 of title 3 of part 3 of the Code of Civil Procedure (commencing with section 1159), the following rules apply:

(i) Default judgment for possession only is obtained by request for a clerk's judgment as provided in subdivision (b)(1).

(ii) Default judgment for relief other than for possession only is obtained by application for a court judgment. The plaintiff may elect to proceed by declaration or by live testimony. A court judgment by declaration is obtained as provided in subdivision (b)(2). Unless otherwise ordered by the court, to obtain a court judgment by live testimony, the plaintiff must arrange for a hearing on the application through the calendar clerk, and must file the application and all supporting papers, at least five court days prior to the hearing. The hearing on the application will be heard on the first available unlawful detainer calendar (or civil law and



motion calendar if there is no regular unlawful detainer calendar) in the department to which the case is assigned.

**(c) [Scheduling Changes]** The court may, in its discretion, shorten the times set forth herein, or specially set the hearing or disposition of any matter addressed by this rule, on its own motion or upon ex parte application supported by a declaration showing good cause therefor.

*(Amended 07-01-18; adopted 07-01-98; previously amended effective 07-01-09 and 01-01-99)*

### **1308 PROCEDURES AND REMAND FROM FEDERAL COURT**

After an action is removed to federal court, remand from the federal court to the state court is effected when the federal court clerk sends a certified copy of the order on remand to the clerk of the superior court. Documents filed in federal court after removal are not provided to the superior court. To complete the superior court's file after remand, within 30 days of the filing of the order of remand, each party shall file a declaration describing the material pleadings that party filed in the federal action and the pertinent orders or rulings entered in the federal action. Certified or conformed copies of all such pleadings and papers shall be attached to the declaration.

*(Adopted effective 07-01-18; former Rule 1308, adopted 07-01-98, was repealed effective 07-01-09)*

### **1309 CIVIL LITIGATION ADMINISTRATION**

**(a) [Delay Reduction Policy]** This rule is adopted pursuant to the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.) and CRC 3.711 and 3.714. This rule applies to all general civil actions and all limited civil actions specified, except for those actions excluded by the Trial Court Delay Reduction Act or other actions specified by the court.

**(b) [Assignment of “All-Purpose” Judge; Case Management Noticing]** Upon filing of the complaint in general civil cases, a judge will be assigned randomly to hear the case for all purposes. A Case Management Conference (‘CMC’) shall be scheduled one hundred twenty (120) calendar days from the date of filing the complaint and notice of the ‘all-purpose judge’ assignment and the date set for the CMC will be sent to the Plaintiff. In the event a case is transferred from another county or from another division of this Court, unless otherwise ordered by the Court, a CMC shall be scheduled within ninety (90) calendar days from receipt of the file by the Clerk of the transferee court. Any unlawful detainer case not resolved or set for trial within forty-five (45) calendar days after the date the complaint was filed may be set for CMC to determine the status of such case.

**(c) [Case Management Conferences]** The Court conducts case management conferences in accordance with the case management rules set forth in CRC 3.720 et seq.

**(1) [Case Management Conference Statements]** Unless expressly exempted by the Court, counsel or self-represented litigants are required to meet and confer as set forth in CRC 3.724 and to file case management conference statements no later than 15 calendar days prior to the CMC as set forth in CRC 3.725.

**(2) [Conduct of Case Management Conferences]** At the CMC, the Court will evaluate the management of the case, and will consider and take appropriate action with respect to the matters specified in CRC 3.727. Counsel and self-represented litigants attending the CMC shall be thoroughly familiar with the case and able to inform the court of any aspect of the case that may assist the Court in its determinations for processing the case through settlement or trial.

**(3) [Alternative Dispute Resolution]** At the CMC, the Court will consider and discuss alternative dispute resolution (ADR) methods and settlement procedures. Prior to the CMC, counsel shall have discussed ADR methods and settlement procedures with their clients, shall have authority to act on behalf of their clients with respect to ADR processes, and shall have entered this information on the case management statement. ADR processes include, as applicable, ‘Case Management Alternative Dispute Resolution Early Settlement Session’ (CMADRESS), ‘CADRe Limited Mediation,’ judicial arbitration, mediation, neutral evaluation, binding arbitration, judicial reference, and mandatory and voluntary settlement conferences, as provided in the Code of Civil Procedure, the CRC, and chapter 11 of these local rules. As appropriate, the Court may order the parties to participate in one or more ADR processes, make orders to facilitate ADR processes stipulated by the parties, and may make orders to ensure ADR processes have been timely completed.

*(Amended effective 07-01-18; adopted 07-01-99; previously amended effective 01-01-12, 07-01-09, 07-01-08, 01-20-05, 01-01-03 and 07-01-01)*

### **1310 CIVIL CASE COVER SHEET ADDENDUM**

In addition to the Civil Case Cover Sheet required by the California Rules of Court, a civil action or proceeding presented for filing must be accompanied by the Civil Case Cover Sheet Addendum (form SC-2069), signed by counsel for plaintiff, or by the plaintiff if he or she is self-represented. A copy of the completed form must be served with the summons and complaint or petition.

*(Adopted effective 07-01-18)*

## **Chapter Fourteen - FAMILY LAW RULES**

### **1400 ACTIONS SUBJECT TO THESE RULES**

All actions, proceedings, or other matters to which the Family Rules (commencing with rule 5.2) of the California Rules of Court apply are governed by the rules set forth in chapter 14 of these local rules.

*(Former rule 1400 repealed effective 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **1401 ACTIONS SUBJECT TO THESE RULES**

Rule number 1401 is reserved for future use.

*(Local Rule 1401 is repealed effective 01-01-19; Amended 01-01-14; 01-01-11; 07-01-09; adopted effective 07-01-98; previously amended effective 01/01/03)*

### **1402 INFORMATION & ASSISTANCE**

Rule number 1402 is reserved for future use.

*(Rule 1402 is repealed effective 01-01-19; Amended 01-01-14; 07-01-09; adopted effective 07-01-98)*

### **1403 SANCTIONS FOR NON-COMPLIANCE**

Rule number 1403 is reserved for future use.

*(Rule 1403 is repealed effective 01-01-19; Amended 01-01-11; 07-01-09; adopted effective 07-01-98)*

### **1404 COURT ORGANIZATION**

All judges and commissioners are designated to hear family law actions, as assigned or reassigned by the Presiding Judge or Assistant Presiding Judge.

*(Amended 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **1405 EX PARTE (EMERGENCY) POLICIES**

**(a) [Ex Parte Applications Disfavored]** Requests for orders (motions) are ordinarily heard on full notice as provided by law. Ex parte applications and applications on shortened time are disfavored. If a moving party seeks to have the request for order heard on shorter time than full notice, the moving party must comply with CRC 5.92(d) to request an order shortening time and must show good cause why the request for order cannot be heard on full notice. A hearing on shortened time is preferred whenever possible to a hearing as an emergency order. If a moving party seeks to have the request for order heard as an emergency order, the moving party must comply with CRC 5.151 et seq. and show good cause why the application for an emergency order cannot be heard either on full notice or on shortened time.

**(b) [Determination Based on Submission]** Ex parte applications will normally be determined on the papers submitted without oral argument or discussion.

*(Amended 01-01-19, 01-01-14; 01-01-11; 07-01-09; adopted effective 07-01-98)*

#### **1406 EX PARTE SCHEDULING**

**(a) [Scheduling Ex Parte Hearing]** Unless subject to an exception in the CRC, in these Local Rules, or by order of the court, all ex parte applications (request for temporary emergency orders) require a hearing. Unless the court grants leave for an earlier hearing upon a showing of good cause, a party must obtain a date and time for hearing an ex parte application by telephonic request to the assistant of the judicial officer to whom the case has been assigned no later than 10:00 a.m. on the court day before the hearing is set. Telephonic requests may be made to:

##### **Santa Barbara Civil Departments:**

Department 3 (805) 882-4570  
Department 4 (805) 882-4590  
Department 5 (805) 882-4570  
Department 6 (805) 882-4590

##### **Santa Maria Civil Departments:**

Department 1 (805) 614-6500  
Department 2 (805) 614-6500  
Department 4 (805) 614-6515

**(b) [Ex Parte Matters Without Hearing]** Where a hearing is not required on an ex parte application, the application is to be filed in the usual manner and the court will grant, modify, or deny the application in chambers without a hearing. If immediate consideration is required, the applicant must make the application as an ex parte application requiring a hearing.

*(Amended 01-01-19, 01-01-11; 07-01-09; 01-01-02; adopted effective 07-01-98)*

#### **1407 EX PARTE NOTICE**

**(a) [Notice Requirements]** Notice of an ex parte hearing shall be given as required by CRC 5.151 and 5.165.

##### **(b) [Exceptions to Notice Requirements]**

(1) If a party requests the court to waive notice pursuant to CRC 5.165(b)(2), the requesting party must comply with that rule and include with the application (on Judicial Council Form FL-303 or by other appropriate document) a declaration as to the facts supporting the requested waiver of notice.

(2) In addition to those matters set forth in CRC 5.170, a hearing is not required and notice need not be given for an application:

(A) For issuance, or reissuance, of a Request for Order or an Order to Show Cause ('OSC') that does not request relief pending the hearing; or,

(B) For an order pursuant to Local Rule 1507(f) (relating to alternative compliance with, and delay or waiver of, attendance at parental education programs).

**(c) [Contents of Notice]** The contents of notice of an ex parte hearing shall comply with CRC 5.151. Compliance with CRC 5.151(e)(1)(D) (relating to whether the application will be opposed) includes the following:

(i) If the responding party is not represented by counsel, the party providing notice shall affirmatively advise the responding party that he or she has a right to be present at the hearing of the application, to be represented by counsel, and to submit a written response to the application.

(ii) To the extent feasible based upon the urgency of the application and the conditions necessitating that the order be sought on an emergency basis, the party providing notice shall attempt to settle all issues to be raised at the hearing by initiating settlement discussions with the responding party.

*(Amended 01-01-19, 01-01-14; 01-01-11; 07-01-09; 01-01-02; 07-01-98; adopted effective 07-01-12)*

#### **1408 SERVICE & FILING OF EX PARTE PLEADINGS**

Except where notice of the hearing or service of papers is excused (as provided in CRC 5.165, 5.167(a) or Local Rule 1407), all required ex parte moving papers, including a copy of the proposed order, shall be served as provided in CRC 5.167(a) no later than 1:00 p.m. on the court day preceding the scheduled hearing. Absent a waiver by the court, all such papers shall also be filed with the court no later than 1:00 p.m. on the court day preceding the scheduled hearing. Responding papers shall be served as provided in CRC 5.167(a) at or before the time of the hearing. Service shall be by personal service unless the parties have expressly agreed to service by different means, including electronic or fax service. Responding papers, if not filed by 1:00 p.m. on the court day preceding the scheduled hearing, shall be filed by presenting the original documents for filing to the clerk of the department in which the hearing is scheduled.

*(Amended 01-01-19, 01-01-11; 07-01-09; adopted effective 07-01-98)*

#### **1409 EX PARTE PLEADINGS REQUIREMENTS**

Rule number 1409 is reserved for future use.

*(Local Rule 1409 is repealed effective 01-01-19; Amended 01-01-14; 01-01-11; 07-01-09; adopted effective 07-01-98)*

#### **1410 PARTICULAR EX PARTE ORDERS**

**(a) [Residence Exclusion Order]** The court will issue an ex parte order excluding a party from a dwelling as provided by Family Code section 6321 only upon an evidentiary showing meeting the requirements of section 6321. The party seeking such an order shall include in the supporting declaration(s) a full description, in detail, of the most recent instance(s) of physical harm, threats, any disposition toward violence, and any abuse of alcohol or drugs, and shall specify the date of each occurrence.

**(b) [Stay Away Order]**

Requests for orders requiring a party to stay away from the other party’s residence, place of business, or child’s school, shall indicate whether the party to be restrained is residing in the residence or has moved and the date he or she moved, and whether the order requested would be problematic due to the fact that both parties work at the same place or have good cause to go to the child’s school.

**(c) [Custody/Visitation Orders]** In addition to those matters set forth in CRC 5.151(d)(5), a party who requests an order to establish or modify custody or visitation shall set forth by declaration the status of any referral to Child Welfare Services or law enforcement.

*(Amended 01-01-19, 01-01-14; 01-01-11; 07-01-09; adopted effective 07-01-98)*

**1411 REQUESTS FOR ORDER, MOTIONS, & ORDERS TO SHOW CAUSE**

**(a) [Calendaring]** Unless otherwise ordered by the Court, hearings on requests for orders, motions, or orders to show cause are to be set on the family law and motion calendar of the department to which the matter is assigned. Unless the court sets the hearing date, it is the responsibility of the filing party to ensure that the Court is available to hear the matter on the applicable family law and motion calendar and that the matter is timely filed and served with notice of the hearing date and time.

**(b) [Calendaring Where Mediation Required]** If mediation is required prior to the hearing pursuant to Local Rule 1501(b), the hearing should be set at least five (5) court days after the mediation appointment. If a TRO was granted pending a hearing, it is the requesting party’s responsibility to ensure that the hearing is calendared to occur, and any required mediation is scheduled to occur, prior to the expiration of the TRO; otherwise, it is the requesting party’s responsibility to obtain a timely continuance of the TRO to keep the TRO in force prior to the hearing.

*(Amended 01-01-19, 01-01-14; 01-01-11; 07-01-09; adopted effective 07-01-98)*

**1412 FILING & SERVICE OF REQUESTS FOR ORDER, MOTIONS, & ORDERS TO SHOW CAUSE**

All moving and response documents for requests for orders, motions, and orders to show cause shall be filed and served as required by CRC 5.92 and 5.94. Responses to responses (replies) shall comply with CRC 5.92 requirements for response documents and shall clearly state to what the document is responding.

*(Amended 01-01-19, 01-01-14; 01-01-11; 07-01-09; 01-01-02; adopted effective 07-01-98)*

## 1413 HEARINGS ON REQUESTS FOR ORDER, MOTIONS, & ORDERS TO SHOW CAUSE

**(a) [Appearance at Hearing]** Subject to CRC 3.1304(c) and unless the court orders otherwise, counsel for each represented party and each self-represented party is expected to appear at the hearing of a request for order, noticed motion, or order to show cause. If a party fails to appear, the court may: (1) rule on the motion as if the party had appeared; (2) continue the hearing; or (3) order the hearing off calendar. A court may not award affirmative relief adverse to an absent party without valid proof of timely service on the absent party.

**(b) [Conduct at Hearing]** All arguments and remarks of counsel and self-represented parties shall be directed to the Court. An opposing party's presentation shall not be interrupted other than with valid objections. Once the Court has rendered its decision, the case shall not be re-argued, but counsel or self-represented parties may question the Court in order to clarify a ruling or to correct a mistake.

**(c) [Time Limitations]** The family law and motion calendar is designed for hearings estimated to take no longer than fifteen (15) minutes. If it is anticipated that a longer hearing will be required, participants shall so advise the Court at the hearing and request that the matter be set on the Court's short cause calendar.

**(d) [Continuances]** Requests for continuances made at the time of the hearing are highly disfavored. The parties shall immediately advise the Court of any stipulation to continue and shall present a written stipulation (see optional Local Form SC-4032), together with an *Order on Request to Continue Hearing* (form FL-307) with the caption and initial items completed as described on the form, no later than the scheduled start of the hearing. If a stipulated continuance cannot be obtained, the requesting party must promptly request a continuance as provided in CRC 5.94(f).

**(e) [Matters Taken Off-Calendar]** After service of the moving papers, no case shall be taken off-calendar without immediate telephonic or electronic notice to the responding party and to the Court. Once responding papers requesting affirmative relief have been filed, no case shall be taken off-calendar without the consent of the responding party.

*(Amended 01-01-19, 01-01-14; 01-01-11; 07-01-09; adopted effective 07-01-98)*

## 1414 PREPARATION OF ORDERS AFTER HEARING

Unless otherwise ordered by the Court, the parties shall comply with CRC 5.125 concerning preparation of an order after hearing. Parties comply with the cover letter requirement of Rule 5.125(e)(3)(C) by filing a declaration of counsel or the self-represented party setting forth the items required by that rule.

*(Amended 01-01-19, 07-01-14; 01-01-14; 01-01-11; 07-01-09; adopted effective 07-01-98)*

## **1415 COMPUTATION OF TEMPORARY SPOUSAL SUPPORT**

**(a) [Formula]** For purposes of consultation, and without limiting the discretion of the Court, temporary spousal or partner support (also known as “pendente lite support”) is generally computed by taking 40% of the net income of the payor, minus 50% of the net income of the payee, adjusted for tax consequences. If there is child support, temporary spousal or partner support is calculated on net income not allocated to child support and/or child-related expenses. The temporary spousal support calculations apply these assumptions. In calculating the parties’ incomes and various offsets for purposes of applying this formula, the Court will apply the principles set forth for the computation of child support.

**(b) [Submission of Computation]** In addition to evidence as to all other relevant factors to be presented to the Court for consideration, parties or counsel shall submit with any request for, or request for change to, temporary spousal support a calculation of temporary spousal support in accordance with the formula set forth in Local Rule 1415(a). (For convenience in using software or existing forms, the formula set forth in Local Rule 1415(a) is identical to the formula set forth in the Santa Clara County Superior Court Local Rules as of January 1, 2018. Reports and forms applying this formula from Santa Clara County Superior Court may be used in filings in this court.)

