



**Superior Court of California
County of Sonoma
Summary of Proposed Amendments to the Local Rules
Eff. 07/01/2024**

abcde Deleted text

abcde Revised text

abcde Unchanged text

Proposed Amendments

Rule 1

Rule 2

Rule 4

Rule 5

Rule 6

Rule 8

Rule 9

Rule 10

Rule 17

RULE 1 GENERAL

1.1 CITATION AND EFFECT OF RULES

These rules are the local rules for the Superior Court of California, County of Sonoma or local rule for short. These rules are supplementary and subject to statutes and the California Rules of Court; any conflict with such rules and statutes is unintentional. These rules shall supersede all rules previously adopted by the superior courts of the County of Sonoma. These rules shall have no retroactive effect or application.

1.2. CONSTRUCTION AND APPLICATION OF RULES

These rules are liberally construed to ensure the just and speedy determination of the proceedings they govern. Division, section, rule, and paragraph headings do not affect the scope, meaning, or intent of the provisions of these rules. If any part of a rule is deemed invalid, all valid parts that are severable from the invalid parts stay in effect. If a rule is held invalid in one or more of its applications, it remains in effect in all valid applications that are severable from the invalid applications.

1.3. DEFINITIONS

The definitions in the California Rules of Court apply to these rules unless the context or subject matter here requires otherwise. As used in these rules:

1. “County” means the County of Sonoma, State of California.
2. “Court” means the Superior Court of California, County of Sonoma, and shall include and apply to any judge, commissioner, or referee who is a duly appointed or elected member of this Court and to any judge who has been assigned by the Chairman of the Judicial Council to serve, and is serving, as a judge of this Court, including any retired judge who is so assigned and is serving, and any attorney designated by the presiding judge as a temporary judge.
3. “Rule” is a local rule of the Superior Court of California, County of Sonoma.
4. “Clerk” means the clerk and any deputy clerks of the Superior Court of California, County of Sonoma

1.4 SANCTIONS FOR FAILURE TO COMPLY WITH RULES

Any counsel, party represented by counsel, or “self-represented” litigant who fails to comply with any of the requirements set forth in the rules will, upon motion of a party or the Court, be subject to the sanctions set forth in CCP § 575.2. Other sanctions provided by statute or the CRC may also apply.

1.5 ORGANIZATION

A. Pursuant to Government Code §70200, there is one unified Superior Court for the County of Sonoma. The Court ~~which is divided~~ is organized into a criminal division, a family law division, and a civil division. Each division is ~~which are~~ governed by the following rules:

- Rule 2 Rules Applicable to Small Claims Case and ~~to~~ Unlawful Detainer Cases
- Rule 3 Rules Applicable to Court Reporting Services
- Rule 4 Rules Applicable to All Civil Cases
- Rule 5 Rules Applicable to Civil Law and Motion Proceedings
- Rule 6 Rules Applicable to Probate and Guardianship Proceedings
- Rule 7 Rules Applicable to Default, Uncontested, and Compromise Proceedings
- Rule 8 Rules Applicable to Criminal Trial Proceedings
- Rule 9 Rules Applicable to Family Law Proceedings
- Rule 10 Rules Applicable to Juvenile Court Proceedings
- Rule 11 Rules Applicable to Appellate Division Proceedings
- Rule 12 Superior Court Commissioner
- Rule 13 Rules Applicable to Trial Jury Service
- Rule 14 Rules Applicable to Grand Jury Service
- Rule 15 Rules Applicable to Alternative Dispute Resolution (ADR)
- Rule 16 Applications for Ex Parte Orders
- Rule 17 Rules Applicable to Filing and General Procedure
- Rule 18 Executive Officer- Clerk of the Superior Court
- Rule 19 Rules Applicable to Media Coverage
- Rule 20 Rules Applicable to Traffic Infractions
- Rule 21 Communication Among Criminal, Family and Juvenile Courts

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2011, 1/1/2021, Rev. and Renumbered 1/1/2023, Rev. 1/1/2024)

B. In the event of any inconsistency between these rules and any California statute or any of the rules in the California Rules of Court, the latter statute ~~and~~/or rule shall control.

(Eff. 1/1/1997; Rev. 1/1/2001, Renumbered 1/1/2023, Rev. 7/1/2024)

1.6 HOURS OF BUSINESS

~~Excluding Court holidays or such other days as may be designated by the Court, the official hours of the Sonoma Superior Court are determined by the Presiding Judge and posted at the clerk's offices at each facility and on the Court's website.~~

Excluding court holidays or other days as may be designated by the Court, the official hours of the Sonoma Superior Court are determined by the presiding judge and posted at the clerk's offices at each facility and on the Court's website.

A drop box is available for parties wishing to deposit documents after the end of the Court business day. However, documents left in the drop box after 4:00 pm, ~~the end of the Court business day,~~ will be filed as of the following court business day.

(Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2010, Renumbered 1/1/2023, formerly Rule 20, Rev. 7/1/2024)

1.7 RULES APPLICABLE TO THE COURT'S COURTROOM DRESS AND DECORUM POLICY

Proper attire and decorum for a court appearance displays respect for the court and shows the court that the involved persons take the case seriously.

- A. ~~The court may prohibit, in a courtroom, the wearing or displaying of clothing, tattoos, or other items that reasonably could be considered to intimidate witnesses or others present or to undermine the integrity of the judicial process.~~
In a courtroom, the Court may prohibit wearing or displaying clothing, tattoos, or other items that reasonably could be considered to intimidate witnesses or others present or undermine the integrity of the judicial process.
- B. ~~Persons who are not dressed in proper attire, as determined by the judicial officer, will be required to either remove or adjust the inappropriate clothing or to leave the courthouse and return at the date and time specified by the court.~~
As determined by the judicial officer, any person in improper attire will be asked to either remove or adjust the inappropriate clothing or leave the courthouse and return at the date and time specified by the Court.
- C. No one may disturb ~~create any disturbance in~~ the courtroom while the Court is in session.
- D. All persons in a courtroom must turn off all cell phones and electronic devices and store them out of plain view.
- E. Eating, drinking, ~~smoking, gum~~ chewing gum and using tobacco products are prohibited in ~~any all~~ courtrooms. ~~Water may be provided at counsel table for the benefit of those participants during court proceedings including jurors, witnesses, counsel and litigants.~~ The Court may provide water at the counsel table for those participating in the session, which includes jurors, witnesses, counsel, and litigants

F. Communication with inmates is prohibited.

(Eff. 7/1/2010, Renumbered 1/1/2023; formerly Rule 25, Revised 7/1/2024)

1.8 RULE PROHIBITING SMOKING IN COURT FACILITIES

Smoking ~~shall be~~ is prohibited in all public buildings, including all court areas, lobby areas, bathrooms, courtrooms, jury deliberation rooms, and jury assembly areas and within 20 feet of main entrances, exits and operable windows of public buildings in accordance with per Section 7597, Chapter 32, Division 7 of Title 1 of the Government Code.