*(Amended 01-01-19, 07-01-14; 01-01-11; 07-01-09; adopted effective 07-01-98)*

## **1416 FILING & SERVICE OF INCOME & EXPENSE DECLARATION**

Rule number 1416 is reserved for future use.

*(Local Rule 1416 is repealed effective 01-01-19; Amended 07-01-14; 01-01-11; 07-01-09; adopted effective 07-01-98)*

## **1417 FILING & SERVICE OF PAY STUBS**

Rule number 1417 is reserved for future use.

*(Rule 1417 is repealed effective 01-01-19; Amended 07-01-14; 01-01-11; 07-01-09; 01-01-03; 07-01-01; adopted effective 07-01-98)*

## **1418 FILING & SERVICE OF SUPPORT CALCULATIONS**

### **(a) [Declaration re Calculations of Support]**

(1) In all matters where child support or temporary spousal support is at issue, a supporting declaration must be filed and served by each party which shall set forth (i) that party’s calculation of child support under the state child-support law; and, (ii) if spousal support is at issue, that party’s calculation of temporary spousal support pursuant to Local Rule 1415.

(2) The declaration, when taken together with the Income and Expense Declarations, must contain admissible evidence establishing each fact necessary to the computation of support.

(3) In the absence of a computerized calculation of support, such declarations must also include admissible evidence establishing the applicable tax rates, taxes and tax calculations.

**(b) [Computerized Calculations of Support]** Computerized calculations of support may be attached to the Declaration required under local rule 1418(a) as follows:



(1) The calculations must be based on a computer program currently in effect, including the latest released amendments to that program.

(2) The DissoMaster™ program is utilized by the Court. The Court will take judicial notice of the provisions of the federal Internal Revenue Code, the California Revenue & Taxation Code and applicable regulations, and the accuracy of the amount of applicable taxes calculated by the DissoMaster™ program pursuant to Evidence Code sections 452(b), 453, 455(b) and 1500.5.

(3) If the DissoMaster™ program is used, the “Formal Report” must be submitted. If the DissoMaster™ program is used, the default settings established in each new version of the software must be utilized, including: FICA, FICA Hospital Insurance, Federal Self-Employment Tax, State Disability Insurance, state income tax, and Santa Clara County Guideline Deductible Spousal Support (Santa Clara County Guidelines in DissoMaster™ are adopted for use in this Court). California shall be selected as the “Tax State,” unless one of the parties resides in another state. The declaration must describe any differences in the assumptions (“settings”) employed and those required by this Rule.

(4) The computation shall: compute child support under state law and spousal support under Local Rule 1415; allocate Child Care Expenses equally between the parents; not base Guideline Child Support on adjusted nets; adjust nets for tax consequences of spousal support in fixed shares; and, release dependency exemptions via Internal Revenue Code Form 8332.

(5) If a Judicial Council-approved computer program other than DissoMaster™ is used, comparable assumptions and settings shall be used, and a comparable printout shall be provided.

*(Amended 01-01-19, 07-01-14; 01-01-11; 07-01-09; 01-01-03; adopted effective 07-01-98)*

## **1419 FINANCIAL DOCUMENT EXCHANGE**

**(a) [Definitions]** Capitalized terms in this rule are subject to the following definitions:

(1) “Applicable Case” means any case where a party seeks, or anticipates seeking, child support or spousal support other than those cases commenced by a local child support agency (as such agency is defined by Family Code section 17000).

(2) “Applicable Motion” means a Motion in any case subject to chapter 14 of these local rules in which a party seeks an award of attorney fees or costs.

(3) “Motion” means a request for order, order to show cause, or any other motion within the meaning of Code of Civil Procedure section 1003. A Motion does not include a request for an order by a party seeking an exemption from or limitation of the application of this rule.

(4) “Opposition” means a responsive declaration to a request for order, responsive declaration to an order to show cause, or any other opposition or response to a Motion.

(5) “Individual Financial Documents” mean the documents set forth in subdivision (c)(1).

(6) “Business Financial Documents” mean the documents set forth in subdivision (c)(2).

(7) “Exchange Date” means each date set forth in subdivision (e).

(8) “Court Conference” includes a case management conference, family centered case resolution conference, status conference, trial setting conference, or any other hearing set by the court for purposes of case management.

**(b) [Scope of Rule]** The purpose of this rule is to facilitate the collection and required exchange of documents commonly relied upon in family law matters in the resolution of financial disputes. This rule applies to all Applicable Cases and all Applicable Motions. The requirements of this local rule are in addition to any other legal requirement to serve or exchange documents.

**(c) [Financial Documents for Exchange]** Documents subject to exchange under this rule are all of the following documents within a party's possession, custody, or control:

- (1) "Individual Financial Documents" are
  - (A) Individual federal tax returns, including all schedules, for the 2 years prior to the Exchange Date;
  - (B) Personal bank account statements and corresponding check registers for all accounts, for the 12 months prior to the Exchange Date;
  - (C) Pay stubs, for the last 2 months; and,
  - (D) IRS W-2 and 1099 forms not attached to federal tax returns, for the 1 year prior to the Exchange Date;
- (2) "Business Financial Documents" are
  - (A) Periodic profit and loss statements and balance sheets prepared in the ordinary course of business, for the 12 months prior to the Exchange Date;
  - (B) Loan applications submitted to financial institutions or third persons on behalf of the exchanging party, for the 12 months prior to the Exchange Date; and,
  - (C) Business books and records, as set forth in subdivision (d)(2).

**(d) [Exchange Required]**

(1) Unless subject to an exception set forth in subdivision (f), on his or her respective Exchange Date:

(i) Each party shall serve on the other party copies of the Individual Financial Documents.

(ii) In addition to the Individual Financial Documents required to be served, each party who is self-employed or who is the beneficial owner of an interest of thirty percent (30%) or more of any business entity, or was either at any time during the previous two years, shall serve on the other party copies of the Business Financial Documents for each such business in which the party is self-employed or a thirty percent or greater owner.

(2) A party complies with service of business books and records set forth in subdivision (c)(2)(C) by a writing that agrees either (i) to serve copies of such books and records as requested by the other party upon five (5) days' written notice, or (ii) to permit inspection of such books and records, during regular business hours, by the party or party's attorney upon five (5) days' written notice.

(3) A party must comply with the document exchange required by this rule for each Exchange Date with documents current as of that Exchange Date. Documents need only be served once. When this rule otherwise requires service of documents that have previously been served by any party, a party complies with this rule by identifying the documents previously served, the party serving the document, and the date of such service.

(4) To the extent that a party is, after a reasonable and good faith effort, unable to serve all documents required by this rule, the party shall timely serve as complete a collection of required documents as possible.

(5) Except as required by statute, court rule, or other law, documents to be served pursuant to this rule are not to be filed with the court.

(6) Each party shall file and serve a completed Financial Document Exchange Compliance Declaration (Local Forms SC-4028 or SC-4029) on or before the applicable Exchange Date verifying compliance with this rule or explaining the lack of full compliance.

**(e) [When Exchange Required]** “Exchange Date” means each of the following dates:

(1) For all parties in Applicable Cases, an Exchange Date is 15 calendar days before a Court Conference;

(2) For a party filing a Motion in Applicable Cases or filing an Applicable Motion, an Exchange Date is the date of service of Motion; and,

(3) For a party responding to a Motion, an Exchange Date is the earlier of (A) the date of service of an Opposition, or (B) the date when an Opposition is due pursuant to applicable statute or rule of court.

**(f) [Exceptions and Limitations]**

(1) The court, for good cause shown, may exempt a party from the application of this rule, limit the documents a party is required to serve, or otherwise modify the obligations of parties under this rule.

(2) Except as otherwise ordered by the court, parties and counsel receiving documents served pursuant to this rule shall not release such documents or disseminate any information contained in those documents to any third party other than counsel or experts retained for the purposes of the family law proceeding. This rule does not limit a party’s use or disclosure of that party’s own documents or information.

*(Amended 01-01-19, 07-01-14; 01-01-11; 07-01-09; 01-01-03; adopted effective 07-01-98)*

## **1420 VOLUNTARY SETTLEMENT CONFERENCES**

Rule number 1420 is reserved for future use.

*(Rule 1420 is repealed effective 01-01-19; Amended 07-01-14; 01-01-11; 07-01-09; adopted effective 07-01-98)*

## **1421 CASE MANAGEMENT**

**(a) [Timing for Conferences]** In all newly filed dissolution, legal separation, nullity, and parentage cases, the court will set a first case management conference no later than 180 days from the date of the initial filing and subsequent case management conferences no later than 180 days after each case management conference. The court may discontinue case management conferences as provided in CRC 5.83. The court may set case management conferences more frequently or for other cases in the court’s discretion.

**(b) [Family Law Case Management Conference Statement]** Unless expressly exempted by the court or as set forth in subdivision (c) of this rule, counsel and self-represented litigants are required to file, and to serve on the other party, a completed Family Law Information Statement (Local Form SC-4026) no later than 15 calendar days prior to a case management conference set

by the court under subdivision (a). Each party is also required to comply with local rule 1419 prior to the case management conference.

**(c) [Earlier Conferences and Trial Setting]** At any time after 60 days after the petition is served on the other party, either party may file and serve a completed local court form SC-4014 to request an earlier case management conference or trial setting conference. The other party may file and serve a counter-request using local court form SC-4014 no later than two (2) court days of the case management conference set by the court pursuant to the request. A party requesting or counter-requesting a conference under this section shall concurrently file and serve a completed Family Law Information Statement (Local Form SC-4026) with the request or counter-request.

**(d) [Attendance at Case Management Conferences]** Unless excused by the court for good cause, counsel for represented parties and self-represented parties are required to appear for case management conferences in person or by telephone. If for good cause a party is unable to appear for a case management conference, the party must file and serve a notice of non-appearance (see Local Form SC-4030) as soon as possible but at least 15 calendar days prior to the case management conference in addition to the statement required by subdivision (b) of this rule.

**(e) [Conduct of Case Management Conferences]** The court may enter any orders necessary or appropriate to facilitate a timely progression of the case to trial or other dispositive hearing, including orders scheduling trial or hearing dates, orders setting deadlines for the completion of settlement conferences, mediation or other informal case resolution procedures, and orders setting deadlines for the completion of discovery. Counsel or self-represented parties appearing at case management or trial setting conferences must be familiar with the case, must be prepared to discuss the party's position on the issues, and must be prepared to address scheduling issues. The court strongly encourages the parties to meet and confer regarding scheduling and proposed deadlines prior to the case management conferences.

**(f) [Family Centered Case Resolution]** On the court's initiative or upon the request of either party and order of the court, the court may schedule one or more family centered case resolution conferences and enter family centered case resolution plan orders pursuant to CRC 5.83 in lieu of or in addition to the case management conferences set pursuant to this rule.

*(Amended 01-01-19, 07-01-14; 01-01-11; 07-01-09; 01-01-03; adopted effective 07-01-98)*

## **1422 CONDUCT OF TRIAL SETTING/CASE MANAGEMENT CONFERENCES.**

Rule number 1422 is reserved for future use.

*(Rule 1422 is repealed effective 01-01-19; Amended 07-01-14; 01-01-11; 07-01-09; 01-01-03; adopted effective 07-01-98)*

## **1423 SETTLEMENT CONFERENCES**

**(a) [Setting Conferences]** On the Court's own motion or at the request of any party, the court may set one or more mandatory settlement conferences pursuant to CRC 3.1380. Apart from mediations required by any other law or rule and subject to the limitations of CRC 3.1380(d), the

Court may in its discretion order mediation in addition to or in lieu of a mandatory settlement conference.

**(b) [Persons attending]** As provided in CRC 3.1380(b), each party and the trial attorney for each party shall personally attend the settlement conference unless excused by the Court for good cause. Failure to reasonably prepare for, appear at, or participate in good faith in a settlement conference as required by these local rules or order of the Court may subject a party or counsel to sanctions, including the payment of attorney fees and costs.

**(c) [Settlement conference statement]** No later than five court days before the initial date set for the settlement conference, each party must lodge with the Court and serve on the other party a settlement conference statement as required by CRC 3.1380(c) containing:

- (1) A statement and discussion of each contested issue;
- (2) A good faith settlement proposal as to each contested issue; and,
- (3) A current Income and Expense Declaration and, if child or spousal support is an issue, a declaration as provided in Local Rule 1418, including a current DissoMaster™ printout or other calculation showing what each party believes to be the appropriate levels of support.

*(Amended 01-01-19, 07-01-14; 01-01-12; 07-01-09; adopted effective 07-01-98)*

#### **1424 TRIAL**

**(a) [Continuances]** Once a trial date is set, no continuances will be granted except for good cause shown. It is not appropriate to request a continuance at the calendar call.

**(b) [Presence of Counsel]** Counsel shall be present at the time a case is called for trial. For purposes of this rule, “counsel” includes self-represented parties. If counsel fails to appear, the court may: (1) proceed to hear the matter as if counsel had appeared; (2) continue the trial; or (3) order the matter off calendar. In addition, the court may impose sanctions or make any other appropriate order as permitted by law.

**(c) [Settled Cases]** Except as otherwise ordered by the court, a case will not be removed from the trial calendar unless either: (a) a written settlement agreement covering all issues is submitted to the court; or (b) the parties and counsel appear and recite an agreement covering all issues into the record in sufficient detail to enable the court to enforce such agreement.

**(d) [Exceeding Trial Time Estimates]** Failure to complete a trial within the time estimate given at the time of the trial calendar call may result in a mistrial whenever the court’s calendar will be adversely affected by allowing time in excess of the estimate.

**(e) [Conference With Trial Judge]** At the mutual request of counsel prior to the commencement of trial, the parties may conduct a brief, in-chambers conference to resolve questions concerning the order of proof, motions in limine or other issues related to the mechanics of trial. The time necessary for any pre-trial conference will be deemed part of the trial time for the purpose of estimating long and short cause matters.

**(f) [Attorney Fees and Costs as Sanctions]** Unless otherwise ordered by the court, requests for awards of attorney fees and costs in the nature of a sanction, including awards pursuant to Code of Civil Procedure section 128.5 and Family Code section 271, arising from or in connection with issues to be determined at trial are resolved by a separate proceeding to be conducted after the conclusion of trial.

*(Amended 01-01-19, 07-01-14; 07-01-09; adopted effective 07-01-98)*

## **1425 JUDGMENTS**

**(a) [Format of Judgment]** Judgments must be on the applicable Judicial Council form with all required attachments and applicable items completed.

**(b) [Preparation of Judgment]** The parties shall comply with the requirements of CRC 3.1590 with respect to statements of decision and judgments in contested matters.

*(Amended 01-01-19, 07-01-14; 07-01-09; adopted effective 07-01-98; previously amended effective 01-01-03)*

## **1426 COMPLAINTS REGARDING MINOR'S COUNSEL**

Complaints regarding the conduct and procedures employed by counsel appointed for a child pursuant to Family Code section 3150 et seq. will be handled by the judicial officer to whom the case is assigned. Pursuant to noticed motion, application, or order to show cause, the judicial officer must determine what action should be taken, if any. This rule is not intended to limit or qualify any complaint procedure or remedy otherwise available by law.

*(Amended 1-1-24; Rule 1426 is repealed effective 01-01-19; Amended 07-01-14; 07-01-09; adopted effective; 07-01-98)*

## **1427 DECLARATIONS AND REPORTS OF PROVIDERS OF SUPERVISED VISITATION**

**(a)** This rule is intended to implement California Standards of Judicial Administration, standard 5.20. The requirements and definitions of standard 5.20 are adopted and apply to the provision of supervised visitation service as ordered or permitted by the court and by this rule. Judicial Council forms required by this rule shall be the most recent adopted form or successor to such form.

### **(b) Supervised Visitation Provider Required Filings**

**(1) [Professional Providers]** Prior to providing services, a professional supervised visitation provider shall file a completed and signed Judicial Council form FL-324(P).

**(2) [Professional Providers]** Each time a professional supervised visitation provider files a report with the court, the provider shall file a separate, updated, completed, and signed Judicial Council form FL-324(P) as the cover page for such report.

**(3) [Nonprofessional Providers]** Prior to providing services, a nonprofessional supervised visitation provider shall file a completed and signed Judicial Council form FL-324(NP).

**(c) Filing and Maintaining Forms and Reports**

Forms and reports required by this rule shall include the case name and case number of the case in which the services are being provided. Forms and reports shall be filed with the court and maintained in that case file.

*(Adopted effective 1-1-24)*

## **Chapter Fifteen - FAMILY COURT SERVICES**

### **1500 OFFICE OF FAMILY LAW FACILITATOR**

**(a) [Office Established]** An office of Family Law Facilitator is established in each geographic region as required by the Family Law Facilitator Act, Family Code (“FC”) section 10000 et seq. (See Local Rules 201-204)

**(b) [Additional Duties]** Attorney family law facilitators appointed by the court shall, in addition to the duties and services prescribed by FC section 10004 , also provide and perform the duties and services permitted under FC section 10005 (a) and (b) as assigned by the Presiding or Assistant Presiding Judge supervising the division to which the facilitator is appointed.

*(Amended 01-01-11; 07-01-09; adopted effective 07-01-98)*

### **1501 MEDIATION**

**(a) [Description; Purpose]** The purpose of Family Court mediation is to provide a confidential forum for separated parents to meet and discuss custody and visitation issues with a court-appointed mediator. The goal is to develop an agreed-upon parenting plan focused on the best interests of the children.

**(b) [Required Mediation]** Mediation by Family Court Services is required before any hearing on a contested issue of child custody or visitation. Mediation is also required when a court order or judgment provides for mediation at the request of either party, or when a court has ordered mediation, even though no motion is pending. Unless excused by the Court for good cause, the mediation requirement must be met.

**(c) [Voluntary Mediation]** When a family law action has been filed, but no motion or Order to Show Cause (OSC) is pending, a mediation session may be scheduled upon the request of either party to resolve any issue of custody or visitation. If a party refuses to attend a voluntary mediation, that party’s refusal may be used as good cause to order attorneys fees as sanctions under FC section 271 or any other statute that imposes fees as sanctions for failure to cooperate.

*(Amended 01-01-11; 07-01-09; adopted effective 07-01-98)*

### **1502 CONFIDENTIALITY**

All mediation proceedings shall be held in private and all communications between the parties and the mediator shall be deemed confidential. Statements made during mediation by the mediator, or by any party, witness or attorney, shall be inadmissible in future hearings. Proposed agreements prepared by the mediators shall not be attached to pleadings and filed with the court unless signed by all parties to the mediation, and by counsel for any represented party. The court may impose sanctions upon parties or counsel who attempt to introduce such statements in evidence or make reference to the Court in any manner to any statements made in mediation. The mediator shall not be available as a witness in any proceedings. No information shall be



communicated by the mediator to the court other than described in Local Rule 1503(d). By written agreement or stipulation made in open court, the parties may agree to waive confidentiality in future mediation sessions. However, disclosure of statements by minors is discouraged notwithstanding the waiver of the children's privilege by the holder(s) thereof.

*(Amended 01-01-11; 07-01-09; adopted effective 07-01-98)*

### **1503 PROCEDURES**

**(a) [Scheduling Mediation]** Parents shall cooperate as much as possible in scheduling a mediation appointment. The parent wanting resolution of the custody or visitation issue(s) shall contact the other parent to determine the most mutually convenient day(s) of the week and time slot (morning or afternoon) for an appointment. The appointment is set by calling the Mediation Appointment Secretary (“Secretary”) at Family Court Services in the designated region.

**(b) [Notice of Mediation]** Within three (3) court days after getting a mediation appointment, the parent who set the appointment shall file and serve on the other parent a Notice of Mediation (see Local Form # SC-4042). The use of the Notice of Mediation form is mandatory.

**(c) [Inability to Agree on Date of Mediation]** If the parents cannot agree on a mutually convenient date for the mediation appointment, then the parent wanting resolution of the custody or visitation issue shall nevertheless schedule a mediation appointment and give notice to the other parent by filing and serving the Notice of Mediation form.

**(d) [Cancellation of Mediation Appointment]** If the other parent is unable to attend the scheduled appointment, then he or she has the responsibility to do the following:

(1) File and serve a Notice of Cancellation (see Local Form # SC-4017). The use of the Notice of Cancellation of Mediation form is mandatory and must be filed and served on the other parent, unless there is an emergency, within seven (7) calendar days of the receipt of the Notice of Mediation; and

(2) Cancel the mediation appointment with the Secretary no less than seven (7) calendar days before the scheduled mediation.

The parent who cancelled the mediation appointment must work as soon as practicable and in good faith with the other parent to reschedule the appointment to a mutually convenient date and time.

**(e) [Disputes Regarding Scheduling, Attendance and Cancellation of the Mediation Appointment]** In addition to the procedure outlined above, if a dispute regarding the attendance at, cancellation of, scheduling of or re-scheduling of a mediation appointment arises, either parent may file a “Request for Case Management Conference/Trial Setting” (see Local Form SC-4014). The Court will then schedule a hearing on the matter and give notice to the parents. The staff of Family Court Services is not authorized or required under any circumstances to referee scheduling disputes between parents or counsel.

**(f) [Agreements Reached in Mediation]** If a tentative agreement has been reached between the parents at the mediation, the mediator shall prepare a written agreement and present it to the self-represented parent(s) or the counsel for parent(s), if represented, for approval. No agreement shall be presented to the court, nor shall the court approve any agreement, until it has been signed by the parties and approved by their counsel, if retained.

**(g) [Reports of Mediator]** If no agreement is reached at mediation, the mediator may inform the Court whether further mediation should be or has been scheduled.

**(h) [Sanctions for Failure to Make Reasonable Efforts to Contact the Other Parent Prior to Setting the Mediation Appointment]** Failure to make reasonable efforts to confer to a mutually agreeable mediation date may result in the imposition of sanctions against either party or counsel in the discretion of the Court.

**(i) [Sanctions for Failure to Attend Mediation]** Failure to attend mediation before a hearing or trial on custody and/or visitation without good cause may subject the parents to monetary and/or issue sanctions in the discretion of the Court. Among the factors the Court may consider in determining if a parent had good cause for not attending mediation are:

- Whether a Notice of Mediation was properly served on the other parent and filed with the court;
- Whether a Notice of Cancellation was properly served on the other parent and filed with the Court;
- Whether the Secretary for Family Court Services and the other parent were notified of the cancellation no less than seven (7) calendar days before the mediation appointment; and
- Other circumstances that may have happened after the seven-day cancellation deadline which caused a parent to miss a scheduled mediation session.

*(Amended effective 07-01-23; Amended 07-01-12, 05-06-11, 07-01-09; adopted effective 07-01-98.)*

## **1504 PARTICIPANTS**

**(a) [Parties Required to be Present]** The parties and their minor children who are ages six (6) or older are required to participate in mediation. Other interested persons may be included in the process at the mediator's sole discretion. In cases of domestic violence, a support person may be present at mediation as permitted by FC section 5519.

**(b) [Presence of Children]** Children six (6) years of age and older on the date of mediation shall be present. The parent having the child with him/her on the date of mediation is required to bring the child. If the child is twelve (12) years of age or younger, that parent shall also provide a person to supervise or remove the child after completion of the child's interview. Children under six (6) years of age shall not be brought to the Family Court Services Offices unless the mediator requires their presence. The mediator may excuse the presence of any child.

**(c) [Participation of Counsel]** It is recommended that counsel confirm with the local mediation office to ascertain whether or not to appear at mediation. If permitted by the mediator, Counsel may be personally present at the commencement of mediation. The mediator has sole discretion to exclude attorneys from the mediation proceeding.

**(d) [Language Interpreters]** If an interpreter is required to assist the mediation process, it is the responsibility of the party needing the interpreter to provide one. A family member should not be used as the interpreter without the consent of the other party and opposing counsel. The interpreter shall interpret only and shall not offer opinions, suggestions or comments.

*(Amended 01-01-11; 07-01-09; adopted effective 07-01-98)*

## **1505 PROHIBITIONS & SANCTIONS**

**(a) [Weapons and Recording Devices]** No weapons, tape recorders or electronic surveillance devices may be brought to the Family Court Services Office or to any Family Court mediation.

**(b) [Referrals to Attorneys]** In the event any party seeks a referral to an attorney, the mediator shall make no recommendation of private counsel but will advise the party that the services of the Family Law Facilitator are available.

**(c) [Abuse of Process; Sanctions]** The court may impose sanctions against parties and counsel for abuse of the mediation process, including but not limited to: failure to properly schedule mediation, failure to give the required notice, failure to reasonably cooperate in scheduling a mediation, and failure to attend a properly scheduled mediation.

**(d) [Mediator Conflicts of Interest]** Absent full disclosure and consent, a mediator shall not participate in the mediation process if an attorney-client or psychotherapist-patient relationship exists or existed between the mediator and any party or counsel.

*(Amended 01-01-11; 07-01-09; adopted effective 07-01-98)*

## **1506 CUSTODY EVALUATIONS**

The Santa Barbara Superior Court advises all litigants, attorneys and evaluators that the processes and procedures set out in Family Code sections 211, 3110 – 3118 and the CRC 5.220, 5.225, 5.230 and 5.235 are adopted in their entirety. (CRC 5.220 (d) (1) (A) (i)).

All parties and evaluators are advised to review those statutes and rules before seeking, stipulating to or performing a custody evaluation.

**(a) [Peremptory Challenges]** Peremptory challenges to court-appointed investigator-evaluators are not allowed. (CRC 5.220 (d) (1) (A) (ii)).

- (b) **[Withdrawal of Evaluator]** Evaluators may move the Court at any time to withdraw from a case. The motion for withdrawal shall be heard on the regular law and motion calendar unless there are exigent circumstances that qualify as an emergency and require an ex parte hearing (See Local Rule 1408). (CRC 5.220 (d) (1) (A) (iii)).
- (c) **[Complaints]** Generally, complaints regarding an evaluator's performance shall be addressed at the time of the hearing related to the evaluation report, unless there are exigent circumstances that qualify the complaint as an emergency that requires an ex parte hearing. (CRC 5.220 (d) (1) (A) (iv); (CRC 5.225 (j) (1) (A)).
- (d) **[Ex parte Communications]** Ex parte communications between the evaluator and the parties or their counsel shall be governed by (CRC 5.235). (CRC 5.220 (d) (1) (A) (v)).
- (e) **[Initial Order]** At the outset of the evaluation, the evaluator shall be provided with a copy of the order of appointment that specifies the statute under which the evaluation is to be completed (Evidence Code section 730, FC section 3110 or CCP section 2032.010 et seq), and that sets forth the purpose and scope of the evaluation. (CRC 5.220 (B) (i) and (ii)).
- (f) **[Conduct and Education of Evaluator]** All child custody evaluators shall adhere to the conduct and educational requirements of the Local Rules and the Rules of Court Rules 5.220, 5.225, 5.230, and 5.235. (CRC 5.220 (d) (1) (C))
- (g) **[Fees]** Any order for evaluation shall make a determination and allocation between the parties any fees or costs for the evaluation and shall set forth the sanctions for failure to pay. Such order may include a reservation of jurisdiction for re-allocation. (CRC 5.220 (d) (1) (D)).

*(Amended 01-01-11; 07-01-09; adopted effective 07-01-98)*

## **1507 PARENT EDUCATION PROGRAMS**

**(a) [Requirement to Attend]** All parties to a family law proceeding in which there are minor children, including, but not limited to actions for parentage or legal separation, nullity, dissolution of marriage, or actions to establish or modify custody or visitation, including uncontested cases, shall physically or electronically attend and complete the program entitled 'Parent Education and Co-Parenting Effectively' ('PEACE'). Parties shall physically or electronically attend prior to the first of the following events:

(1) expiration of sixty (60) days following service of the pleadings that commence the proceeding; or

(2) custody mediation provided through Family Court Services; or,

(3) entry of any order or judgment involving custody or visitation.

**(b) [Purpose of Program and Description]** The purpose of the program is to provide education and encouragement for parents to engage fully in parenting and effective cooperation. The program will teach cooperative parenting skills with emphasis on the effects of custody and visitation litigation on children.

**(c) [Instructions, Registration and Fee for Attendance]** No fee will be charged for the program. Written instructions regarding the requirement of attendance and registration for the parenting education program shall be provided by the Clerk to any party filing any of the documents described in rule 1507(a). A copy of these written instructions shall be served on the opposing party by the filing party at the time of service of the documents described above.

**(d) [Attendance Before Mediation; Exceptions]** If any party has not completed the required parent education program by the date on which the mediation is scheduled, the mediation date may be reset to a later time to permit the party to attend the program. The mediator may proceed with the mediation if it is in the best interests of the children. In such a case, the mediator shall first require any party who has not attended the program and who has failed to obtain a waiver of the requirement, to sign a written stipulation, which will be incorporated in a court order, requiring that party to attend the required program not later than a specified date.

**(e) [Failure to Attend and Remedies]**

(1) If a party does not attend the parent education program as required by this rule, the other party may move the court for an order compelling attendance and for an award of attorney fees or other sanctions.

(2) If one party does not attend the parent education program as required by this rule, and the other party seeks the entry of any order or judgment involving custody or visitation of minor children, the party seeking such order shall first move the court for an order compelling the other party to attend the program and for an award of attorney fees or other sanctions. If the court grants the order to compel attendance and the other party does not comply, then the court may, upon application and a showing of good cause, enter the requested order or judgment.

(3) If the court enters an order or judgment for good cause when one party has not completed the program, the non-complying party may not seek any affirmative relief with respect to any child-related issue(s) until:

(a) that party has completed the program; or,

(b) that party obtains leave of court to proceed by application with a showing of good cause.

**(f) [Exceptions to Requirement for Attendance]**

(1) Nothing in this rule supersedes the right of the parties to seek ex parte relief as provided in these rules prior to attending the parent education programs.

(2) If physical or electronic attendance at the PEACE program will be a hardship, the court may require and accept attendance by a party at an equivalent parent education program.

(3) An order delaying or waiving the requirement of attendance at the parent education program may be obtained from the court upon a showing of good cause.

**(g) [Certification of Attendance]** The instructors of the PEACE program shall provide attendees with a ‘Certificate of Attendance’ verifying completion of the course by each attending party. If a party participates in the PEACE program electronically, the party shall print a hardcopy ‘Certificate of Completion’ and file it with the court within the time for completion of PEACE program attendance.

*(Amended 01-01-19, 01-01-11; 07-01-09; 07-01-08; 01-01-03; 01-01-99; adopted 07-01-98)*

## 1508 CO-PARENTING PROGRAMS

**(a) [Requirement to Attend]** The parties may be ordered to attend other parenting education programs. The parties shall attend when:

- (1) the court orders the parties to attend the program because the court determines a high degree of conflict exists consistent with the criteria prescribed by Family Code section 3190;
- (2) the parents stipulate that they will both attend the program; or
- (3) the court orders both parents to attend based upon a recommendation from Family Court Services or a recommendation from a child custody evaluator that is made in accordance with the criteria set forth in FC section 3190.

The court may also order parties to attend classes in child development, child psychology, parenting and related topics.

**(b) [Purposes of Programs]** The purposes of the programs are to provide instructional counseling to the parents to (1) reduce conflict, (2) reduce the children's exposure to conflict between their parents, (3) educate parents about communication options and problem solving, (4) help parents understand their accountability under existing court orders, and (5) improve understanding of child development, parenting skills and the effect of parent conflict on children.

**(c) [Failure to Comply]** Failure to comply with an ordered parenting education program shall result in an order to repeat the entire program or another appropriate sanction.

**(d) [Fee for Attendance]** The parties shall be assessed a fee to defray the cost of the parenting program in an amount to be established by the court. Such fee shall be waived for any party who obtains an order from the court to proceed in forma pauperis. Any fees associated with any parenting education shall be allocated pursuant to court order.

**(e) [Inadmissibility]** Statements made during parenting education by any attendee, instructor or either parent shall be inadmissible in future hearings. Sanctions shall be imposed upon a party and counsel who attempt to introduce such statements into evidence.

*(Amended 01-01-11; 07-01-09; 07-01-08; adopted effective 07/01/99)*

## **Chapter Sixteen - MENTAL HEALTH RULES**

### **1600 MENTAL HEALTH CASE CALENDARING**

*(Rule 1600 repealed effective 07-01-09; adopted effective 07-01-98; previously amended effective 01-01-99)*

### **1601 CAPACITY HEARINGS FOR INVOLUNTARY MEDICATION**

**(a) [Filing of Petition]** Santa Barbara County Mental Health Department petitions for capacity hearings pursuant to Welfare & Institutions Code (“W&I”) section 5333 shall be filed with the Clerk or with the Deputy Clerk at the Psychiatric Health Facility (“PHF”), located at 315 Camino Del Remedio, Santa Barbara by 4:45 p.m. of each court day. The form of the Petition for Capacity Hearing shall be the form included in the Appendix to these local rules. A copy of the Petition shall be provided to the person who is the subject of the Petition and his or her advocate or counsel at the time it is filed.

If the filing of the petition is at the PHF, the Deputy Clerk shall promptly call the Clerk for assignment of a case number, and shall thereafter electronically transmit a fax of the Petition to the Clerk.

**(b) [Scheduling Capacity Hearings]** Upon the issuance of a case number, the Clerk or, if filed at the PHF, the Deputy Clerk shall give notice of the capacity hearing to the person who is the subject of the petition, and his or her advocate or counsel. The capacity hearing shall be held before a hearing officer at the PHF in accordance with the following local policy schedule developed by the Presiding Judge and the County Director of Alcohol, Drugs and Mental Health Services (“ADMHS”) to insure that all parties can appropriately respond to the petition:

- Petitions filed on Mondays and Tuesdays shall be heard on Wednesdays.
- Petitions filed on Wednesdays and Thursdays shall be heard on Fridays.
- Petitions filed on Fridays shall be heard on Mondays.

Earlier hearings can be calendared with the consent of all involved parties.

**(c) [Postponement of capacity hearings]** Postponement of capacity hearings may be made by the Clerk or Deputy Clerk in the event of the following hardships: petitions filed on or intervening weekends or legal holidays; untimely physical illness of hearing officer, patient, patient's counsel or advocate, attending physician, or treatment facility counselor the physical unavailability of the patient at the PHF. In no event shall capacity hearings be held beyond seventy-two (72) hours of filing of the initial petition.

*(Amended 07-01-09; adopted effective 07-01-98)*

### **1602 CAPACITY HEARING DETERMINATIONS**

The person who is the subject of the capacity hearing shall be given oral notification of the determination at the conclusion of the hearing, by the hearing officer. As soon as thereafter as is

practical, the person, his or her counsel or advocate, and the director of the facility where the person is receiving treatment shall be provided with written notification of the hearing determination, which shall include a statement of the evidence relied upon and the reason for the determination. A copy of the ruling shall be submitted to the Clerk.