(Eff. 1/1/1997; Rev. 7/1/2007, Renumbered 1/1/2023, formerly Rule 14, Revised 7/1/2024)

1.9 RULES APPLICABLE TO REMOTE APPEARANCES PER CASE TYPE

A. Purpose

~~The purpose of this rule is to provide greater access to justice, promote court efficiency, and facilitate remote appearances consistent with Code of Civil Procedure section 367.75 and California Rules of Court, Rule 3.672.~~

This rule aims to provide greater access to justice, promote court efficiency, and facilitate remote appearances consistent with Code of Civil Procedure section 367.75 and California Rules of Court, Rule 3.672. The subsections concerning remote hearings in domestic violence and gun violence restraining order matters are adopted pursuant to Family Code section 6308(b) and Penal Code section 18123(b). ~~This rule sets forth the remote proceeding protocols for civil case types, as stated below.~~ As stated below, this rule sets forth the remote proceeding protocols for civil case types.

B. General Provisions Regarding Remote Appearances

1. ~~Except as~~ Unless otherwise set forth in outlined in this rule or ordered by the Court, trials and evidentiary hearings will be held in person. A judicial officer may order that a specific evidentiary hearing or trial be conducted by remote appearance, in whole or in part. In that instance, any party objecting to the remote hearing or trial shall file their objection as provided in Rule 3.672(h) or, at the Court's discretion, may raise the objection object at the time the matter is discussed with the Court, if insufficient time otherwise exists to comply with Rule

3.672(h).

2. Unless an in-person appearance is expressly ordered by the Court or otherwise required by law, attorneys and self-represented parties are permitted to appear at a non-evidentiary hearing via remote technology rather than in person. Parties who appear remotely will be deemed to have requested a remote appearance without having previously filed a Notice of Remote Appearance and received an approved Order Regarding Remote Appearance. In any hearing not ~~specifically set~~ ~~set~~ ~~explicitly~~ by the Court to be conducted by remote appearance, a party may appear remotely upon a judicial officer's finding under Rule 3.672(j)(2) of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice.
3. Any party intending to appear remotely for non-evidentiary proceedings must provide notice to all parties or persons entitled to receive notice ~~prior to~~ ~~before~~ the commencement of the hearing. ~~The notice may be given informally, including by telephone, e-mail or text message.~~ ~~The notice may be given informally by phone, e-mail, or text.~~ No advance notice to the Court is required ~~prior to~~ ~~before~~ the date of the hearing.
4. A judicial officer may ~~elect to~~ terminate a remote hearing and continue the matter to a future in-person hearing ~~pursuant to~~ ~~according to~~ Code of Civil Procedure section 367.75(b) or Rule 3.672(d).
5. A remote hearing is subject to all Local Rules and Rules of Court governing decorum in the courtroom. ~~A remote hearing is also subject to all laws and rules governing confidentiality, photographing, and courtroom proceedings recordings.~~ ~~A remote hearing is also subject to all laws and rules governing confidentiality, photographing and recordings of proceedings in a courtroom.~~ No one appearing remotely may record, photograph or reproduce any hearing, or any part of a hearing, including any screenshots. Any person who violates this provision shall be subject to all sanctions provided under the law for a like action in an in-person hearing.

C. Non-evidentiary Civil Cases

1. Parties in civil case management, civil law and motion and other non-evidentiary civil matters (such ~~as~~ ~~as~~ minor's compromise petition) may appear remotely as set forth above.
2. The Court waives notice of parties appearing remotely for these matters. Parties do not need to file a Notice of Remote Appearance or obtain an Order Regarding Remote Appearance. The party appearing remotely must provide notice to all parties or persons entitled to receive notice ~~before~~ ~~prior to~~ the commencement of the hearing. The notice may be given informally, including by telephone, e-mail

or text message.

D. Civil Evidentiary Hearings and Trials

1. For evidentiary hearings and jury or bench trials, including small claims trials, parties and witnesses must appear in person unless the Court has granted prior express authorization for a remote appearance.
2. The time frames and procedures for remote appearance requests and oppositions are set forth in Rule 3.672(h).

E. Small Claims

~~Small~~All small claims trials and evidentiary hearings will be held in person. Upon at least ten (10) days advance request of a party, or in the Court's ~~own~~ discretion, a judicial officer may order that a specific evidentiary hearing or trial be conducted by remote appearance, in whole or in part. In that instance any party objecting to the remote hearing or trial shall file their objection as provided in California Rule of Court 3.672(h) or, at the Court's discretion, may raise the objection at the time the matter is discussed with the Court, if insufficient time otherwise exists to comply with Rule 3.672(h).

A remote hearing is subject to all local rules and rules of court governing decorum in the courtroom. A remote hearing is also subject to all laws and rules governing confidentiality, photographing and recordings of proceedings in a courtroom. No one appearing remotely may record, photographs or reproduce any hearing or ~~any~~ part of a hearing, including any screenshots. Any person who violates this provision shall be subject to all sanctions provided under the law for uh like action in an in-person hearing.

F. Unlawful Detainer Matters

All unlawful detainer matters, including law and motion matters, shall be presumed to require an in-person appearance. To obtain permission to appear remotely in any unlawful detainer matter, the procedures identified in section (d) above, addressing evidentiary proceedings, apply equally to unlawful detainer cases.

G. Temporary Restraining Orders in Civil Harassment, Elder Abuse, Workplace Violence, and School Site Violence Matters

Ex parte requests for temporary restraining orders will be ruled upon on the pleadings without a hearing. All later proceedings set for hearing shall be presumed to require an in-person appearance. To obtain permission to appear remotely in any hearing on a Civil Harassment, Elder Abuse, Workplace Violence or School Site Violence Restraining Order case the procedures identified in section (d) above, addressing evidentiary proceedings, apply equally to hearings for Civil Harassment, Elder Abuse, Workplace Violence and School Site Violence Restraining Order Cases

H. Probate Matters

1. Parties in any non-evidentiary hearing set in the Probate Department may appear remotely as set forth in subsection (c).
2. The Court waives notice of parties appearing remotely for these matters. Parties do not need to file a Notice of Remote Appearance or obtain an Order Regarding Remote Appearance. The party appearing remotely must provide notice to all parties or persons entitled to receive notice ~~before~~ ~~prior to~~ the commencement of the hearing. The notice may be given informally, ~~including~~ by ~~telephone~~, e-mail or text ~~message~~.
3. For evidentiary hearings and trials, ~~subsection (d) provisions shall apply. the provisions of subsection (d) shall apply.~~ ~~subsection (d) provisions shall apply.~~

I. Family Law Matters

1. Parties in any non-evidentiary hearing set in the Family Law Department may appear remotely as set forth in subsection (c).
2. The Court waives notice of parties appearing remotely for these matters. Parties do not need to file a Notice of Remote Appearance or obtain an Order Regarding Remote Appearance. The party appearing remotely must provide notice to all parties or persons entitled to receive notice prior to the commencement of the hearing. The notice may be given informally, including by telephone, e-mail or text ~~message~~.
3. For evidentiary hearings and trials, the provisions of subsection (d) shall apply.