Upon completion of the capacity hearing, the Deputy Clerk at the PHF shall personally deliver the original Petition, if filed with the Deputy Clerk, and all other documents related to the hearing to the Clerk.

*(Amended 07-01-09; adopted effective 07-01-98)*

### **1603 CAPACITY HEARING APPEALS**

**(a) [Appeal of Capacity Hearing Determinations]** Appeal of a capacity hearing determination may be made to the Court by the patient or with the consent of the County Counsel, by the person who files the original petition W&I Code section 5334). The form to be used for an appeal made on behalf of the patient shall be the form included in the Appendix to these local rules.

Appeals of capacity hearing determinations shall be filed with the Clerk or with the Deputy Clerk by 4:45 p.m. of each court day.

If an Appeal is filed at the PHF, the Deputy Clerk shall promptly call the Clerk and shall thereafter fax a copy of the Appeal to the Clerk. Appeal case numbers shall be the same as the capacity hearing petition number.

All appeals to the Court shall be subject to *de novo* review and shall be heard within seventy (72) hours not including weekends and holidays.

**(b) [Representation on Appeal]** Upon request or upon court order, the Public Defender shall represent any person who is not financially able to employ counsel in appeal proceedings resulting from capacity hearing determinations. In cases where the patient's representative on appeal is the Public Defender, a copy of the Appeal shall be provided to the Public Defender.

*(Amended 07-01-09; adopted effective 07-01-98)*

### **1604 CAPACITY HEARING OFFICER QUALIFICATIONS & APPOINTMENT**

Capacity hearings shall be conducted by a judge, a commissioner or referee, or a court-appointed hearing officer. All commissioners, referees, and hearing officers shall be appointed by the court from a list of attorneys unanimously approved by a panel composed of the local ADMHS Director, the Public Defender, and the County Counsel or District Attorney designated by the Board of Supervisors. No employee of the county ADMHS or of any facility designated by the County and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation may serve as a hearing officer. All hearing officers shall receive training in the issues specific to capacity hearings.



*(Amended 07-01-09; adopted effective 07-01-98)*

## **1605 CERTIFICATION REVIEW HEARINGS FOR INVOLUNTARILY DETAINED PSYCHIATRIC PATIENTS**

**(a)(1) [Requirement for a Notice of Certification]** To detain a person involuntarily in a facility designated by the County and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation, placed under W&I Code section 5150 in such a seventy-two(72) hour treatment and evaluation facility for up to fourteen (14) days of intensive treatment (W&I Code section 5250); or for up to an additional fourteen (14) days of intensive treatment for suicidal persons (W&I Code section 5260); or, for up to an additional thirty (30) days of intensive treatment for gravely disabled persons (W&I Code section 5270.15), a Notice of Certification for such involuntary detention shall be executed designating the particular detention period applicable and the facts forming the basis of the need for such involuntary detention and intensive treatment.

**(a)(2)** The Notice of Certification shall be signed by two “professional persons” who personally participated in the evaluation. (Welfare & Institutions code sections 5251, 5261 and 5270.20).

**(b) [Form of Notice of Certification]** The Notice of Certification forms for W&I code sections 5250 and 5270.15 are prescribed in W&I code section 5252. The Notice form for W&I Code section 5260 is prescribed in W&I Code Sections 5262. Both forms are included in the Appendix to these Rules.

**(c) [Notice to the Court]** Upon the completion of the Notice of Certification form by the “two professionals”, the treating facility shall place an identification number in the top portion of the form. A copy of the form shall then be promptly faxed to the Clerk. The original form shall be personally delivered to the Deputy Clerk assigned to the treatment facility in which the patient is detained.

**(d) [Notice to Patient and Others]** A copy of the Notice of Certification for a hearing under W&I Code section 5250 shall be personally delivered to the Director of the approved treatment facility or his or her designee and to the patient certified. A copy shall be promptly provided either personally or by fax to the patient’s counsel, if any, the patient rights advocate and such other person(s) as the patient designates. (W&I Code section 5253). For the additional certifications under Welfare & Institutions code sections 5260 and 5270.15, the copy distribution above shall apply plus a copy to the County Counsel.

**(e)(1) [Time Elements for Hearings]** The Certification Review Hearings shall be held within four (4) days from the date on which the patient is certified to be detained involuntarily, to receive intensive treatment, or for additional detention for further intensive treatment. A patient certified under W&I Code section 5250 also shall have a certification hearing within seven (7) days of the original involuntary admission to the treatment and evaluation facility under the committing W&I Code section 5150.

(e)(2) Hearings may be postponed up to forty-eight (48) hours upon the request of the patient or his or her attorney or advocate.

(e)(3) A patient may bypass the certification review hearing by requesting a judicial review via *habeas corpus*.

*(Amended 07-01-09; adopted effective 07-01-99)*

#### **1606 CERTIFICATION REVIEW HEARING DETERMINATIONS**

The person who is the subject of a certification review hearing shall be given oral notification of the determination at the conclusion of the certification review hearing by the hearing officer. As soon as thereafter as is practical, the person, his or her counsel or advocate, and the director of the facility where the person is receiving treatment, shall be provided with written notification of the certification review hearing determination, which shall include a statement of the evidence relied upon and the reason for the determination. Upon completion of the certification review hearing, the Deputy Clerk at the treatment facility shall deliver the original of the notice of certification, and all other writings and documents of the certification review hearing together with the original of the hearing officer's written determination to the Clerk.

*(Amended 07-01-09; adopted effective 07-01-99)*

#### **1607 CERTIFICATION REVIEW HEARING APPEALS**

(a)(1) [**Appeal of Certification Review Hearing Determination**] Appeals of certification review hearings shall be filed with the Clerk or with the Deputy Clerk assigned at each facility designated by Santa Barbara County and approved by the State Department of Mental health as a facility for seventy-two (72) hour treatment and evaluation by 4:45 p.m. of each Court business day.

(a)(2) If the filing of an Appeal is at an approved treatment facility, the Deputy Clerk assigned at the treatment facility shall promptly call the Clerk or his or her designee for assignment of a case number and shall thereafter fax a copy of the Appeal to the Clerk.

(a)(3) Upon the filing of an Appeal, the Clerk or the Deputy Clerk at an approved treatment facility shall promptly provide a copy of the Appeal, either personally or by fax to the Director of the treatment facility or his or her designee, the patient's rights advocate, the patient's counsel, if any, the Public Defender and the County Counsel.

(b) [**Representation on Appeal**] Upon request, or upon court order, the Public Defender shall represent any person who is not financially able to employ counsel in appeal proceedings resulting from certification review determinations.

*(Amended 07-01-09; adopted effective 07-01-99)*

## **1608 CERTIFICATION REVIEW HEARING OFFICER QUALIFICATIONS & APPOINTMENTS**

The certification review hearing shall be conducted by either a court-appointed commissioner or referee, or a certification review hearing officer. The certification review hearing officer shall be either a state qualified administrative law hearing officer, a medical doctor, a licensed psychologist, a registered nurse, a lawyer, a certified law student, a licensed clinical social worker, or a licensed marriage, family and child counselor. Licensed psychologists, licensed social workers, licensed marriage, family and child counselors, and registered nurses who serve as certification review hearing officers shall have had a minimum of five (5) years experience in mental health. Certification review hearing officers shall be selected from a list of eligible persons unanimously approved by a panel composed of the Director of ADMHS, the Public Defender, and the County Counsel or District Attorney designated by the Board of Supervisors. No employee of the ADMHS or of any facility designated by the county and approved by the State Department of Mental Health as a facility for seventy-two (72) hour treatment and evaluation may serve as a certification review hearing officer.

*(Amended 07-01-09; adopted effective 07-01-99)*

## **Chapter Seventeen – PROBATE RULES**

### **1700 SCOPE OF RULES**

Except where further limited herein, the rules of this chapter apply to, and only to, every action and proceeding to which the Probate Rules of the California Rules of Court apply.

*(Adopted effective 07-01-19)*

### **1701 CALENDAR POLICY**

*(Rule 1701 Repealed 07-01-19; Amended 01-01-13; adopted 07-01-98; previously amended effective 01-20-05 and 07-01-09)*

### **1702 APPOINTMENT OF PERSONAL REPRESENTATIVES**

*(Rule 1702 Repealed 07-01-19; Amended 01-01-13; adopted effective 07-01-98; previously amended effective 01-01-12)*

### **1703 BOND OF PERSONAL REPRESENTATIVE**

*(Rule 1703 Repealed 07-01-19; Amended 01-01-13; adopted effective 07-01-98; previously amended effective 07-01-00 and 01-01-12)*

### **1704 INVENTORY & APPRAISAL**

*(Rule 1704 Repealed 07-01-19; Amended 01-01-12; adopted effective 07-01-98; previously amended effective 07-01-00)*

### **1705 CREDITOR'S CLAIM**

*(Rule 1705 Repealed 07-01-19; Amended 01-01-12; adopted effective 07-01-98; previously amended effective 01-01-03)*

### **1706 SALES OF REAL OR PERSONAL PROPERTY**

*(Rule 1706 Repealed 07-01-19; Amended 01-01-12; adopted effective 07-01-98; previously amended effective 01-01-03 and 07-01-09)*

### **1707 ACCOUNTS OF PERSONAL REPRESENTATIVES**

*(Rule 1707 Repealed 07-01-19; Amended 01-01-12; adopted effective 07-01-98; previously amended 07-01-00)*

## **1708 FEES OF PERSONAL REPRESENTATIVES**

*(Rule 1708 Repealed 07-01-19; Amended 01-01-12; adopted effective 07-01-98)*

## **1709 PRELIMINARY & FINAL DISTRIBUTION**

*(Rule 1709 Repealed 07-01-19; Amended 01-01-12; adopted effective 07-01-98)*

## **1710 CONTESTED MATTERS; ORAL OBJECTIONS**

*(Rule 1710 Repealed 07-01-19; Amended 01-01-12; adopted effective 07-01-98; previously amended effective 07-01-00)*

## **1711 MISCELLANEOUS PETITIONS & ORDERS**

*(Rule 1711 Repealed 07-01-19; Amended 01-01-12; adopted effective 07-01-98; previously amended effective 07-01-00)*

## **1712 GUARDIANSHIPS**

*(Rule 1712 Repealed 07-01-19; Amended 01-01-13; adopted effective 07-01-98; previously amended effective 07-01-09)*

## **1713 TEMPORARY GUARDIANSHIPS & CONSERVATORSHIPS**

*(Rule 1713 Repealed 07-01-19; Amended 07-01-09; adopted effective 07-01-98; previously amended effective 07-01-00)*

## **1714 CONSERVATORSHIPS**

*(Rule 1714 Repealed effective 07-01-2019; Amended 01-01-13; adopted effective 07-01-98, previously amended effective 07-01-00, 01-01-08 and 07-01-09)*

## **1720 PROCEDURAL RULES**

*(Adopted effective 07-01-19)*

## **1721 HEARINGS**

**(a) [Filing Location]** All cases filed pursuant to the Probate Code shall be filed in the appropriate geographic division as designated by Local Rule 203 and the appropriate Probate Code sections. Each petition filed pursuant to the Probate Code must adequately identify the basis for venue.

**(b) [Appearance Requirements]** Court appearances are required at all hearings unless the matter has been recommended for approval or appearance is otherwise excused in the examination notes/ tentative ruling. When an appearance is required, attorneys or unrepresented

parties must appear in person or by telephone, pursuant to CRC 3.670 and Local Rule 1005. Failure to appear as required may result in sanctions under Local Rule 102.

**(c) [Review of Files Prior to Hearing]**

- (1) Probate matters will be examined prior to the hearing. Examination notes are ordinarily posted on the court's website ([www.sbcourts.org/os/tr/](http://www.sbcourts.org/os/tr/)) as much in advance of the scheduled hearing date as feasible, and may appear five (5) or more court days before the hearing. It is the party's responsibility to check the website regularly prior to the date of the hearing.
- (2) If the matter is unopposed and recommended for approval no appearance will be necessary.
  - (A) If the matter is opposed or not recommended for approval, the examination notes will ordinarily identify the defects or issues to be addressed at the hearing. The court may require appearances at the scheduled hearing or may continue the hearing to a later date; appearances are required unless otherwise specified.
  - (B) Counsel may rectify the deficiencies by filing verified supplements and/or amendments, provided appropriate notices are given as required by statute or rule. Supplements and corrections processed within two (2) court days prior to the hearing will not be reflected in the posted notes, and such matters may be continued to another date to allow review. However, the Court, in its discretion, may consider such late-filed supplements/corrections. Parties submitting documents after the deadline must appear at the hearing.

**(d) [Objections to Pre-Approved Matters]** At the time scheduled for hearing, all cases on the calendar will be called. If an objection is made when a case is called, the court will schedule a hearing on a future date to allow for the filing of written objections. If no objections are made when a case is called, or if written objections are not on file at the time of the scheduled hearing, the tentative ruling will be deemed the final order.

*(Adopted effective 07-01-19)*

**1722 CONTINUANCES**

- (a) [Continuance of Nontrial Matters]** Hearings other than trials or evidentiary hearings may be continued subject to the following:
- (1) In uncontested matters, noticed hearings may be continued by motion, ex parte application, or written request. In contested matters, noticed hearings may be continued by motion, ex parte application, or a written stipulation from all affected parties. Such requests or stipulations must be filed at least three (3) court days before the hearing date and served on all persons entitled to notice of the hearing. The motion, application, request, or stipulation must be accompanied by a proposed order.
  - (2) The Court will rule on the request or accept the stipulation at the time of hearing or earlier. Parties should consult the court's examination notes (see Local Rule 1700(c)) to ascertain if appearance is required at the hearing.
  - (3) Requested hearing dates will be considered, but a different date may be set depending on availability. If a hearing is continued, the requesting party must serve

notice of the continued hearing date unless otherwise ordered by the Court. Failure to serve notice as required may result in sanctions under Local Rule 102.

- (4) Where notice of the scheduled hearing requires publication and publication has been completed, the hearing will take place as scheduled and the Court will address the request for continuance at the hearing.

- (b) **[Continuance of Trials or Evidentiary Hearings]** A trial or evidentiary hearing may be continued for good cause only by order of the court. If all parties waive notice, an application for continuance may be presented ex parte. The application must be made at the earliest possible time and in no event less than one week prior to trial or the hearing. A party's need for additional time to prepare for trial or to discuss settlement does not constitute good cause.

*(Adopted effective 07-01-19)*

### **1723 EX PARTE PROCEDURES**

Ex Parte Requests in probate are requests for court orders without providing the full notice required for a petition or motion under the Probate Code. As herein defined, Ex Parte Requests are "With Appearance" or "Without Appearance."

- (a) **[Ex Parte Request Without Appearance]** Ex Parte Requests "Without Appearance" are for matters that are uncontested, routine, and are not subject to specific noticing rules in the Probate Code.

- (1) Ex Parte Requests Without Appearance include, but are not limited to:

- (A) Ex Parte Petition for Final Discharge;

- (B) Ex Parte Petition for Appointment of Guardian Ad Litem-Probate;

- (C) Ex Parte Application for Order to Increase or Decrease Bond;

- (D) Expedited Petition to Approve Compromise of Disputed Claim or Pending Action or Disposition of Proceeds of Judgment for Minor or Person with a Disability;  
and

- (E) Other requests which have been denominated as appropriate for ex parte treatment by the associated Judicial Council form.

- (2) Ex Parte Requests Without Appearance are not set for a hearing and are considered by the Court without an appearance by parties. The assigned judge will either sign the order or set the matter for hearing, as appropriate.

- (3) An Ex Parte Request Without Appearance must be e-filed where mandatory under Local Rule 1012. Applications that are not required to be e-filed under Local Rule 1012 must be filed in the Clerk's office of the appropriate court division where the case is pending in order to assure that the papers are available to the Court for the hearing.

- (4) Except as otherwise provided in these rules, an Ex Parte Request Without Appearance need not comply with CRC 3.1200 et seq.

- (b) **[Ex Parte Request With Appearance]** All Ex Parte Requests other than those set forth in subdivision (a) are Ex Parte Requests "With Appearance." These matters are often contested.

- (1) Except as provided in subdivision (b)(2) of this rule, Ex Parte Requests With Appearance shall be set and heard in the same manner as an ex parte application in a civil action and shall comply with CRC rules 3.1200 through 3.1207 and Local Rule 1009.
- (2) If a matter is filed as an Ex Parte Request With Appearance and the court determines that it may be resolved without an appearance, the court may resolve the request without the necessity of an appearance providing appropriate notice to the requesting party.

**(c) [Ex Parte Application for Appointment as Special Administrator]** A party seeking appointment of as special administrator by ex parte application shall comply with the provisions of this section for an Ex Parte Request, subject to the following:

- (1) If the petition is uncontested, a party seeking ex parte appointment of special administrator without a hearing must include “Without Hearing” in the caption box titled “Hearing Date and Time” in the Petition for Probate (Judicial Council form DE-111).
- (2) If the petition is contested, the hearing date and time confirmed with the court as available must be placed in the appropriate caption box.
- (3) The petition may not be combined with a petition for the appointment of a general personal representative. A separate Judicial Council form must be used for a petition for special letters of administration.

*(Adopted effective 07-01-19)*

#### **1724 PROBATE ORDERS**

**(a) [Order Prescribing or Dispensing With Notice]** Unless otherwise ordered by the court, an order prescribing or dispensing with notice will be considered at the time the petition is heard. A request for an order dispensing with notice must be accompanied by a declaration of due diligence. (See CRC 7.52; Local Court Form SC-6014.)

**(b) [Proposed Probate Orders]** Proposed orders or judgments shall be submitted on or before noon at least five court days prior to the hearing. Failure to submit a timely proposed order may delay the hearing or entry of the order.

#### **1725 RELATED CASES**

Each party is under a continuing obligation pursuant to CRC 3.300 to serve and file a Notice of Related Case whenever it appears that two or more petitions with different case numbers have been filed with reference to the same decedent, conservatee, minor, or trust. The court may, on its own motion, relate or consolidate such matters.

*(Adopted effective 07-01-19)*

#### **1730 GENERAL PROVISIONS**

*(Adopted effective 07-01-19)*

#### **1731 PETITION FOR INSTRUCTIONS**

A Petition for Instructions is limited to those matters for which no other procedure is provided. The Petition for Instructions should set forth the matter on which the petitioner desires instructions in precise detail. If the petitioner is taking a position on the issue, the petition shall set forth the position as well as the legal basis for such position. The petition shall be



accompanied by a proposed Order of Instructions which sets forth the instructions in clear and explicit language.

*(Adopted effective 07-01-19)*

### **1732 OVERHEAD COSTS**

**(a)** The following costs advanced may be reimbursed to the attorney or fiduciary 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; and
- (5)** Court investigator's fees.

Any fees reimbursed without prior court order are nevertheless subject to review for reasonableness at the next account.

**(b)** The following expenses are considered by the court to be a business expense and are not ordinarily reimbursable costs or fees:

- (1)** Photocopy expenses;
- (2)** Telephone charges;
- (3)** Computer research fees;
- (4)** Clerical services;
- (5)** Travel to and from court; and
- (6)** Communication with the probate examiner and/or attorney.

### **1733 SALES**

**(a) [Broker's Commissions on Real Property Sales]** The court will not approve a real estate commission in excess of 6% except in unusual cases where a larger commission is justified because of exceptional circumstances.

**(b) [Appearance by Attorney for Sales Confirmation]** In hearing petitions for confirmation of sale of real property and for sale of personal property where bidding is authorized, the court ordinarily will not proceed with confirmation of the sale in the absence of the attorney of record.

**(c) [Increased Bid Forms]** When there is a successful overbid in open court on a sale of real property, an "Increased Bid in Open Court" form (local court form number (SC-6004)) must be completed, signed, and filed with the court before the conclusion of the hearing; otherwise, confirmation is not effective.

*(Adopted effective 07-01-19)*

### **1734 PROBATE REFEREES**

**(a) [Appointment]** The probate referee is selected on a rotational basis. The name of the appointed referee shall be added by the clerk on the Order for Probate (DE-140), Order Appointing Guardian (GC-240) or Order Appointing Probate Conservator (GC-340). If the

referee's name is not on the order, the appointment of a probate referee may be accomplished by ex-parte application. (See Local Court form SC-6000 Application and Order Appointing Probate Referee.) (New)

**(b) [Preparation of Inventory and Appraisal]** The California Probate Referee's Association has published the "Guide to Using Probate Referees," which may be consulted at [probatereferees.net](http://probatereferees.net). Although not an official court publication, this pamphlet is a good reference.

*(Adopted effective 07-01-19)*

### **1735 FUNDS DISBURSED TO MINORS**

**(a) [Policy]** Absent a showing of good cause, it is the policy of the Court to order all funds disbursed to a minor be deposited into a blocked account. The fact that a parent is appointed as guardian of the estate is not ordinarily good cause for waiving this policy.

**(b) [Receipt from Institution]** When the Court orders funds to be deposited into a blocked account, the deposit must be acknowledged by Judicial Council form "Receipt and Acknowledgement of Order for the Deposit of Money Into Blocked Account" (MC-356). This form must be signed by an authorized signatory of the institution into which the funds were deposited. The Court will set a hearing to review the filed Receipt and Acknowledgement. Appearance may not be required at the review hearing if the Receipt has been filed.

**(c) [Accounting for Blocked Accounts]** If funds are maintained in a blocked account in a guardianship proceeding, the guardian is not excused from submitting a timely accounting. However, the Court may accept proof of continued deposits, such as submission of all original account statements during the period of accounting, instead of the statutory accounting schedules.

**(d) [Support Obligation of Parents]** Minor's funds may not be used for the ordinary expenses of supporting a minor where there is a parent living who has the obligation to support the minor pursuant to the Family Code. In all cases, Court approval must be obtained prior to the expenditure of funds for support of a minor.

**(e) [Petition for Authority to Expend Funds for Support from Non-Blocked Account]** If the minor's funds are not maintained in a blocked account and the order disbursing the funds does not otherwise authorize an expenditure, a Petition for Authority to Expend Funds for Support may be submitted.

- (1)** Such requests must 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. If the request is for multiple items, each item must be listed separately, with its cost.
- (2)** 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.
- (3)** Requests to pay for medical or dental care, including orthodontia, should include a declaration from the guardian explaining why the expense is not covered by insurance.

**(f) [Petition for Withdrawal of Funds from Blocked Account]** If the funds are maintained in a blocked account, a Petition for Withdrawal of Funds from Blocked Account (Judicial Council MC-357) may be submitted. The petition must be calendared and should not be submitted ex parte. Petitioner must use attachments to supply the information described in the above paragraph that is not otherwise called for on the Judicial Council form.

*(Adopted effective 07-01-19)*

## **1740 ACCOUNTS**

*(Adopted effective 07-01-19)*

### **1741 COURT INVESTIGATOR’S ASSESSMENT**

In cases involving a court investigation, a petition for approval of an account must state the amount of court investigator’s assessments that have been paid and any amount due and owing. A receipt for payment must be filed, unless the fiduciary has obtained an order deferring or waiving payment of the assessment.

*(Adopted effective 07-01-19)*

### **1742 REPORTING BONDS IN ACCOUNTING, INVENTORY AND APPRAISAL**

**(a) [Reporting Sufficiency of Bond in Accounting]** Sufficiency of the bond must be addressed in all interim accountings. The calculation for the reasonable amount for cost of recovery to collect on the bond must be included in the report as provided in CRC 7.207. The petition must also contain an allegation as to the date the bond was last renewed and when the next premium is due.

**(b) [Increase or Decrease of Bond]** If required, upon filing the Inventory and Appraisal, the personal representative or the attorney for the estate shall apply to the court for an increase or reduction in the amount of the bond as required by California Rules of Court, rule 7.204.

*(Adopted effective 07-01-19)*

### **1743 DOCUMENTS SUPPORTING ACCOUNT**

**(a) [Scope of Rule]** This rule applies to all original documents required to be submitted by a fiduciary under Probate Code section 2620 in support of an accounting, including financial account statements, closing escrow statements, and residential care facility or long-term care facility bills.

**(b) [Electronic Original Documents]** All original documents required to be submitted by Probate Code section 2620 that are available only as electronic documents shall be electronically filed as provided in Local Rule 1012.

- (1)** An “electronic” document is either (i) a document received in electronic form and viewable using commonly available software (for example, a document in pdf form), or (ii) a document generated by the fiduciary that accurately reflects electronically stored information made available to the fiduciary (for example, a printout of an account statement from a financial institution where the financial institution transmits only a link

to the account to the fiduciary showing that the statement is available electronically). All documents other than electronic documents are “non-electronic” documents.

- (2) The fiduciary must affirm under penalty of perjury that all of the original documents so filed were received from, or printed from the official website of, the financial institution or other source in electronic form without alteration.
- (3) That affirmation must be contained in a separate declaration filed with the account statements. The fiduciary must retain all original documents until the order approving the final account is final.

**(c) [Non-Electronic Original Documents]** All original documents required to be submitted by Probate Code section 2620 that are non-electronic documents shall be filed electronically as copies as provided in Local Rule 1012 and also lodged in their form as original non-electronic documents pursuant to CRC 2.252(e).

- (1) The party submitting the non-electronic original documents must include a self-addressed envelope with sufficient postage for mailing the documents or an attorney service pick up slip. The non-electronic original documents will be returned to the submitting party after examination.
- (2) The Court will retain the documents in electronic form as part of the Court’s records. The fiduciary must retain all original documents until the order approving the final account is final.

**(d) [Additional Submissions]** The Court in its discretion may at any time additionally require:

- (1) that the fiduciary produce original documents for inspection by the court, whether or not such original documents have previously been filed, lodged, or returned;
- (2) that the fiduciary provide additional original documents supporting the matter under consideration by the Court; or,
- (3) that the fiduciary provide additional authentication that the documents accurately reflect the data of their source, including without limitation, a declaration from an appropriate custodian of the source information or production of those documents directly to the court.

*(Adopted effective 07-01-19)*

#### **1744 RECONCILIATION OF FINANCIAL STATEMENTS**

Where a closing balance reported in the “Property on Hand” schedule (at end of the accounting period) and/or an Inventory and Appraisal (for first accounting) does not agree with the balance reported in its corresponding financial statement, the account must include a schedule with a detailed reconciliation.

*(Adopted effective 07-01-19)*

#### **1750 DECEDENT’S ESTATES**

*(Adopted effective 07-01-19)*

#### **1751 STATUTORY DEADLINES FOR DECEDENT’S ESTATES**

It is the practice of this Court to enforce Probate Code time limitations for the filing of inventory and appraisals, accountings, petitions for distribution and other required acts by the issuance of

orders to show cause re suspension of powers and for imposition of monetary sanctions, as against either or both the attorney and the personal representative.

*(Adopted effective 07-01-19)*

### **1752 APPOINTMENT OF PERSONAL REPRESENTATIVES**

**(a) [Notice of Petition]** The petitioner or petitioner's attorney shall be responsible for publication of notice where required and where notice by mail is required to be given, petitioner or petitioner's attorney shall give the notice and file a proper proof of service. If there is no one entitled to notice, a statement to that effect shall appear on the proof of service of the Notice of Petition to Administer Estate (DE-121).

**(b) [Submission of Duties of Personal Representative]** If a bond is not required, the proposed personal representative shall submit the form (DE-147) prior to the hearing on the petition for appointment. If a bond is required, the proposed personal representative may submit the form (DE-147) prior to the hearing or with the bond after the hearing.

**(c) [Submission of Letters of Personal Representative]** If a bond is not required, the proposed personal representative shall take the prescribed oath of office and sign, date, and submit the Letters prior to the hearing on the petition for appointment. If a bond is required, the proposed personal representative may submit the executed Letters prior to the hearing or with the bond after the hearing.

**(d) [Declination to Serve / Consent to Serve]**

**(1)** If a person nominated as personal representative in the will declines to act, a signed declination must be filed prior to the hearing on the petition for probate unless evidence is produced that the nominated person is not competent pursuant to Probate Code section 8402, refuses to act, or cannot be located. Similarly, a written declination must be filed by or on behalf of an individual who is entitled to priority for issuance of Letters of administration but does not desire to act, or evidence must be produced that the person with priority is not competent under Probate Code section 8402 or refuses to act.

**(2)** Where a petition seeks the appointment as personal representative of one or more persons other than the petitioner, a consent to serve as personal representative must be filed for each such proposed personal representative.

**(e) [Will Submitted for Safekeeping]** The original will must be submitted at the time of filing unless previously lodged with the Court for safekeeping. If the will was previously lodged for safekeeping, it is petitioner's responsibility to notify the clerk upon filing the petition for probate that the will was previously lodged.

*(Adopted effective 07-01-19)*

### **1753 FEES OF PERSONAL REPRESENTATIVES**

**(a) [Allowance on Account of Fees]** Allowances on account of statutory fees will be granted only in proportion to the actual work performed to date. See California Rules of Court, rule

7.701. In any event, the last 25% of the statutory fees will not ordinarily be allowed before the approval of the final account and decree of distribution.

**(b) [Payment of Attorney Fees Where Estate Insufficient]** If the estate lacks sufficient cash for payment of attorney fees, the court will generally allow and approve compensation but only award and order it paid to the extent that there is cash in the estate to do so. In such a situation, the beneficiaries may advance cash to the estate to pay the fees. The amounts advanced should be shown on the accounting and should not be included in the fee base for calculating ordinary fees.

*(Adopted effective 07-01-19)*

## **1754 PRELIMINARY & FINAL DISTRIBUTION**

**(a) [Description of Distributees]** The Petition for Distribution must set forth in detail the precise manner in which the estate is to be distributed. A general allegation that the estate is to be distributed in accordance with the terms of the will is not sufficient. The petition must set forth the name of the distributee and a statement as to whether the distributee is a minor or adult.

**(b) [Intestacy]** Heirs who take by virtue of intestacy must be sufficiently described to permit the court to determine if the laws of intestate succession have been properly applied.

**(c) [Minors]** If the distributee is a minor, the manner in which the funds are to be distributed must be identified. Probate Code section 3413 governs the distribution of money belonging to a minor. If money belonging to the minor is to be distributed to a fiduciary (e.g., a probate guardian, a trustee or custodian), the fiduciary must be identified in the petition.

In addition, the following documents must be submitted under the appropriate circumstances:

**(1)** Declaration from the parent(s) that the minor's estate, including the bequest, does not exceed the statutory maximum if distribution is to be made under Probate Code section 3401;

**(2)** A separate "Order To Deposit Money Into Blocked Account" (MC-355) if a blocked account is to be used. Within 15 court days following the date of the minute order, the "Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account" (MC-356) must be filed with the Probate Court. The court will set a review hearing to ensure that the Receipt and Acknowledgment has been filed;

**(3)** A certified copy of the Letters of Guardianship, if distribution is to be made to a probate guardian;

**(4)** The consent of the custodian to act, if distribution is to be made to a custodian under the California Uniform Transfers to Minors Act (Prob. Code, § 3900 et seq.).

**(d) [Order for Distribution]** Orders should be drawn so as to set forth the full plan of distribution. Orders may not contain distribution plans which refer to the petition or any other document.

**(e) [Trustees]** If distribution is to a trustee who is not the personal representative, the consent of the nominated trustee to act must be on file prior to the hearing on the petition for distribution to the trustee.

**(f) [Distribution Pursuant to Agreement]** If distribution is to be other than according to the terms of the will or the laws of intestate succession, there must be a written agreement on file and signed by all parties affected by the distribution.

**(g) [Distribution to Deceased Heir or Beneficiary]**

**(1)** When an heir or beneficiary dies during administration of an estate, the order must provide for distribution to the personal representative of the estate of the heir or beneficiary, or, if applicable, to the person(s) entitled to the property in a summary proceeding pursuant to a declaration or affidavit under Probate Code section 13101.

**(2)** If distribution is to be made to a person collecting assets under Probate Code section 13100, the required affidavit or declaration pursuant to Probate Code section 13101 must be filed before distribution will be ordered. If the required affidavit or declaration cannot be filed, the petition must state why it cannot be filed.

**(h) [Distribution Pursuant to Assignment]** When distribution is requested pursuant to an assignment by a distributee, the assignment must be filed in the proceeding. The court may require additional information, including consideration paid, to assure that the assignor fully comprehends the effect of the assignment, that it was voluntarily made, and was not grossly unreasonable.

**(i) [Distribution Pursuant to Disclaimer]** A copy of a disclaimer must be on file prior to the hearing on a petition for distribution of an affected asset. The proposed distribution must comply with Probate Code sections 282 and 21110 as well as any other sections that may apply.

*(Adopted effective 07-01-19)*

### **1755 PETITION FOR ENTITLEMENT TO DISTRIBUTION**

A petition under Probate Code section 11700 must set forth the specific determination which the petitioner believes the court should make and must provide for a complete disposition of the property of the estate.

*(Adopted effective 07-01-19)*

### **1760 DISPOSITION OF ESTATE WITHOUT ADMINISTRATION**

*(Adopted effective 07-01-19)*

### **1761 SPOUSAL PROPERTY PETITION**

**(a)** If the basis for claim that property should pass or be confirmed to the surviving spouse is that the property is community or quasi-community property, then the following information must be included in the spousal property petition:

**(1)** Date and place of marriage;

**(2)** Whether decedent owned any real and personal property on date of marriage, and if so, a description and approximation of values;

**(3)** For each asset for which a determination that it pass or be confirmed to the surviving spouse, a description of the manner in which the asset was acquired by decedent, including source of funds or loans, title to asset, etc.;

(4) Any additional facts upon which the claim that property is community or quasi-community property is based.

(b) If the claim is based on a document, a copy of the document must be attached to the petition and properly authenticated.

*(Adopted effective 07-01-19)*

## **1770 CONSERVATORSHIPS**

*(Adopted effective 07-01-19)*

### **1771 STATUTORY DEADLINES FOR CONSERVATORSHIPS**

It is the practice of this Court to enforce Probate Code time limitations for the filing of inventory and appraisals and other acts required during the first year up to and including accountings by the issuance of a Conservatorship Compliance Order concurrent with issuance of Letters. The Court reviews these cases regularly to ensure compliance.