J. Domestic Violence and Gun Violence Restraining Orders

1. Instructions for remote appearances in domestic violence and gun violence restraining order hearings will be posted on the Court's webpage: <http://sonoma.courts.ca.gov/self-help/domestic-violence>.

2. The Court designates the judicial assistant for the department hearing each respective case as the phone number for the public to call to obtain assistance regarding a remote appearance. The designated judicial assistant phone numbers will be posted on the restraining order webpage above. These phone numbers will be staffed from 30 minutes prior to the start of the court session at which the hearing will take place and during that court session.

K. Criminal Matters

Please see Rule 8.14

L. Juvenile Justice

1. ~~Except as~~ Unless otherwise ~~set forth~~ outlined in this rule or ordered by the Court, trials and evidentiary hearings will be held in person. A judicial officer may order ~~that~~ a specific evidentiary hearing or trial be conducted by remote appearance.
2. Unless an in-person appearance is expressly ordered by the Court or otherwise required by law, attorneys, and parties are permitted to appear at a non-evidentiary hearing via remote technology rather than in person. Parties who appear remotely will be deemed to have requested a remote appearance. In any hearing not ~~specifically set~~ set specifically by the Court to be conducted by remote appearance, a party may appear remotely upon a judicial officer's finding of good cause, unforeseen circumstances, or that the remote appearance will promote access to justice.
3. Pursuant to WIC § 676(a), the Court may allow persons deemed to have a direct and legitimate interest in a particular case or the work of the Court to appear remotely. The Court must apply the same confidentiality requirements to a remote juvenile justice proceeding as apply to a justice proceeding conducted in person.
4. Any party intending to appear remotely for non-evidentiary proceedings must provide notice to all parties or persons entitled to receive notice prior to the commencement of the hearing. The notice may be given by phone, e-mail, or text. No advance notice to the Court is required before the date of the hearing.
5. A judicial officer may terminate a remote hearing and continue the matter to a future in-person hearing.
6. A remote hearing is subject to all Local Rules and Rules of Court governing decorum in the courtroom. A remote hearing is also subject to all laws and rules governing confidentiality, photographing, and courtroom proceedings recordings. No one appearing remotely may record, photograph, or reproduce any hearing or any part of a hearing, including any screenshots. Any person who violates this

provision shall be subject to all sanctions provided under the law for a like action in an in-person hearing.

M. Juvenile Dependency

1. Rule 3.672(i) shall apply to Juvenile Dependency matters.
2. All confidentiality requirements applicable to in-person Juvenile Dependency proceedings shall apply equally to remote hearings. Suppose the Court cannot ensure that a remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceeding. In that case, the judicial officer may order any person to appear in person and elect to terminate a remote hearing and continue the matter for a later in-person appearance.

(Eff. 1/1/2023, Revised 7/1/2023, 7/1/2024)

1.10 BIAS COMPLAINT PROCEDURE PURSUANT TO CALIFORNIA RULES OF COURT, STANDARD 10.20(d)

A. Purpose

To preserve the integrity and impartiality of the judicial system, the Court shall:

1. Ensure fairness. Ensure that courtroom proceedings are conducted in a manner that is fair and impartial to all of the participants.
2. Refrain from and prohibit biased conduct. In all courtroom proceedings, refrain from engaging in conduct and prohibit others from engaging in conduct that exhibits bias based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, and socioeconomic status, including whether that bias is directed toward counsel, court personnel, witnesses, parties, jurors, or any other participants.
3. Ensure unbiased decisions. Ensure that all orders, rulings, and decisions are based on the sound exercise of judicial discretion and the balancing of competing rights and interests and are not influenced by stereotypes or biases.

B. Notice of Concern Procedure

If an individual has a concern about compliance with the mandates set forth above

in subsection (a) by the Court or by any courtroom participant, then:

1. The individual may submit a written Notice of Concern to the Presiding Judge or Court Executive Officer, which identifies all courtroom participants and the specific behavior or conduct occurring in the courtroom of concern.
2. The Notice of Concern procedure intends to educate all parties to ameliorate the concern rather than discipline the person who is the subject of the notice. ~~The intent of the Notice of Concern procedure is to educate all parties with the purpose of ameliorating the concern rather than disciplining the person who is the subject of the notice.~~
3. To the extent possible and unless disclosure is required by law, the Court shall protect the confidentiality of the noticing party, the person who is the subject of the notice, and other interested persons.
4. The focus of this procedure is on incidents of concern:
 - a. Bias based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, and socioeconomic status.
 - b. Whether that bias is directed toward counsel, court personnel, witnesses, parties, jurors, or any other participants; and
 - c. Where the incident does not warrant discipline but requires education and correction.
5. Courtroom activities constituting legitimate advocacy when matters ~~are~~ concerning age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, and socioeconomic status which are relevant to issues in the courtroom proceeding are exempt from this Notice of Concern procedure.

C. Complaint Procedures

1. With respect to any incident that if substantiated would warrant discipline against a judge, the concerned individual may file a formal complaint with the Commission on Judicial Performance.
2. Nothing in this procedure in any way shall limit the ability of any person to submit a formal complaint of misconduct regarding any courtroom participant to

the Commission on Judicial Performance or the appropriate disciplinary body.

3. A complaint about a courtroom participant should be sent as follows:
 - a. Complaint regarding a Superior Court Judge:

The Commission on Judicial Performance (CJP)
455 Golden Gate Avenue, Suite 14400
San Francisco, California 94102
Website: https://cjp.ca.gov/file_a_complaint/
 - b. Complaint regarding a Court Commissioner:

Presiding Judge
Sonoma County Superior Court
600 Administration Drive
Santa Rosa, California 95403
 - c. Complaint regarding a Member of Court Staff or a Court Contractor:

Court Executive Officer
Sonoma County Superior Court
600 Administration Drive
Santa Rosa, California 95403
 - d. Complaint regarding an Attorney:

State Bar of California
100 Howard Street
San Francisco, California 94105
Website: www.calbar.ca.gov/Public/Complaints-Claims
 - e. Complaint regarding a Courtroom Bailiff:

Sonoma County Sheriff
Sonoma County Sheriff's Office
Sheriff-Professional-Standards@sonoma-county.org

(Adopted 7/1/2023)

RULE 2 RULES APPLICABLE TO SMALL CLAIMS CASES AND ~~TO~~ UNLAWFUL DETAINER CASES

2.2 UNLAWFUL DETAINER CASES

A. Trial Setting

1. When a case is ready for trial any party to the action (by and through their attorney of record if represented) may file and serve a request to set the time of the trial which shall include the following trial information:
 - a. Time estimate for trial in hours or days;
 - b. Whether or not a jury is requested;
 - c. Whether there has/have been any previous request(s) for trial and the file date(s), if any; and
 - d. Whether or not an official court reporter is requested at trial. [Note: court reporters can only be requested by a party whose fee waiver has been previously granted and is on file \(see local rule 3.4\).](#)
2. Any party may (by and through their attorney of record, if represented), following notice of a request to set the time of the trial and not less than five (5) calendar days prior to the date set for trial, separately demand trial by jury. Such demand shall state whether there has been a previous request for trial and the file date (if known), whether or not an official court reporter is requested at trial and may include a separate time estimate for trial. Failure to deposit jury fees at least five (5) days prior to the date set for trial shall constitute a waiver of jury trial pursuant to Code of Civil Procedure §631.
3. Unlawful Detainer actions shall be assigned directly for trial by the clerk and without the appearance of counsel.

- #### **B.**
- When an unlawful detainer becomes an ordinary civil case and plaintiff has filed an amended complaint, the clerk shall re-designate the case and it shall proceed as a general civil case in either the limited or unlimited jurisdiction, as appropriate.

C. Default and Compromise

1. Presentation of Default Judgment

Pursuant to Code of Civil Procedure §585(d), any default judgment may be proven upon proper presentation of declarations or affidavits without appearance

of the party seeking default judgment or the necessity of scheduling a hearing, unless after reviewing the application the Court requests otherwise.

2. **Time Frames for Presentation of Defaults**

Requests to enter default and default judgments are to be presented to the Court or the clerk when applicable no later than 90 calendar days from the filing of the complaint. If no default judgment or order granting an extension of time is on file by the 90th day from the filing of the complaint, the unlawful detainer action will be dismissed, upon the Court's own motion, without prejudice.

3. **Disposition of Fictitious Defendants (Cross-Defendants)**

All unnamed parties (unknown defendants as described in Code of Civil Procedure §474) must be disposed of, i.e., dismissed with or without prejudice, prior to entry of final judgment. Failure to comply may result in any judgment being returned unsigned or in the issuance of an order to show cause entailing possible sanctions.

D. Law and Motion

All law and motion matters in unlawful detainer actions shall be scheduled on the Unlawful Detainer Law & Motion Calendar as designated by the Supervising Judge of the Civil Division. Hearing dates may be obtained as indicated in Rule 5.1.A herein. No tentative rulings will be made available for matters on this calendar.

E. Attorney's Fees

For default unlawful detainer actions, the default amount for attorney fees shall be \$600.00. Any party seeking attorney fees in excess of those provided for herein shall submit a declaration for submission to the court, substantiating the extraordinary fees.

To recover attorney fees following trial of an unlawful detainer action, the prevailing party or parties must file a post-trial motion for an award of attorney fees under the applicable contract or statute.

F. Stipulations for Entry of Judgment

Any stipulation between parties that sets terms and conditions for settlement of an unlawful detainer action must include:

1. A statement, pursuant to California Rules of Court, Rule 3.1385, that plaintiff will file a Request for Dismissal, Entire Action, either within 45 days of the date of the filing of the stipulation or upon some other specified date;
2. A place for the Court to set a review date at which the parties may appear if the terms and conditions are not met and upon which the Court may dismiss if the parties fail to appear and the plaintiff has not filed a Request for Dismissal as required by F(1) above;
3. If the stipulation is presented for Court approval prior to the trial date and the parties do not intend to appear at trial, an order dropping the case from the trial calendar;
4. A clear and concise statement of the ex parte application, opposition, and order process by which remedies are available to either party in the event of a default on any of the terms and conditions of the stipulation. The clerk will not enter judgment upon declaration of the judgment creditor.

The use of Judicial Council Form UD-115 entitled “Stipulation for Entry of Judgment” may be used.

(Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007, 7/1/2008, 1/1/2021, 1/1/2023)

RULE 4 RULES APPLICABLE TO ALL CIVIL CASES

4.4 JUDICIAL ARBITRATION

~~Pursuant to Code of Civil Procedure §§1141.11(b)-(d) and 1141.12(b) and California Rules of Court, rule 3.810, all of the following actions shall be subject to arbitration.~~

- ~~A. All limited civil cases unless exempted by California Rules of Court, rule 3.811.~~
- ~~B. All unlimited civil cases where the amount in controversy does not exceed \$50,000 as to any plaintiff unless exempted by California Rules of Court, rule 3.811.~~
- ~~C. Upon stipulation (parties may use the Stipulation and Order Referring Matter to Alternative Dispute Resolution (Sonoma County form CV-7) of any action regardless of the amount in controversy.~~
- ~~D. Upon filing of an election by a plaintiff, any action in which the plaintiff agrees that the arbitration award shall not exceed \$50,000.00 as to any plaintiff.~~

~~Pursuant to Code of Civil Procedure §1010.6(a)(6), the Sonoma County Superior Court will allow service of the Notice of Appointment of Arbitrator upon the arbitrator if the arbitrator has given written consent to the Arbitration Administrator for service in such a manner.~~

~~All arbitrations shall be governed by and shall proceed in accordance with the Code of Civil Procedure §§1141.10–1141.31 and California Rules of Court, rules 3.810–3.830.~~

~~(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2007, 1/1/2014, 1/1/2016, Renumbered 1/1/2023)~~

4.54 ORDERS TO SHOW CAUSE

- A. Each case included by this Rule will be reviewed for compliance with these rules, and orders to show cause may be issued for failure to comply.
- B. Orders to Show Cause will be scheduled on calendars at such times and places as designated by the Assigned Judge.
- C. In the afternoon two (2) court days preceding the Order to Show Cause hearing, commencing at 2:00 p.m., the Assigned Judge or his/her designee will cause to be

recorded a tentative ruling of any case set on the Order to Show Cause calendar. The tentative ruling may be obtained by telephoning (707) 521-6606 or www.sonoma.courts.ca.gov.

(Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2016, 7/1/19, 1/1/2022, Renumbered 1/1/2023, 7/1/2024)

4.65 SANCTIONS

Failure to comply with these rules [or the California Rules of Court](#) may result in the imposition of sanctions.

In the event that any attorney, any party represented by counsel, or any party appearing in pro per fails to comply with any of the requirements of, or orders made, pursuant to Rules 2, 4, 5, 7 or 9, or the California Rules of Court, the Court may impose sanctions upon motion of a party or on its own motion. Sanctions may be imposed pursuant to Government Code Section 68609(d); Code of Civil Procedure Sections 128.5, 128.7, 177.5, 575.2, and California Rules of Court, Rule 2.30.

Unless otherwise ordered, any monetary sanctions imposed by the Court shall be paid forthwith and payable to the Sonoma County Superior Court.

(Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007, 7/1/2008, 1/1/2016, Renumbered 1/1/2023, 7/1/2024)

4.76 MANDATORY SETTLEMENT CONFERENCE

At the discretion of the Assigned Judge a mandatory settlement conference shall be held in all cases set for trial. These settlement conferences shall be at such times and places as designated by the pro tem panelist, as set forth in the Notice of Mandatory Settlement Conference and Trial.

No later than five (5) court days before the date set for the settlement conference, each party shall deliver their Settlement Conference Statement directly to the pro tem panelist(s) and serve a copy on opposing counsel. At the conclusion of the settlement conference, the pro tem panelist(s) shall make a report to the Court as to whether the case settled, and, if not, the last settlement offer(s) and demand(s), the likelihood of settlement, any identifiable obstacles to settlement, and other matters as requested by the Court.