*(Adopted effective 07-01-19)*

### **1772 CONSERVATORSHIP ACCOUNTINGS**

(a) **[Schedule for Submission]** At the time the Court appoints a conservator or guardian, and unless the Court dispenses with accountings, the Court will set a compliance date for the conservator or guardian to file his or her first accounting and report, which will typically be no later than 90 days after the first year anniversary of the appointment of the conservator or guardian. If the conservator or guardian has filed the accounting and all is in order, this will be a nonappearance matter. Each time the Court hears a subsequent accounting and report, it will set a compliance date for the next accounting and report, which will typically be every two years thereafter.

(b) **[Allegation re Trust]** At the time of each accounting, a verified summary or recapitulation showing the following shall be filed as a confidential statement:

- (1) A description of the conservatee's beneficial interest in the trust;
- (2) The amount of income generated for the benefit of the conservatee, regardless whether distributed or applied to principal;
- (3) The name, address, and telephone number of the trustee; and
- (4) Any income distributed to or for the benefit of the conservatee. Such income must be included in an accounting to the Court pursuant to Probate Code section 2620.

(c) **[Final Accounting]**

(1) When a final accounting or report is filed, notice of hearing must be given pursuant to Probate Code section 2621. If the conservatee is deceased, notice of hearing must be given to the personal representative or trustee of any trust of which the conservatee was settlor and beneficiary. If the conservator is also the personal representative of the deceased conservatee's estate or there is no personal representative, notice must be given to the deceased conservatee's heirs and devisees.



(2) A final accounting must be required on termination of the conservatorship of an estate except under the following circumstances: (i) the former conservatee who has been restored to full capacity waives the accounting; (ii) if the conservatee is deceased, when an accounting is waived by those persons entitled to receive distribution of the estate as provided in Probate Code section 10954; except that if conservator is also the personal representative of the conservatee's estate or trustee of a trust that is the beneficiary of a will, waivers must be required by all heirs or devisees; or (iii) when the Court has ordered that accountings are not required pursuant to Probate Code section 2628 and the conditions of that section are otherwise met.

(3) The report must include a statement of the specific assets on hand. The final report and/or accounting must be filed within 90 days of termination of the conservatorship of the estate.

**(d) [Order Dispensing with Accounting]**

(1) If a conservatorship estate qualifies under Probate Code section 2628, the Court may grant a petition ex parte to dispense with the filing of an accounting.

(2) The petition may be brought at any time after the inventory and appraisal has been filed. The petition shall state:

(A) The value of the estate at the beginning and end of the accounting period, exclusive of conservatee's residence. It is not sufficient to allege that the total net value, exclusive of the residence, is less than the statutory amount. A copy of financial statements showing the ending balances shall be filed with the petition.

(B) The amount and nature of the "public benefit payments." It is not sufficient to allege that monthly payments, exclusive of public benefit payments, were less than \$2,000.

(C) A description of any other monthly income for each month of the accounting period, excluding wages and salaries of conservatee, demonstrating that the estate meets the requirements of Probate Code section 2628.

*(Adopted effective 07-01-19)*

**1773 COUNSEL FOR PROPOSED CONSERVATEE OR CONSERVATEE**

(a) **[Appointment]** If the Court determines that it is statutorily required or in the best interests of the proposed conservatee or conservatee, the Court shall appoint counsel for the conservatee from the list of attorneys qualified to accept such appointments maintained by the clerk, any other attorney appropriate for such appointment or the Public Defender's Office. Within forty-eight (48) hours of the appointment, the Court shall order a "meet and confer" for all counsel involved in the conservatorship proceeding, in person or by telephone.

(b) **[Role of Court Appointed Counsel]** Attorneys who are appointed as counsel for conservatees pursuant to Probate Code sections 1470, 1471, or 2356.5 have the following ethical obligations:

(1) **[Clients Who Are Non-Communicative or Clearly Delusional or Not Opposed to the Request Before the Court]** If the client is noncommunicative, or clearly delusional, or not opposed to the request before the Court, the attorney must evaluate the request before the Court and must orally report to the Court his or her observations and recommendations as to what would be in the client's best interests, unless a written report is requested by the Court. Where a conflict arises between the attorney and the proposed conservatee or conservatee concerning the

best interests of the proposed conservatee or conservatee, the Court may appoint a successor attorney.

**(2) [Clients Who Are Communicative, Alert and Are Opposed to the Request Before the Court]** If the client is communicative, alert and opposed to the request before the Court, and if the attorney has a good faith belief that sufficient grounds exist to support the position taken by the client, the attorney must use all reasonable and appropriate means to obtain the result sought by the client.

**(3) [Clients Who Have Impaired Judgment and Are Opposed to the Request Before the Court]** If the client appears to have impaired judgment and is opposed to the request before the Court, the attorney must report to the Court the attorney's observations and recommendations as to what would be in the client's best interests, as well as the fact that the client is opposed to the request and the apparent reasons for the opposition. The attorney must ensure that the client is given the opportunity to directly address the Court, if reasonably possible.

**(4) [Attorney to Disclose Proper Relationship]** The attorney must disclose to the Court and all parties whether the attorney currently represents, or has previously represented, the conservator or proposed conservator.

**(5) [Duties Illustrative]** The duties of an attorney as set forth in this Local Rule are intended to be illustrative and do not limit or alter the obligations of an attorney as provided in the Business and Professions Code, California Rules of Professional Conduct, and as otherwise provided by law.

*(Adopted effective 07-01-19)*

## **1774 FEES IN CONSERVATORSHIPS**

### **(a) [Attorney Fees]**

**(1)** Pursuant to CRC 7.751, the requested fee must be supported in a verified petition or by a separate verified declaration stating the nature, benefit to the conservatee or conservatorship estate, time spent, hourly rate, detail of services rendered, and the amount requested. The Court deems submission of a verified copy of the attorney's billing invoice to comply with rule 7.751. The court has the discretion to require additional justification for all attorney fees requested.

**(2)** Fees will not be allowed for matters which are overhead, secretarial in nature, or do not require special legal skills. Ordinarily, no more than one (1) hour will be allowed for a court appearance in nonlitigated matters.

### **(b) [Conservator Fees]**

**(1)** The court's review of conservator's fee request shall consider the nature of services provided, their necessity, the success or benefit to conservatee or the conservatorship estate, time spent, hourly rate, basis for the hourly rate, detail of services performed, expertise required, and the amount requested. A broad, general description of services or a simple recitation of time spent is not adequate. The court has the discretion to require additional justification for all conservator fees requested. Counsel are directed to CRC 7.756 for additional factors which the court may consider. The Court deems submission of a verified copy of the fiduciary's billing invoice to comply with CRC 7.751.

**(2)** Professional and staff services should not include routine overhead items, such as secretarial and word processing time; time spent scanning or filing documents; cost of scanning, faxing, telephoning; computer time (Lexis, Westlaw); calendaring hearings; copying of less than

50 pages; cost of office supplies; local travel, mileage and parking. All requests must clearly indicate who has performed the services for which compensation is being requested. In the event that a fiduciary is performing services requiring special training and skills (e.g., a CPA preparing tax returns or performing an audit), the court may consider this on a case by case basis.

(3) No fees will ordinarily be allowed for services rendered by a family member which are of the type that the court finds are expected to be performed by a family member by virtue of the family relationship (e.g., sitting at the bedside of an ill conservatee or simply being present while handymen remove items from a garage to haul away).

**(c) [General]**

(1) Counsel and Fiduciaries should not assume that the court will automatically allow the maximum rates.

(2) Fees must be requested, waived, or deferred in conjunction with each accounting. If the petition is silent, the court will assume that fees have been waived. If deferral of payment is requested, the amount of fees requested must nevertheless be specified and adequately supported so the court can fix the amount to be deferred.

**1780 GUARDIANSHIPS**

*(Adopted effective 07-01-19)*

**1781 GUARDIANSHIP ACCOUNTING AND INVESTMENTS**

**(a) [Reports Accompanying Accountings]** The report accompanying the guardian's accountings should contain a statement of the age, health, activity and whereabouts of the minor. Alternatively, the guardian may submit the Confidential Guardianship Status Report (Judicial Council form GC-251).

**(b) [Separate Accounting for Each Minor]** When a guardian of the estate is appointed for more than one minor, the guardian shall file a separate accounting for each minor. Separate accountings may be included in a single petition.

**(c) [Investments by Guardian]** The Court will not routinely grant the additional powers to the guardian pursuant to Probate Code sections 2590 and 2591. If a guardian wishes to invest or expend funds belonging to the minor, the guardian should petition the Court for authorization. If expenditures or investments are made by the guardian without prior authorization, such acts will not be considered for approval except on settlement of accounting. Except in rare and unusual cases, the Court will not approve investment in unsecured loans or loans to a near relative unless secured.

**(d) [Final Accounting]** A guardian's report will normally not be approved if accompanied by a Waiver of Accounting unless the minor is present in court and available to testify.

**1790 TRUSTS**

*(Adopted effective 07-01-19)*

## **1791 TRUST PROCEEDINGS**

**(a) [Venue]** Every petition filed under Probate Code section 17200 et seq. shall contain facts necessary to determine the principal place of administration of the trust. In most instances, this requires an allegation of the city or unincorporated area in which the day-to-day activity of the trust is carried on.

**(b) [Related Cases]** All petitions filed under Probate Code section 17200 et seq. which relate to the same trust shall be filed under the same case number.

**(c) [Supporting Documents]**

**(1)** Petitions requesting orders regarding the internal affairs of the trust pursuant to Probate Code section 17200 or conveyance or transfer of property claimed to belong to the trust pursuant to Probate Code section 850 shall be accompanied by a true and correct copy of the trust, including any amendments, disclaimers, and any directions or instructions to the trustee that affect the disposition of the trust.

**(2)** Petitions requesting a determination that certain property is an asset of the trust shall also include:

**(A)** Copies of all testamentary instruments;

**(B)** Copies of all pertinent and current documents of title to the assets in question.

If the asset is an account, stock, or other asset for which a beneficiary designation may have been executed, a copy of the beneficiary designation must be submitted, or an allegation that inquiry has been made and no beneficiary designation was completed for the account.

*(Adopted effective 07-01-19)*

## **Chapter Eighteen – SMALL CLAIMS RULES**

### **1800 SMALL CLAIMS CASE CALENDARING**

*(Rule 1800 Repealed effective 07-01-09; adopted 07-01-98; amended effective 01-01-99)*

### **1801 DISPUTE RESOLUTION**

In any Small Claims action, upon the request of the parties or in the Court's discretion, the Court may order the parties to participate in mediation or other alternative dispute resolution process.

*(Amended 01-01-20; 07-01-09; adopted effective 07-01-98)*

### **1802 CONTINUANCES**

*(Rule 1801 Repealed effective 01-01-20; amended 07-01-09; adopted effective 07-01-98)*

## **Chapter Nineteen – CRIMINAL RULES**

### **1900 CRIMINAL CASE CALENDARING**

*(Rule 1900 Repealed effective 07-01-09; adopted 07-01-98; previously amended 01-01-99)*

### **1901 STAFFING, AVAILABILITY, PREPARATION, PROSECUTION & DEFENSE**

*(Rule 1901 Repealed effective 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **1902 PRE-TRIAL SERVICES**

The Court has established Pre-Trial Services Units for investigation, and processing requests for setting of bail and release of arrested persons on their own recognizance and for recommendations to the court. This Unit provides the primary contact for arrested persons and law enforcement with the "after hours" duty judges for issuance of emergency orders, arrest and search warrants, own recognizance releases and setting of bail in accordance with the established bail schedule.

*(Amended 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **1903 OWN RECOGNIZANCE BAIL REVIEW HEARINGS**

Hearings on applications for reduction of bail and own recognizance not less than one (1) full court day prior to the date of the hearing. Pre-Trial Services Unit staff may request a continuance of to complete their investigation and submission of their report. If a continuance is requested, the Pre-Trial Services staff will notify the defense and prosecuting attorneys promptly.

*(Amended 07-01-09; adopted effective 07-01-98)*

### **1904 MANDATORY APPEARANCES**

**(a) [Felony Cases]** Except as authorized by Penal Code Section 977(b), a defendant in a felony case must be personally present at all scheduled appearances, and at any other time ordered by the court. No felony case or hearing shall be canceled or continued without the defendant's presence in open court.

**(b) [Misdemeanor Cases]** Misdemeanor defendants may appear in person or by counsel unless the court orders a defendant to be present.

**(c) [Attorney of Record]** The attorney of record in any case must be personally present for all scheduled court appearances unless prior authorization to be absent is granted by the court.

*(Amended 07-01-09; adopted effective 07-01-98)*

### **1905 ENTERING *NOLO CONTENDERE* OR GUILTY PLEA**

In all misdemeanor and felony cases, before a plea of guilty or *nolo contendere* is accepted, the defendant and the defendant's attorney shall execute and file a Court-approved form for waiver of constitutional rights.

*(Amended 07-01-09; adopted effective 07-01-98)*

### **1906 SPECIAL CUSTODY ARRAIGNMENT SESSIONS**

Under special circumstances, the court may conduct an arraignment of a prisoner at the custody facility where the prisoner is confined. All hearings must be open to the public except those hearings authorized by law to be closed.

*(Amended 07-01-09; adopted effective 07-01-98)*

### **1907 NOTICE OF MOTION; POINTS & AUTHORITIES**

Any motion requesting relief must be accompanied by a memorandum of points and authorities filed at least ten (10) calendar days prior to the hearing even when the opposing party waives the formality of written notice.

*(Amended 07-01-09; adopted effective 07-01-98)*

### **1908 DISCOVERY**

The Court has promulgated a standing order of continuing mutual discovery pursuant to Penal Code sections 1054, *et seq.*

*(Amended 07-01-09; adopted effective 07-01-98)*

## **Chapter Twenty – JUVENILE CASES**

### **2000 JUVENILE CASE CALENDARING**

*(Rule 2000 Repealed effective 07-01-09; adopted 07-01-98; previously amended 01-01-99)*

### **2001 JUVENILE COURT PRESIDING JUDGE**

The juvenile court presiding judge shall establish policies and procedures relating to all juvenile court actions consistent with California statutes, the CRC and these local rules.

*(Amended 07-01-09; adopted 07-01-98, previously amended effective 01-01-99)*

### **2002 DETENTION FACILITIES**

**(a) [W&I Code Sec. 300 and 601 Minors]** Minors taken into temporary custody as persons described by Welfare & Institutions (W&I) Code sections 300 or 601 shall be delivered to and detained at Santa Barbara County Department of Social Services shelter care homes for W&I Code section 300 cases and to a Santa Barbara County Probation Department designated non-secure detention facility for W&I Code section 601 cases, respectively.

**(b) [W&I Code Sec. 602 Minors]** Minors taken into temporary custody as persons described by the provisions of W&I Code section 602 shall be delivered to and initially detained at the Santa Barbara Juvenile Hall facilities located in the appropriate North County or South County region consistent with rule 201.

*(Amended 07-01-09; adopted effective 07-01-98)*

### **2003 TRANSPORTATION OF MINORS**

Minors taken into temporary custody shall be transported by the law enforcement agency which has taken the minor into custody; provided, however, that in an emergency or if a probation officer or a child protective services caseworker has volunteered to accept responsibility for transportation of the minor, the law enforcement agency shall be relieved of the transportation responsibility. The law enforcement agency shall be responsible to provide information sufficient to complete the Juvenile Admission Record prescribed in rule 2004.

*(Amended 07-01-09; adopted effective 07-01-98)*

### **2004 INFORMATION PROVIDED AT TIME OF DELIVERY**

When a minor described by W&I Code section 602 is delivered to any designated detention facility, a Santa Barbara County Probation Department Juvenile Admission Record form shall either accompany the minor or be completed at the time custody is transferred. The information to complete the form shall be provided by a law enforcement officer having knowledge of the facts subjecting the minor to Juvenile Court jurisdiction, the facts of the apprehension and temporary custody of the minor, and, if continued detention is recommended by the law



enforcement agency, the basis of such recommendation. The form shall be left with the Juvenile Hall receiving officer or the operator of either the shelter care home or non-secure facility.

*(Amended 07-01-09; adopted effective 07-01-98)*

## **2005 PROBATION DEPARTMENT DETENTION / RELEASE DECISIONS**

The Probation Department shall assign personnel on duty 24 hours a day, seven (7) days a week who are authorized to make the following release or detention decisions consistent with the criteria specified by W&I Code section 628.

(a) designate placement of minors alleged to be subject to W&I Code section 601 jurisdiction minors at a non-secure detention facility in response to inquiries by law enforcement agencies;

(b) release minors taken into temporary custody to a parent, guardian or responsible relative.

(c) arrange placement in a non-secure facility for minors alleged to be subject to W&I Code section 602 jurisdiction who do not require 24-hour secure detention but are described in W&I Code section 628.

(d) release to a parent, guardian or responsible adult on “home supervision “or electronic monitoring under terms and conditions agreed to in writing by the minors those who are alleged to be subject to W&I Code section 602 jurisdiction, who do not require 24-hour secure detention and who are not described in W&I Code section 628; and,

(e) detain in a secure facility those minors alleged to be subject to W&I section 602 jurisdiction who are described in W&I Code section 628.

*(Amended 07-01-09; adopted 07-01-98)*

## **2006 RESERVED**

## **2007 FILING JUVENILE PETITIONS**

**(a) [Filing Locations]** All Juvenile petitions and intercounty transfers shall be filed with the Clerk at the appropriate North County and South County region juvenile court facilities.