The date, time, and location of the settlement conference must be typed on the first page of the statement. The parties shall notify the panelist(s) and appropriate settlement conference coordinator of a pre-conference settlement. Failure to comply will result in monetary sanctions being imposed.

(Eff. 1/1/1997; Rev. 7/1/2006, 1/1/2007, 7/1/2008, 1/1/2014, renumbered 1/1/2016; Rev. 7/1/2018, 1/1/2021, Rev and renumbered 1/1/2023, 7/1/2024)

4.87 JURY DEMAND

A. A jury must be demanded in the Case Management Statement. For purposes of these rules, the date of the Trial as described herein in Rule ~~4.9.A~~ 4.10 B will be construed as the date of trial.

(Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2014, 7/1/2014, 1/1/2021; Renumbered 1/1/2016; 7/1/2018, Renumbered 1/1/2023, Renumbered and revised 7/1/2024)

4.8 DEPOSIT OF JURY FEES

- A. Jury fees in civil cases must be deposited with the Superior Court Clerk in accordance with the dictates of Code of Civil Procedure §631.
- B. Unless superseded by Code of Civil Procedure §631(b), written application for refund of jury fees for any reason must be made within twenty (20) calendar days from the filing date of the Notice of Settlement, Dismissal or Order Granting Continuance, pursuant to Code of Civil Procedure §631.3.
- C. Jury fees on deposit will be forfeited and will not be applied to a future trial date if: the matter is settled without notice to the court, the jury is waived without two (2) court days' notice to the court, or the trial date is continued without two (2) court days' notice to the court, pursuant to Code of Civil Procedure §631.3.
- D. Notice to the court under this rule must be in writing. The file date is used to determine compliance with timelines contained herein.
- E. After completion of the trial, any remaining jury fees on deposit will be returned only upon written request to the Clerk of the Court. The request for refund must be submitted within thirty (30) calendar days of the completion of the trial, otherwise any funds remaining on deposit shall be forfeited.

(Eff. 1/1/1997; Removed 1/1/2021, Renumbered/Eff 7/1/2024)

4.9 TRIAL AND TRIAL-RELATED MOTIONS

A. Trial Calendar

Trials, both long cause and short cause, will be called on such dates and at such times as shall be set by the Assigned Judge. Attendance by counsel at the call of the Trial is mandatory unless excused by the Assigned Judge.

B. Continuances

Continuances of trials may be granted, upon good cause show, by stipulation of the parties or upon written notice of motion. [Failure to complete discovery does not constitute good cause.](#) ~~Absent extraordinary circumstances failure to complete discovery would generally not be considered good cause.~~ Any motion for continuance must be calendared for hearing before the Assigned Judge on the Trial calendar at least seven (7) calendar days in advance of the trial date, unless good cause is shown for a shortening of such time. Stipulation of trial counsel by itself does not constitute good cause for granting a continuance.

[Requests for continuance of trials or trials de novo in small claims cases must follow the procedure set out in Code of Civil Procedure §116.570.](#)

(Eff. 1/1/1997; Rev. 7/1/2004, 7/1/2011, 1/1/2014, 1/1/2021; Renumbered 1/1/2016; 7/1/2018, Renumbered 1/1/2023, [Rev. 7/1/2024](#))

4.10 PRETRIAL MATTERS AND COMMENCEMENT OF TRIAL

A. Uniform Procedures

The procedures prescribed in this rule apply uniformly to trials throughout the Civil Division except in expedited jury trials under Code of Civil Procedure § ~~section~~ 630.01 et seq., which are governed by California Rules of Court, rules 3.1545–3.1552. Judges may, in the exercise of discretion, order different procedures based on the particular requirements of an individual case.

B. Trial

Each case is called for trial on the Friday as specified by the court in its Notice of ~~Settlement Conference and trial~~ [Trial](#) as served on all parties.

Unless otherwise ordered, parties should expect and be prepared to begin the trial of a case on the first date of Trial.

C. Duty to Meet and Confer

At least seven (7) court days before trial, all attorneys of record and unrepresented parties must meet and confer in a good faith effort to reach agreement and enter into written stipulations or written joint statements on the matters described in subdivisions D and G of this rule. All such stipulations and statements must be filed, and courtesy copies delivered, at the time and in the manner stated in subdivisions D and G. A stipulation or joint statement may be filed instead of any submission of an individual party that this rule requires or permits.

D. Pretrial Documents

By 3:30 p.m. on the sixth (6th) court day before trial or as otherwise ordered by the court, the parties must file the documents listed below with the Civil Clerk's Office, serve the documents on all parties, and deliver endorsed copies to the chambers of the Assigned Judge the same day. Timelines for the submittal of pretrial documents for matters coming before the court under the Lanterman-Petris-Short Act are set by the judge presiding over that matter at ~~his or her~~ their discretion.

1. Any proposed voir dire questions which, due to unusual or sensitive circumstances, a party requests the judge to ask prospective jurors.
2. Any proposed jury questionnaire.
3. A joint list, in alphabetical order, of all witnesses to be called, indicating which party intends to call each witness. The list should also note any anticipated issue concerning a witness that might require the court's attention, including but not limited to scheduling constraints, health problems, security precautions, and the need for a translator or interpreter.
4. A joint estimate of the length of the trial.
5. A joint neutral statement of the case to be read to the jury.
6. All motions in limine. Any written opposition to a motion in limine must be filed with the Civil Clerk's Office, and an endorsed filed copy delivered to the Assigned Judge, by 3:30 p.m. three (3) court day before trial.

7. Identification by each party of all deposition testimony that the party intends to offer in evidence on the ground that the witness is unavailable to testify at trial, designated by witness, date or volume, and pages and lines.
8. A list of all requested California Civil Jury Instructions (CACI) by number, in numerical order, with titles.
9. A list of all proposed CACI jury instructions and special jury instructions, with all proposed wording.
10. All proposed verdict forms.
11. Signed copies of the Trial Orders of the Court, containing those provisions to which the parties have stipulated.

E. Exhibits to Be Used in Opening Statement and/or Trial

On the day that motions in limine are heard, prior to that hearing, each party must show all other parties all electronic presentations, demonstrative exhibits, charts, diagrams, photographs, enlargements, and all other tangible things that the party intends to use in the party's opening statement and/or during trial. Any party who objects to any such material must make the objection at the hearing of the motions in limine, and the judge will rule on all such objections presented.

F. Trial Briefs

The court finds trial briefs to be very helpful and encourages their submission. Any trial brief must be filed with the Civil Clerk's Office, and an endorsed filed copy delivered to the Assigned Judge, by 3:30 p.m. six (6) court days before trial. This does not preclude supplemental briefs on specific issues that arise during the trial.

Timelines for the submittal of trial briefs for matters coming before the court under the Lanterman-Petris-Short Act are set by the judge presiding over that matter at ~~his or her~~ their discretion.

G. Jury Instructions and Verdict Forms

1. In every jury trial, before the first witness is sworn, six (6) court days prior to the first day of trial, each party must deliver to the judge, and serve upon all other parties, all proposed jury instructions on all applicable law

disclosed by the pleadings, and all proposed verdict forms.

2. Before closing argument begins, each party must deliver to the judge and serve upon all other parties any additional proposed jury instructions on questions of law arising from the evidence that were not disclosed by the pleadings.
3. Each proposed jury instructions must be printed in black ink on a separate piece of paper. Proposed instructions must not identify the requesting party or any party or counsel in the case. The jury instructions must be assembled in a packet with a face sheet that lists all requested instructions and the requesting parties.
4. Timelines for the submittal of jury instructions and verdict forms for matters coming before the court under the Lanterman-Petris-Short Act are set by the judge presiding over that matter at ~~his or her~~ their discretion.

H. Service of Trial Documents

All documents authorized by this rule that a party files with or otherwise submits to the court must be served by a means that is reasonably calculated to assure delivery to all other parties by the earlier of (1) the time when delivery to the court is due under this rule, or (2) the time when the document is actually delivered to the court. Such means include, but are not limited to, personal delivery, facsimile transmission (fax), email, and other means of electronic transmission that are no slower than fax

(Adopted 1/1/1997, Repealed 1/1/2021, Reinstated/Eff and renumbered 7/1/2023, Formerly Rule 4.9, [Rev 7/1/2024](#))

4.11 VOIR DIRE

The trial judge shall conduct general voir dire. Counsel will be permitted to conduct supplemental questioning

(Adopted 1/1/1997, Repealed 1/1/2021, Reinstated/Eff and renumbered 7/1/2023, Formerly Rule 4.10)

4.12 **DISPOSITION OF FICTITIOUS DEFENDANTS (CROSS-DEFENDANTS)**

~~**Repealed**~~

All unnamed parties (unknown defendants as described in Code of Civil Procedure §474) must be disposed of, i.e., dismissed with or without prejudice, prior to entry of judgment. Failure to comply may result in any judgment being returned unsigned or in the issuance of an order to show cause entailing possible sanctions.

(Eff. 1/1/1997; Repealed 1/1/2021, Reinstated 7/1/2024)

Rule 4.11 repealed effective January 1, 2021, adopted effective January 1, 1997; previously amended July 1, 2004, and renumbered on January 1, 2016. Formerly Rule 4.11

4.13 **TEMPORARY JUDGE (PRO TEM) TRIALS**

A. Stipulation

A civil case may be tried by a temporary judge, with or without jury, pursuant to the stipulation of the parties, and subject to approval by the court. Each temporary judge must be an active member of the State Bar with at least five (5) years' experience or a retired judge and approved by the Presiding Judge or the Supervising Judge of the Civil Division of the Sonoma County Superior Court.

B. Court Facilities and Personnel

Court facilities (including the courtroom at any location in Sonoma County), court personnel and juror services may be used for the trial; subject to a finding by the presiding judge that such use would further the interests of justice. The court personnel in attendance at the trial will include a court clerk and court reporter, unless otherwise stipulated by the parties and approved by the Presiding Judge or Supervising Judge of the Civil Division.

C. Compensation

The stipulation must include the rate of compensation to be paid by the parties for the services of the court clerk and court reporter; and the rate of compensation to be paid for the temporary judge, if any. The rate of compensation must be allocated between the parties as set forth in the stipulation for each trial and paid upon demand of the pro tem court clerk.

D. Notice of Temporary Judge Calendar

The Assigned Judge may, from time to time, notify parties in pending civil cases in advance of the availability of temporary judges and the location of court facilities for the trial of civil cases and available trial dates.

E. Other Rules

The stipulation and civil trial by any temporary judge shall be in accordance with Rule 2.831, California Rules of Court, which latter rule shall govern in the event of any conflict with these local rules.

(Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007, 1/1/2014, 1/1/2016, Renumbered 1/1/2023)

4.14 DISCOVERY FACILITATOR PROGRAM

A. Policy of the Sonoma County Superior Court

It shall be the policy of the Sonoma County Superior Court to encourage use of the Discovery Facilitator Program in connection with any discovery dispute that arises in a civil case. Participation in the Discovery Facilitator Program shall be deemed to satisfy a party's obligation to meet and confer under applicable law. All Discovery Facilitator Program related documents, with the exception of the moving papers and any opposition and reply thereto, shall be submitted to the Civil Clerk's office for review and processing. It is intended that participation in the Discovery Facilitator Program shall not delay the scheduling or hearing of any discovery motion.

NOTE: CCP § 1013 SHALL APPLY TO ALL NOTICES SERVED PURSUANT TO THIS RULE.

B. Discovery Facilitator Panel

A list of qualified discovery facilitators shall be maintained at the Sonoma County Superior Court, with the assistance of the Sonoma County Bar Association. Each panelist must be an active member of the State Bar with at least ten (10) years' experience, or a retired judge, and approved by the Presiding Judge or the Supervising Judge of the Civil Division of the Sonoma County Superior Court.

C. Participation by Stipulation

A discovery dispute or potential dispute may be referred to the Discovery Facilitator Program pursuant to stipulation by the parties or their counsel of

record. See subsection 4.14 E for additional rules regarding the section of a discovery facilitator.

D. Mandatory Participation

The Court may require participation in the Discovery Facilitator Program in the following instances:

1. At any time after the filing of a discovery motion, the Court may, in its discretion, issue an Order referring the motion to the Discovery Facilitator Program. In the event any party desires not to submit the motion to the Discovery Facilitator Program, within five (5) calendar days of service of the order referring the case to the Discovery Facilitator Program, such party may file with the Civil Clerk's office a "Notice of Intent to Opt Out of Discovery Facilitator Program", and the order issued pursuant to this subparagraph shall be vacated.
2. In the event any party desires a dispute or potential dispute to be included in the Discovery Facilitator Program, such party may request referral to the program in paragraph 19 (entitled, "Other Issues") of the Case Management Statement. The Court shall hear from all parties on the issue at the case management conference, and shall determine, in its discretion, whether such dispute or potential dispute shall be included in the Discovery Facilitator Program.
3. In the event a party desires that a dispute or potential dispute be included in the Discovery Facilitator Program prior to the time of the next scheduled case management conference, or at a time when no further case management conferences are scheduled, such party may bring a motion in accordance with Sonoma County Local Rules, rule 5, and applicable provisions of the Code of Civil Procedure and California Rules of Court, for referral of the matter to the Discovery Facilitator Program. Such motion must be accompanied by a declaration setting forth a basis for good cause for inclusion in the program.