**(b) [Occurrence Jurisdiction]** Petitions for both Santa Barbara County resident minors and for minors whose legal residence is outside the county shall be filed in the appropriate North County and South County region office of the Clerk where the circumstances alleged in the petition occurred.

*(Amended 07-01-09; adopted effective 07-01-98; amended effective 01-01-03)*

## **2008 PROBATION & SOCIAL SERVICES REPORTS**

Social study reports, whether prepared by the Probation Department or the Social Services Department, shall be made available to the Juvenile Court, and all parties or counsel within a reasonable time prior to the date scheduled by the court for hearings. The reports shall be filed in the same manner as juvenile petitions.

*(Amended 07-01-09; adopted effective 07-01-98)*

## **2009 COURT-APPOINTED COUNSEL IN DEPENDENCY CASES**

In all juvenile court proceedings filed pursuant to W&I Code section 300 the appointment and substitution or relief of counsel for the parties shall be governed by CRC 5.660 and by these local rules.

### **(a) Competency of Appointed Counsel**

1. Attorneys appointed to represent parties in dependency cases are required to meet the standards of training and competency prescribed in CRC 5.660. The juvenile court judicial officers may require proof that counsel have successfully completed the continuing education and training required by Rule 5.660.
2. Counsel failing to complete required continuing education, or otherwise demonstrating a lack of such professional skill, learning, and ability as is required to fulfill competently the responsibilities of appointed counsel for parties in dependency cases, will be prohibited by the court from further appointment, until these requirements are met.
3. These standards do not apply to privately retained counsel.
4. The assignment to appear in a dependency case on behalf of a party represented by a public office, including the Attorney General, District Attorney, Public Defender and County Counsel, constitutes an implied certification to the court that in the opinion of the head of the agency, the assigned deputy possesses the skill, learning, experience, and training required by these rules and appropriate to the representation undertaken. No other or further certification is required in the absence of particular evidence of a lack of qualifications required by Rule 5.660.

### **(b) Review and Resolution of Complaints by Parties**

Complaints by parties concerning the adequacy of representation by appointed counsel shall be referred to the court when informal discussion between counsel and the client does not resolve the complaint to the client's satisfaction. All appointed counsel have the duty to bring unresolved complaints regarding representation to the attention of the judicial officer to whom a case is assigned. Counsel have the duty to tell parties dissatisfied with their representation of their right to bring the matter to the attention of the court. When necessary to protect the privacy of the complaining party or the confidentiality of information protected by the attorney-client privilege, the court will examine the complaint of the party *in camera*, by procedures analogous to a hearing in criminal cases pursuant to *People v. Marsden* (1970) 2 Cal.3d 118.

### **(c) Procedures to Inform Court of Interests of Dependent Child**

All counsel have a continuing duty to advise the court of any information bearing upon the best interests of a minor subject to dependency proceedings that is not privileged under applicable law. However, counsel have no duty under this rule to disclose information adverse to the interest of counsel's client, where such disclosure would violate a privilege or the Rules of Professional Conduct.

*(Amended 07-01-09; adopted effective 07-01-99)*

### **2010 COURT-APPOINTED SPECIAL ADVOCATES (CASA)**

**(a) [Adoption and Oversight of CASA Program]** The court designates CASA of Santa Barbara to recruit, screen, select, train, supervise, and support lay volunteers for appointment by the court to help define the best interests of the child in juvenile court dependency and wardship proceedings. CASA of Santa Barbara shall comply with CRC 5.655.

**(d) [CASA Reports; Distribution]** Court-appointed CASA volunteers shall submit a written court report for all hearings, for filing with the court no later than two court days prior to a hearing. Copies shall be served on attorneys for the parties and the child welfare case worker or probation officer, as appropriate.

No copies of CASA reports will be distributed to foster parents, group homes, or any other parties or organizations not specifically provided herein except as may be required by California statutes, the CRC, these local rules or upon order of a Judge of the Juvenile Court.

*(Amended 07-01-09; adopted effective 07-01-03)*

### **2011 SETTLEMENTS, DISCOVERY & OTHER PROCEDURES**

#### **(a) Settlement Conference**

The court will set a pretrial (readiness and settlement) conference for every contested action. Cases will not ordinarily be scheduled for a contested hearing until all parties who have appeared in the action have been served with the report and recommendation of the petitioner.

#### **(b) Discovery**

1. All discovery materials should be exchanged between the parties and served upon all other parties who have appeared in the action no later than the pretrial conference.
2. When a witness with relevant evidence is discovered after the pretrial conference, the party who seeks to present the testimony shall serve all parties who have appeared in the action with appropriate discovery information on the next court day.

*(Adopted 07-01-09; formerly subsection (a) of rule 2009, adopted effective 07-01-98)*

## **Chapter Twenty-One – TRAFFIC CASES**

### **2100 TRAFFIC CASE CALENDARING**

*(Rule 2100 Repealed 07-01-09; adopted effective 07-01-90; amended effective 01-01-09)*

#### **2100.1 FILINGS**

The Clerk's Office of the Santa Barbara County Superior Court, Traffic Division shall be responsible for processing all adult and juvenile traffic infractions and non-traffic infractions. No misdemeanors shall be filed in the Traffic Division.

*(Adopted effective 01-01-16)*

#### **2100.2 COURT SESSIONS**

Regular court sessions for citations and complaints filed in the Traffic Division for both adult and juvenile matters shall be scheduled as required by the Presiding Judge and published by the Court Executive Officer.

*(Adopted effective 01-01-16)*

### **2101 MINISTERIAL AUTHORITY OF CLERK**

The Clerk is authorized to process bail forfeitures, proofs of correction, initial and discretionary continuances, traffic school referrals and other ministerial or discretionary matters to the extent permitted by law. [CRC 4.104 Vehicle Code section 41501 and 42005].

*(Adopted effective 01-01-16)*

### **2102 CONTINUANCES BY CLERK**

The Clerk has authority to grant extensions of court appearances for infractions, including mechanical defects charges, for not more than thirty (30) calendar days after the date noted on the citation for the first scheduled appearance and the discretion to grant a second extension of not more than thirty (30) calendar days.

*(Adopted effective 01-01-16)*

### **2103 TRAFFIC CITATION RELEASES**

All persons released on their promise to appear in infraction cases by a law enforcement agency shall be required to appear for arraignment in court between twenty-one (21) and forty five (45) calendar days after issuance of the notice to appear.

*(Amended effective 01-01-16; adopted effective 07-01-98)*

#### **2103.1 ARRAIGNMENTS**

Except for offenses mandating a court appearance, a defendant may waive the right to be arraigned on the violation and enter a plea of not guilty at the counter or by telephone or over the

internet using the Court's automated systems. The Clerk will assign a trial date within the statutory time requirements of Penal Code §1382, unless the defendant waives that right on the form provided by the Clerk.

*(Adopted effective 01-01-16)*

### **2103.2 TRIAL CONTINUANCES**

All persons released on bail by a law enforcement agency in a misdemeanor traffic action shall be required to appear in the traffic court not more than thirty (30) calendar days after the acceptance of bail.

*(Rule 2104 Repealed 01-01-16; adopted effective 07-01-98; amended 07-01-09)*

### **2104 RELEASE ON BAIL**

*(Repealed 01-01-16; Amended 07-01-09; adopted effective 07-01-98)*

### **2105 TRAFFIC SCHOOL**

Successful completion of a certified traffic school program is permitted as a method of disposition and dismissal of specified traffic infractions consistent with directions provided by the Clerk. Upon posting bail and paying an additional administrative fee, the Clerk may authorize traffic school attendance without further approval of a judicial officer. [Vehicle Code section 42007]

*(Amended 07-01-09; adopted 07-01-98; previously amended effective 01-01-99)*

### **2106 TRIAL BY WRITTEN DECLARATION**

A defendant may elect a trial by written declaration on an alleged violation of a Vehicle Code infraction or any local ordinance adopted pursuant to Vehicle Code section 40902.

*(Amended 07-01-09; adopted effective 07-01-98)*

### **2107 FAILURE TO APPEAR; TRIAL BY WRITTEN DECLARATION**

**(a) [Failure to Appear; Proceeding In Absentia]** Failure to appear as promised (FTA) on a traffic infraction will result in the Court deeming that the defendant has consented that the Court may proceed *in absentia*, in a trial by written declaration pursuant to Vehicle Code section 40903, and the case will be adjudicated solely on the merits of the citing document. The Court will notify the defendant of the disposition of the case and the amount of imposed fines and penalties, and a notice of conviction shall be reported to the California Department of Motor Vehicles.

**(b) [Late Charges on Failure to Pay]** A civil assessment of up to three hundred dollars (\$300.00) pursuant to PC 1214.1(a) and a ten dollar (\$10) fee pursuant to VC 40508.6(b) will be added to any sums not paid within fourteen (14) calendar days of mailing the notice.

(c) [**License Renewal Hold**] ] Failure to pay (FTP) a fine will result in the court notifying the Department of Motor Vehicles (DMV) pursuant to Vehicle Code section 40509.5 of such failure. The DMV will then suspend the driver's license pursuant to Vehicle Code section 13365.

*(Amended 01-01-16; adopted effective 01-01-16)*

## **2108 ADJUDICATION OF MISCELLANEOUS INFRACTION MATTERS**

### **A. Clerks' Authority in Infraction Cases Not Transferred to Court Collections.**

For cases that have not been transferred to court collections, deputy clerks are granted the authority to take the following actions at the request of defendants charged with infraction violations:

1. Grant bail waivers to defendants who have met the needs for a financial hardship who plead not guilty and wish to submit a trial by written declaration to contest their traffic citation.
2. Accept the posting and forfeiting of bail on infraction cases.
  - a. Within 30 days of posting and forfeiting bail online, clerk may reopen case upon receipt of written 'not guilty' plea.
  - b. Within 31 to 90 days of posting and forfeiting bail online, clerk may reopen case upon defendant filing motion to vacate bail forfeiture.
  - c. After 90 days of posting and forfeiting bail online, clerk may not reopen case.
3. Accept written requests to stay execution of court orders pending outcome of infraction appeal.
4. Grant initial 30-day extension of time to pay or provide proof of completion of community service work or traffic violator school or to provide proof of correction of correctable offense(s).
5. Exercise discretion to grant second 30-day extension of time to pay or provide proof of completion of community service work or traffic violator school or to provide proof of correction of correctable offense(s).
6. Grant a payment plan following defendant's payment of \$35 non-refundable accounts receivable fee. Payment amount is based on the total amount due.
7. For defendants who previously enrolled in traffic violator school, accept late completion of traffic violator school within 60 days of the date a conviction abstract was sent to the Department of Motor Vehicles.
8. For defendants who did not previously enroll in traffic violator school and upon payment of \$66 non-refundable traffic violator school fee, accept late completion of traffic violator school within 60 days of the date a conviction abstract was sent to the Department of Motor Vehicles.
9. Grant bail reductions, amendments to correctable statute, and acceptance of proof of corrections pursuant to the authority granted by the Presiding Judge.

*(Adopted effective 01-01-16)*

## **2109 ALTERNATE PROCEDURES FOR JUDICIAL REVIEW OF INFRACTION MATTERS**

### **A. Ex Parte Judicial Review by Written Declaration or Request**

Defendants who plead guilty or no contest on certain infraction matters may seek judicial review to obtain specific relief from the Court as follows:

1. On Good Cause Declaration, request:
  - a. Acceptance of proof of completion of traffic violator school even if case has transferred to collections with civil assessment attached.
  - b. Grant additional extension of time to correct a mechanical violation or obtain out-of-state registration or proof of driver's license.
  - c. Reinstate community work service when community work service has previously been terminated.
  - d. Vacate civil assessment, recall case from court collections, and reduce fine to original bail amount.
  - e. Waive mandatory appearance due to defendant living in excess of 300 miles from court.

Following review, the reviewing judicial officer shall determine whether good cause exists and may grant specific relief. The judicial officer shall make such findings and issue such orders as are appropriate to address requests for relief. The Clerk's Office shall communicate such judicial orders to the defendant in writing within 30 days from the date the request was received by the Court.

*(Adopted effective 01-01-16)*

## APPENDICES

### APPENDIX 1: COURT GEOGRAPHIC JURISDICTION MAP

<http://www.sbcourts.org/ff/rules/SuperiorCourtJurisdiction.gif>

### APPENDIX 2: SPECIAL LOCAL COURT FORMS

- <http://www.sbcourts.org/ff/local-forms.shtm>
- Forms marked with the asterisk (\*) are adopted for mandatory use.

### GENERAL FORMS

<u>SC-1002</u>	Declaration Under CCP Section 170.6 (Peremptory Challenge)	7/1/2020
<u>SC-1006CD</u>	CD Recording Request	10/19/2015
<u>SC-1007</u>	Verification	7/1/1999
<u>SC-1022</u>	Order Form for CD-Rom Indices	2/25/2021
<u>SC-1034*</u>	Installment Payment Plan Agreement Adjudicated Cases	11/1/2017
<u>SC-1038</u>	Financial Affidavit (To be submitted with <u>SC-8028 Ability to Pay Determination</u> )	10/1/2021
<u>SC-2073</u>	Request to Appear by Zoom Videoconference/Order (Optional Judicial Council Form <u>MC-020 Additional Page</u> )	9/1/2021
<u>SC-3062</u>	Inmate Hearing Transcript Request	9/12/2006

### CIVIL FORMS

<u>SC-2000</u>	Amendment to Complaint	1/1/2020
<u>SC-2003</u>	Application for Publication of Summons	1/1/2020
<u>SC-2003-A8</u>	Attachment 8: Declaration of Due Diligence	1/1/2020
<u>SC-2003-A9</u>	Attachment 9: Declaration of Merits of Claim	1/1/2020
<u>SC-2004</u>	CMADRESS Case Management ADR Settlement Session Report	6/15/2018
<u>SC-2005</u>	Application for Warrant and Declaration	7/1/1999
<u>CM-110</u>	Judicial Council Form: Case Management Statement	
<u>SC-2008</u>	Declaration and Order Re Lost Writ	7/1/2020
<u>UD-116</u>	Judicial Council Form: Declaration for Default Judgment by Court	
<u>CM-200</u>	Judicial Council Form: Notice of Settlement of Entire Case	
<u>SC-2029</u>	Order for Publication of Summons or Citation	7/1/2020
<u>SC-2037</u>	Request for Recall of Bench of Warrant in Supplemental Proceedings	2/1/1999
<u>SC-2038</u>	Stipulation and Order to Alternative Dispute Resolution (ADR) Process	7/1/2020



<u>SC-2045</u>	What I Should Know About Unlawful Detainers	10/1/2021
<u>SC-2051</u>	Notice of Entry of Judgment For Restitution	7/1/2013
<u>SC-2058</u>	Stipulation and Order to Submit Case to Private Mediation in Lieu of CMADDRESS	7/1/2020
<u>SC-2068*</u>	Failure to Appear for Order of Examination	7/1/2018
<u>SC-2069*</u>	Civil Case Cover Sheet Addendum	7/1/2018
<u>SC-2070</u>	Ex Parte Application for Shortened Time	7/1/2020
<u>SC-2070-A7</u>	Attachment 7 to Ex Parte Application for Shortened Time	7/1/2020
<u>SC-2071</u>	Order on Ex Parte Application for Shortened Time	7/1/2020

### CRIMINAL FORMS

<u>SC-3001*</u>	Addendum to Advisement of Rights, Waiver and Plea Form Defendant Under 21, Vehicle Code § 13202.5-13202.7	1/1/2020
<u>SC-3004</u>	Declaration and Application for Change of Plea and Request for Dismissal (PC § 1203.4/1203.4a)	6/1/2015
<u>SC-3004a</u>	Instructions for Declaration and Application by Defendant (PC § 1203.4/1203.4a)	12/13/2019
<u>SC-3005N*</u>	Fax Arraignment (Lompoc, Miller Divisions)	6/30/2008
<u>SC-3005aN</u>	Fax Arraignment Procedures (Lompoc, Miller Divisions)	2/1/2014
<u>SC-3007</u>	Order Granting Deferred Entry of Judgment PC 1000	4/1/2018
<u>SC-3008N</u>	Court Ordered Program Notice of Non-Compliance (North County)	3/30/2016
<u>SC-3008S</u>	Court Ordered Program Notice of Non-Compliance (South County)	12/5/2001
<u>SC-3009</u>	Order Terminating Deferred Entry of Judgment (PC 1000) and Entry of Judgment	6/20/2001
<u>SC-3013S</u>	Application and Order Permitting Appearance in Propria Persona	12/4/2002
<u>SC-3015</u>	Order for Destruction of Weapons and/or Transfer to Department of Justice	8/1/2001
<u>SC-3016</u>	Order for Return of Weapon	8/1/2001
<u>SC-3018</u>	Stipulation and Order for Return of Exhibits	10/1/2001
<u>SC-3022</u>	Pre-Trial Agreement (CVC § 13202.5)	1/1/2020
<u>SC-3028</u>	Declaration in Support of Waiver of Vehicle Impoundment	3/2/2009
<u>SC-3029</u>	Defendant's Statement of Understanding of Consequences of Plea (CVC 23103.5)	1/1/2009
<u>SC-3030</u>	Petition to Waive Mandatory Installation of Ignition Interlock (CVC §§14601(e), 14601.1(d), 14601.4(c), 14601.5(g))	4/27/2009
<u>SC-3031</u>	Waiver of Defendant's Personal Presence	11/1/2001
<u>SC-3035</u>	Order for Release of Prisoner	12/1/2019
<u>SC-3035SR</u>	Order for Supervised Release of Prisoner	11/28/2018
<u>SC-3038</u>	Declaration and Application By Defendant	10/18/2002