E. Selection of a Discovery Facilitator

The moving party shall contact opposing party (ies) and make a reasonable and good faith attempt to informally select a discovery facilitator from the list of potential discovery facilitators maintained by the Sonoma County Superior Court. The parties shall promptly notify the Court by filing a stipulation with the Civil Clerk's office if they choose a facilitator on their own. If the parties cannot agree, the moving party shall contact the Assigned Judge's judicial assistant and the

discovery facilitator shall be selected as follows:

1. The judicial assistant shall select, at random, a number of names from the list of potential discovery facilitators equal to the number of sides, plus one, and mail to the parties or their counsel of record, the “Notice and Order Re: Inclusion in Discovery Facilitator Program”.
2. Each side has five (5) calendar days from the date of service by mail of the “Notice and Order Re: Inclusion in Discovery Facilitator Program” to file a written rejection entitled “Notice of Rejection of Discovery Facilitator” (to be submitted to the Civil Clerk’s office), of no more than one name on the list. If there are two or more parties on a side, they must join in the rejection of a single name.
3. Promptly on the expiration of the five (5) day period, the judicial assistant shall appoint, at random, one of the persons on the list whose name was not rejected, if more than one name remains.
4. The judicial assistant shall assign the case to a discovery facilitator and shall serve by mail the “Notice and Order of Appointment of Discovery Facilitator” on all parties or their counsel of record. Upon receipt of the “Notice and Order of Appointment of Discovery Facilitator”, the parties shall forthwith deliver to the facilitator copies of all pleadings concerning the discovery dispute. The discovery facilitator shall establish the procedures in each case to be utilized by the parties, through telephone conferences, exchange(s) of letters or emails, and/or in-person conferences for discussion and possible resolution of the discovery dispute.

F. Compensation

The discovery facilitator shall devote up to two hours, without charge to any of the parties, in an attempt to facilitate resolution of the discovery dispute. In the event a resolution cannot be achieved within that period of time, the parties may agree to continue with the discovery facilitator provided that agreement is reached between and among the parties and the discovery facilitator as to compensation of the discovery facilitator.

G. Resolution

In the event a resolution of the discovery dispute is achieved, the facilitator shall notify the Court in writing of the disposition and shall serve a copy on all parties,

not later than five (5) court days before the scheduled law and motion hearing date.

In the event the parties are unable to resolve the discovery dispute with the discovery facilitator, the discovery facilitator shall prepare and serve on all parties or their counsel of record a report which contains the following information:

1. A brief summary of the dispute and contentions of the parties;
2. Any legal or factual analysis made by the discovery facilitator in connection with his/her role in attempting to resolve this dispute;
3. A statement indicating whether moving and/or opposing parties met and conferred in good faith.
The facilitator shall file such report with the court no later than five (5) court days before the scheduled law and motion hearing date for this discovery issue.

(Eff. 1/1/2008; Rev. 1/1/2009, 7/1/2009, 1/1/2014, 7/1/2015, 1/1/2016, Rev. and renumbered 1/1/2023, [Rev 7/1/2024](#))

4.15 READINESS CONFERENCE [Repealed]

Rule 4.14 repealed effective January 1, 2021, adopted effective January 1, 1997; renumbered January 1, 2016. Formerly Rule 4.14

4.16 MATTERS AFFECTED BY BANKRUPTCY

- A. Any party or counsel for a party in a matter pending before this court who acquires knowledge of a proceeding in bankruptcy which may cause or impose a stay of proceedings in this court shall promptly give notice of such bankruptcy proceedings as set forth below;
 1. The notice required by subdivision (A) above shall be filed with the court. Said notice shall also be served on all parties to the litigation. The subject notice shall include: (a) a copy of the most recent order of the bankruptcy court and of any stay order issued by that court; and (b) An explanation of whether a stay order or an automatic stay is in effect and why the stay applies to the pending litigation, appeal, or writ proceeding. Any party disputing the notifying party's documentation or explanation shall promptly serve and file an opposing statement addressing all such concerns.

2. Any party may, at any time, file and serve notice of any circumstances or orders permitting the proceeding to proceed, including evidence that the bankruptcy stay has been lifted, the bankruptcy proceeding has been dismissed, or a party has obtained relief from the stay.

(Eff. 1/1/2013; Renumbered 1/1/2016; Rev. 1/1/2021, Renumbered 1/1/2023)

4.17 DEMURRER FACILITATOR PROGRAM

A. Policy of the Sonoma County Superior Court

It shall be the policy of the Sonoma County Superior Court to encourage use of the Demurrer Facilitator Program in connection with any demurrer that is filed with respect to any pleading in a civil case. Participation in the Demurrer Facilitator Program shall be deemed to satisfy a party's obligation to meet and confer under applicable law. All Demurrer Facilitator Program related documents, with the exception of the moving papers and any opposition and reply thereto, shall be submitted to the Civil Clerk's office for review and processing. It is intended that: 1) participation in the Demurrer Facilitator Program shall not delay the scheduling or hearing of any demurrer; and 2) demurrer facilitators shall not render substantive findings of fact or law, as their purpose shall be to encourage voluntary resolution through a facilitative process.

NOTE: CCP § 1013 SHALL APPLY TO ALL NOTICES SERVED PURSUANT TO THIS RULE.

B. Demurrer Facilitator Panel

A list of qualified demurrer facilitators shall be maintained at the Sonoma County Superior Court, with the assistance of the Sonoma County Bar Association. Each panelist must be an active member of the State Bar with at least ten (10) years' experience, or a retired judge, and approved by the Presiding Judge or the Supervising Judge of the Civil Division of the Sonoma County Superior Court.

C. Participation by Stipulation

A dispute or potential dispute regarding a demurrer and any corresponding motion (i.e., demurrer and motion to strike) may be referred to the Demurrer Facilitator Program pursuant to stipulation by the parties or their counsel of record.

D. Mandatory Participation

The Court may require participation in the Demurrer Facilitator Program in the following instances:

1. At any time after the filing of a demurrer the Court may, in its discretion, issue an order referring the demurrer to the Demurrer Facilitator Program. In the event any party desires not to submit the motion to the Demurrer Facilitator Program, within five (5) calendar days of service of the order referring the case to the Demurrer Facilitator Program such party may file with the Civil Clerk's office a "Notice of Intent to Opt Out of Demurrer Facilitator Program," and the order issued pursuant to this subparagraph shall be vacated.
2. In the event any party desires a dispute or potential dispute to be included in the Demurrer Facilitator Program, such party may request referral to the program in paragraph 19 (entitled, "Other Issues") of the Case Management Statement. The Court shall hear from all parties on the issue at the Case Management Conference and shall determine, in its discretion, whether such dispute or potential dispute shall be included in the Demurrer Facilitator Program.
3. In the event a party desires that a dispute or potential dispute be included in the Demurrer Facilitator Program prior to the time of the next scheduled Case Management Conference, or at a time when no further Case Management Conference is scheduled, such party may bring a motion in accordance with Sonoma County Local Rule 5, and applicable provisions of the Code of Civil Procedure and California Rules of Court, for referral of the matter to the Demurrer Facilitator Program. Such motion must be accompanied by a declaration setting forth a basis for good cause for inclusion in the program.

E. Selection of a Demurrer Facilitator

The moving party shall contact opposing party(ies) and make a reasonable and good faith attempt to informally select a demurrer facilitator from the list of potential demurrer facilitators maintained by the Sonoma County Superior Court. The parties shall promptly notify the Court by filing a stipulation with the Civil Clerk's office if they choose a facilitator on their own. If the parties cannot agree, the moving party shall contact the Assigned Judge's judicial assistant and the demurrer facilitator shall be selected as follows:

1. The judicial assistant shall select, at random, a number of names from the list of potential demurrer facilitators equal to the number of sides, plus one, and mail or email to the parties or their counsel of record the "Notice and Order Re: Inclusion in Demurrer Facilitator Program."
2. Each side has five (5) calendar days from the date of service of the "Notice and Order Re: Inclusion in Demurrer Facilitator Program" to file a written rejection entitled

“Notice of Rejection of Demurrer Facilitator” to be submitted to the Civil Clerk’s office, of no more than one name on the list. If there are two or more parties on a side, they must join in the rejection of a single name.