<b><u>SC-3041</u></b>	Order Setting Bail Modification	12/1/2019
<b><u>SC-3043N</u></b>	Court Ordered Program Notice Of Non-Compliance (Domestic Violence Program)	1/30/2003
<b><u>SC-3045</u></b>	Ex Parte Motion To Vacate Bail Forfeiture (PC §1305.2)(Infraction & Misdemeanor Cases Only)	7/1/2013
<b><u>SC-3062</u></b>	Inmate Hearing Transcript Request	9/12/2006
<b><u>SC-3064</u></b>	Ex parte Order Pursuant to §4011.5 PC	9/10/2008
<b><u>SC-3068</u></b>	Advisement and Waiver of Right to Counsel (Faretta Waiver)	1/1/2012
<b><u>SC-3083</u></b>	Petition/Appl for Resentencing (Prop 47)	2/2/2015
<b><u>SC-3085*</u></b>	Advisement of Rights, Waiver and Plea Form - Misdemeanor	1/1/2018
<b><u>SC-3089</u></b>	Order to be Booked	11/1/2018
<b><u>SC-3094</u></b>	Referral Form – OR/BR Reports	4/1/2020
<b><u>SC-3095</u></b>	Consent to Conduct Arraignment by Two-Way Electronic Audio-Video Communication	4/1/2020
<b><u>SC-3096</u></b>	Consent to Conduct Sentencing by Two-Way Electronic Audio-Video Communication	4/1/2020
<b><u>SC-3097</u></b>	Stipulation of Waiver of Time and Personal Appearance of Defendant	4/1/2020
<b><u>SC-3098</u></b>	Notice of Appearance (Criminal Cases)	6/1/2020
<b><u>SC-3099</u></b>	Request to Calendar	12/1/2020
<b><u>SC-3106</u></b>	Misdemeanor Diversion Advisement	1/1/2022
<b><u>SC-3107</u></b>	Misdemeanor Diversion Order	1/1/2022
<b><u>SC-3108</u></b>	Order for Victim Restitution (Misdemeanor Diversion)	1/1/2022
<b><u>CR 101</u></b>	Plea Form, with Explanations and Waiver of Rights - Felony	1/1/2020
<b><u>SC-3707</u></b>	Abandonment of Appeal	8/11/2003
<b><u>CDCR1</u></b>	Pardon Form 1: Petition for Certificate of Rehabilitation and Pardon (Pursuant to Penal Code Sections 4852.01 and 4852.06)	1/2/2019
<b><u>CDCR2</u></b>	Pardon Form 2: Notice of Filing of Petition for Certificate of Rehabilitation Pardon (Pursuant to Penal Code Sections 4852.01 and 4852.06 )	1/2/2019
<b><u>CDCR3</u></b>	Pardon Form 3: Certificate of Rehabilitation (Pursuant to Penal Code Section 4852.13)	1/2/2019
<b>LOMPOC PROBATION ORDERS</b>		
<b><u>LOM-GEN</u></b>	Standard Probation Order	1/1/2014
<b><u>LOM-DUI</u></b>	DUI Probation Order	1/1/2014
<b><u>LOM-DLIC</u></b>	14601/12500 VC Probation Order	1/1/2014
<b><u>SC-3610M</u></b>	Domestic Violence Probation Order	1/1/2014
<b>SANTA BARBARA PROBATION ORDERS</b>		

<b><u>SC-3600S</u></b>	Standard Probation Order	1/1/2014
<b><u>SC-3601S</u></b>	DUI Probation Order	1/1/2014
<b><u>DVO</u></b>	Domestic Violence Probation Order	1/1/2014
<b>SANTA MARIA PROBATION ORDERS</b>		
<b><u>SC-3604M</u></b>	DUI w/prior Probation Order	1/1/2016
<b><u>SC-3606M</u></b>	DUI Probation Order	1/1/2016
<b><u>SC-3607M</u></b>	Standard Probation Order	1/1/2014
<b><u>SC-3608M</u></b>	14601 VC codes Probation Order	11/1/2018
<b><u>SC-3609M</u></b>	Petty Theft Probation Order	1/1/2013
<b><u>SC-3610M</u></b>	Domestic Violence Probation Order	1/1/2014

#### FAMILY LAW FORMS

<b><u>SC-4011</u></b>	Compliance Report on Order to Attend “Co-Parenting Essentials” Program (COPE)	1/1/2000
<b><u>SC-4012</u></b>	Declaration Re: Ex Parte Notice	4/15/2003
<b><u>SC-4013</u></b>	Order On Request For Telephone Appearance	7/1/2013
<b><u>SC-4014*</u></b>	Request For Case Management Conference/Trial Setting	1/1/2011
<b><u>SC-4016</u></b>	Advisement and Waiver of Right to Counsel (Faretta Waiver)	4/1/2011
<b><u>SC-4017*</u></b>	Notice of Cancellation of Mediation and Statement of Good Cause (Local Rule 1501 et. Seq., Family Code §3170)	11/7/2011
<b><u>SC-4018*</u></b>	<del>Notice of Mediation with Family Custody Services (Local Rule 1501 Et. Seq., Family Code §3170)</del> REPLACED with form <b><u>SC-4042</u></b>	11/7/2011
<b><u>SC-4020*</u></b>	Ex Parte Application for Issuance of Letter Rogatory	1/1/2015
<b><u>SC-4021*</u></b>	Certificate of Execution	1/1/2015
<b><u>SC-4022*</u></b>	Request for International Judicial Assistance	1/1/2015
<b><u>SC-4023*</u></b>	Essential Information for Respondent	1/1/2015
<b><u>SC-4026</u></b>	Family Law Information Statement	7/1/2020
<b><u>SC-4027</u></b>	Request to Withdraw Motion	1/1/2019
<b><u>SC-4028*</u></b>	Financial Document Exchange Compliance Declaration (Wage Earner/Unemployed)	1/1/2019
<b><u>SC-4029*</u></b>	Financial Document Exchange Compliance Declaration (Self Employed/Business Owner Party)	1/1/2019
<b><u>SC-4030</u></b>	Family Law CMC Unavailability	1/1/2019
<b><u>SC-4032</u></b>	Stipulated Continuance of Hearing	1/1/2019
<b><u>SC-4033*</u></b>	Petition for Approval of Adoption Agreement (Adult) (Family Code Sections §9300 et seq.)	1/1/2019

<b><u>SC-4034*</u></b>	Order of Adoption (Adult) (Family Code §9320, §9328)	1/1/2019
<b><u>SC-4035*</u></b>	Consent of Spouse to Adoption (Adult) (Family Code §9302)	1/1/2019
<b><u>SC-4036*</u></b>	Adoption Agreement (Adult) (Family Code §9300, et seq.)	1/1/2019
<b><u>SC-4037</u></b>	Petition for Freedom from Parental Custody and Control	7/1/2020
<b><u>SC-4038</u></b>	Citation Regarding Petition to Declare Child Free for Freedom from Parental Custody and Control	7/1/2020
<b><u>SC-4039</u></b>	Application for Order for Publication of Citation (Freedom from Parental Custody and Control)	7/1/2020
<b><u>SC-4040</u></b>	Order for Publication of Citation (Freedom from Parental Custody and Control)	7/1/2020
<b><u>SC-4041</u></b>	Order Granting Petition for Freedom from Parental Custody and Control	7/1/2020
<b><u>SC-4042*</u></b>	Notice of Mediation with Family Custody Services (Local Rule 1501 Et. Seq., Family Code §3170)	9/1/2020

#### PROBATE FORMS

<b><u>SC-6000</u></b>	Application & Order Appointing Probate Referee	1/1/2020
<b><u>SC-6003*</u></b>	Conservatorship Contact Information (Confidential)	6/22/2007
<b><u>SC-6004</u></b>	Increased Bid in Open Court	4/1/2005
<b><u>SC-6008</u></b>	Order Appointing Court Investigator	7/14/2009
<b><u>SC-6009</u></b>	Objection to Petition for Appointment of Guardian	1/1/2020
<b><u>SC-6014</u></b>	Declaration of Due Diligence	1/1/2020
<b><u>SC-6020</u></b>	Transfer of Small Estates Without Probate Informational Brochure	7/1/2021
<b><u>SC-6021</u></b>	Declaration Pursuant To California Probate Code Sections 13100-13115	7/1/2021
<b><u>SC-6026</u></b>	Request for Order Dispensing with Accountings and Bond	1/1/2013
<b><u>SC-6027</u></b>	Order Granting Ex Parte Request to Dispense Acctg/Bond	1/1/2013
<b><u>SC-6028</u></b>	First and Final Report of Personal Representative	1/1/2020
<b><u>SC-6029</u></b>	Order on First and Final Report of Personal Representative	1/1/2020
<b><u>SC-6030</u></b>	Fee Declaration: Conservator	1/1/2013
<b><u>SC-6031</u></b>	Report of Status of Administration	1/1/2013
<b><u>SC-6032</u></b>	Order on Report on Status of Administration	1/1/2013
<b><u>SC-6033</u></b>	Order Appointing Counsel for Conservatee	1/1/2013
<b><u>SC-6034</u></b>	Attachment to Letters of Conservatorship (Limited)	1/1/2013
<b><u>SC-6035</u></b>	Attachment to Order Appointing Limited Conservator	1/1/2013
<b><u>SC-6036</u></b>	Attachment to Petition for Appt of Limited Conservator	1/1/2013
<b><u>SC-6037</u></b>	Petition for Authority to Use Guardianship Funds/Minor	1/1/2013

<b><u>SC-6038</u></b>	Order re use of Guardianship Funds for Support of Minor	1/1/2013
<b><u>SC-6039</u></b>	Petition for Visitation	1/1/2013
<b><u>SC-6040</u></b>	Visitation Order	1/1/2013

#### SMALL CLAIMS FORMS

<b><u>SC-2020</u></b>	Judgment Debtor's Statement re: Satisfaction of Judgment; Entry of Satisfaction of Judgment	4/21/2003
<b><u>SC-7000</u></b>	<b><u>Small Claims Packet (forms packet online)</u></b>	10/1/2021
<b><u>SC-7003</u></b>	Mediator Request for Postponement of Small Claims Hearing	7/1/2013
<b><u>SC-7008</u></b>	Request for Dismissal/Satisfaction of Judgment	7/1/1999
<b><u>SC-223</u></b>	Declaration of Default in Payment of Judgment	
<b><u>SC-224</u></b>	Response to Declaration of Default in Payment of Judgment	
<b><u>SC-225</u></b>	Order on Declaration of Default in Payments	
<b><u>SC-7010</u></b>	Motion to Vacate Mediated Stipulated Judgment and Motion for Rehearing	7/1/2013
<b><u>SC-7016</u></b>	Small Claims Informational Brochure	4/12/2021
<b><u>SC-7018</u></b>	Small Claims Declaration Re: Default in Payments in Mediated Agreements	2/5/2014

#### PARKING APPEAL FORMS

<b><u>SC-7012</u></b>	Notice of Appeal – Parking	7/1/2013
<b><u>SC-7012a</u></b>	Parking Violation Appeal Process	9/1/2013
<b><u>SC-7013</u></b>	Proof of Service, Notice of Appeal – Parking	7/1/1999

#### TRAFFIC FORMS

<b><u>SC-8003</u></b>	Plea and Notice of Court Trial (CVC §40519)	7/1/2015
<b><u>SC-8004N</u></b>	Court Referral: Misidentification Claim (North County)	7/3/2003
<b><u>SC-8004S</u></b>	Court Referral: Misidentification Claim (South County)	3/20/2003
<b><u>SC-8005</u></b>	Misidentification Findings	7/27/2009
<b><u>SC-8006</u></b>	Petition For Restricted License (CVC §13201.5 and 13202.5)	4/18/2003
<b><u>SC-8006a</u></b>	Basis for a Restricted License	5/16/2003
<b><u>SC-8014</u></b>	Declaration	7/3/2003
<b><u>SC-8021</u></b>	Financial Qualification For Waiver to Post Bail - Confidential	1/1/2016
<b><u>SC-8023</u></b>	Installment Payment Plan Agreement: Traffic Cases	6/1/2020
<b><u>SC-8024</u></b>	Request For Waiver to Post Bail	1/1/2016

<b><u>SC-8026</u></b>	Request to Reset Court Trial	1/1/2016
<b><u>SC-8028</u></b>	Ability to Pay Determination <i>(Must be submitted with <b><u>SC-1038 Financial Affidavit</u></b>)</i>	10/1/2016

## JUVENILE FORMS

<b><u>SC-9007</u></b>	Petition for Restricted License – VC §13202.5	8/2/2011
<b><u>SC-9012</u></b>	Request For Copies of Juvenile Case Records and Order Thereon – 827 W & I	9/23/2009

## LAW ENFORCEMENT FORMS

	<b><u>Declaration in Support of Motion to Increase Bail Above Schedule (P.C. § 1269C) (P.C. § 1275)</u></b>	2/1/2019
	<b><u>Examination of Source of Bail (1275.1 PC Declaration)</u></b>	2/1/2019
	<b><u>Probable Cause</u></b>	2/1/2019

## FORMS IN ALPHABETICAL ORDER

<b><u>SC-3608M</u></b>	14601 VC codes Probation Order	11/1/2018
<b><u>LOM-DLIC</u></b>	14601/12500 VC Probation Order	1/1/2014
<b><u>SC-3707</u></b>	Abandonment of Appeal	8/11/2003
<b><u>SC-8028</u></b>	Ability to Pay Determination <i>(Must be submitted with <b><u>SC-1038 Financial Affidavit</u></b>)</i>	10/1/2016
<b><u>SC-3001*</u></b>	Addendum to Advisement of Rights, Waiver and Plea Form Defendant Under 21, Vehicle Code § 13202.5-13202.7	1/1/2020
<b><u>SC-4036*</u></b>	Adoption Agreement (Adult) (Family Code §9300, et seq.)	1/1/2019
<b><u>SC-3068</u></b>	Advisement and Waiver of Right to Counsel (Faretta Waiver)	1/1/2012
<b><u>SC-4016</u></b>	Advisement and Waiver of Right to Counsel (Faretta Waiver)	4/1/2011
<b><u>SC-3085*</u></b>	Advisement of Rights, Waiver and Plea Form - Misdemeanor	1/1/2018
<b><u>SC-2000</u></b>	Amendment to Complaint	1/1/2020
<b><u>SC-6000</u></b>	Application & Order Appointing Probate Referee	1/1/2020
<b><u>SC-3013S</u></b>	Application and Order Permitting Appearance in Propria Persona	12/4/2002
<b><u>SC-4039</u></b>	Application for Order for Publication of Citation (Freedom from Parental Custody and Control)	7/1/2020
<b><u>SC-2003</u></b>	Application for Publication of Summons	1/1/2020
<b><u>SC-2005</u></b>	Application for Warrant and Declaration	7/1/1999
<b><u>SC-2070-A7</u></b>	Attachment 7 to Ex Parte Application for Shortened Time	7/1/2020
<b><u>SC-2003-A8</u></b>	Attachment 8: Declaration of Due Diligence	1/1/2020
<b><u>SC-2003-A9</u></b>	Attachment 9: Declaration of Merits of Claim	1/1/2020

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<b><u>SC-6035</u></b>	Attachment to Order Appointing Limited Conservator	1/1/2013
<b><u>SC-6036</u></b>	Attachment to Petition for Appt of Limited Conservator	1/1/2013
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<b><u>SC-2069*</u></b>	Civil Case Cover Sheet Addendum	7/1/2018
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<b><u>SC-4011</u></b>	Compliance Report on Order to Attend "Co-Parenting Essentials" Program (COPE)	1/1/2000
<b><u>SC-4035*</u></b>	Consent of Spouse to Adoption (Adult) (Family Code §9302)	1/1/2019
<b><u>SC-3095</u></b>	Consent to Conduct Arraignment by Two-Way Electronic Audio-Video Communication	4/1/2020
<b><u>SC-3096</u></b>	Consent to Conduct Sentencing by Two-Way Electronic Audio-Video Communication	4/1/2020
<b><u>SC-6003*</u></b>	Conservatorship Contact Information (Confidential)	6/22/2007
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<b><u>SC-3008S</u></b>	Court Ordered Program Notice of Non-Compliance (South County)	12/5/2001
<b><u>SC-3043N</u></b>	Court Ordered Program Notice Of Non-Compliance(Domestic Violence Program)	1/30/2003
<b><u>SC-8004N</u></b>	Court Referral: Misidentification Claim (North County)	7/3/2003
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<b><u>SC-4026</u></b>	Family Law Information Statement	7/1/2020
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### **APPENDIX 3: SUPERIOR COURT SERVICES, FILING FEES & CHARGES**

<http://www.sbcourts.org/ff/filing-fees.shtm>

### **APPENDIX 4: APPROVED COURT SERVICE VENDOR RATE & FEE SCHEDULE**

(For Non-Employee, Professional and Specialized Personal Services TO the Courts)

<http://www.sbcourts.org/ff/vendor-fees.shtm>

### **APPENDIX 5: GUIDELINES FOR ATTORNEYS PRACTICING BEFORE THE SANTA BARBARA COUNTY TRIAL COURTS**

<http://www.sbcourts.org/ff/rules/appendix5.pdf>

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