3. Promptly on the expiration of the five (5) day period, the judicial assistant shall appoint, at random, one of the persons on the list whose name was not rejected, if more than one name remains.
4. The judicial assistant shall assign the case to a demurrer facilitator and shall serve by mail or email the “Notice and Order of Appointment of Demurrer Facilitator” on all parties or their counsel of record. Upon receipt of the “Notice and Order of Appointment of Demurrer Facilitator,” the parties shall forthwith deliver to the demurrer facilitator copies of all pleadings concerning the discovery dispute. The demurrer facilitator shall establish the procedures in each case to be utilized by the parties, through telephone conferences, exchange(s) of letters or emails, and/or in-person conferences for discussion and possible resolution of the dispute.

F. Compensation

The demurrer facilitator shall devote up to (2) hours, without charge to any of the parties, in an attempt to facilitate resolution of the dispute. In the event a resolution cannot be achieved within that period of time, the parties may agree to continue with the demurrer facilitator provided that agreement is reached between and among the parties and the demurrer facilitator as to compensation of the demurrer facilitator.

G. Resolution

In the event a resolution of the discovery dispute is achieved, the facilitator shall notify the Court in writing of the disposition and shall serve a copy on all parties, not later than five (5) court days before the scheduled law and motion hearing date.

In the event the parties are unable to resolve the discovery dispute with the discovery facilitator, the discovery facilitator shall prepare and serve on all parties or their counsel of record a report which contains the following information:

1. A brief summary of the dispute and contentions of the parties;
2. Any legal or factual analysis made by the discovery facilitator in connection with his/her role in attempting to resolve this dispute;
3. A statement indicating whether moving and/or opposing parties met and conferred in good faith.

The facilitator shall file such report with the court, no later than five (5) court days before the scheduled law and motion hearing date for this discovery issue.

(Eff. 7/1/2014, Rev. 7/1/2015, 1/1/2016, Rev. and renumbered 1/1/2023)

4.18 POST-TRIAL MATTERS

On the same day that post-trial documents are filed, including, but not limited to, post-trial motions, opposition and replies, parties shall deliver courtesy copies of the filed documents directly to the department's drop box where the matter was tried.

4.19 WRITS OF MANDATE CHALLENGING GOVERNMENT APPROVALS AND CEQA MATTERS

A. Applicability

This Rule applies to all matters involving the California Environmental Quality Act ("CEQA") including matters that combine a CEQA cause of action with other causes of action.

B. Assigned Judge

The "Assigned Judge" is the judge assigned to the matter as is set forth in Local Rule 4.2.

C. Alternative Dispute Resolution

All counsel shall review Government Code sections 66030-66035, and Public Resources Code sections 21167.8 and 21167.9, or their successor rules or statutes, and shall be prepared to discuss Alternative Dispute Resolution during the initial Case Management Conference.

D. Initial Case Management Conference

All parties who have been served shall appear in person or by phone for an early initial Case Management Conference. All parties shall be prepared to discuss the following items at this conference: Alternative Dispute Resolution, status of service and pleadings, status of record preparation, status of request for hearing, setting of briefing schedule and hearing date, setting a future Case

Management Conference date, and other matters that require the court's attention.

E. Administrative Record

1. Contents: The lead agency shall resolve any disputes over the contents of the Administrative Record. Any party who disagrees with the contents of the record may file a Motion to Augment or Strike the Record in accordance with this Rule.
2. Format and Lodging: All Administrative Records for actions filed under CEQA shall comply with the California Rules of Court, Rules 3.2200 through 3.2208.
 - a. The entire administrative record shall be lodged in electronic format, pursuant to California Rules of Court, rule 3.2206, giving the court authority to order the entire record to be filed in electronic format.
 - i. Exception to required electronic format. The only exception to the requirement that the entire record be provided in electronic format is for any portion for which, as set forth with California Rules of Court, rule 3.2207(b), it is not feasible to create an electronic version.
 - b. Unless the Court orders otherwise, the party preparing the record shall also lodge and serve documents identified in California Rules of Court, rule 3.2205(a)(1)(A)-(G) in paper format. The paper portion of the record may be bound or submitted in binders. The remainder of the record, in chronological order as identified in Rule 3.2205(a)(1)(H), shall be provided solely in electronic format, unless this court orders otherwise or a party requests a paper copy in accordance with California Rules of Court, rule 3.2206.
 - c. Should any party cite to a portion of the record that is otherwise lodged and served only in electronic format, the party must also lodge and serve a paper copy of cited pages by providing them together as an appendix of excerpts as noted in Rule 2.2205(c). These shall be bound either as the record is bound or in binders or in other format approved by the Court.
 - d. The electronic version of the index required under California Rule of Court, rule 3.2205(b) shall include hyperlinks to the indexed documents.
 - e. Any record or portion thereof that is lodged in electronic format shall be

clearly labeled on the medium itself and presented in a labeled envelope and shall be attached to the portion of the record containing the paper index.

- f. Should the court require a paper copy of any portion of the record [which originally had been](#) lodged only in electronic format, the submitting party shall provide, at its expense, a paper copy within 14 days of a court order to do so. This obligation lasts as long as the applicable record retention period. The timing of the lodging of a hardcopy of the record with the Clerk of the Court shall be as ordered in a Case Management Order.
- g. [Citations to the administrative record in the briefs shall include hyperlinks to the cited portion of the electronic records.](#)

F. Motions to Augment or Strike

Any party who wishes to file a Motion to Augment or Strike the Administrative Record shall file its motion at the same time that party's opening brief on the merits is filed. Briefs on Motions to Augment or Strike shall be separate from the briefs on the merits and shall adhere to California Rules of Court, rule 3.1113. Opposition and Reply briefs for Motions to Strike shall be filed at the same time as Opposition and Reply briefs on the merits.

G. Motions, Demurrers, Orders to Show Cause, and Other Matters Requiring a Hearing

[All motions, demurrers, requests for orders to show cause, and other matters or applications requiring a hearing in any action involving CEQA shall be filed and calendared directly through the department in which the action is set. They shall not be filed and calendared through the Clerk's Office.](#)

(Eff. 1/1/2016, Renumbered 1/1/2023, [Revised 7/1/2024](#))

RULE 5 RULES APPLICABLE TO CIVIL LAW AND MOTION PROCEEDINGS

5.1 SCHEDULING

- A.** Civil law and motion matters will be heard at such times and places as designated by the Assigned Judge. The calendar will include all civil law and motion matters except DMV Writs of Mandate, Unlawful Detainer matters (see these rules, Rule 2.2D), Orders of Examination (see these rules, Rule 5.2), and Orders to Show Cause for Injunctions Prohibiting Harassment, which will be heard in other courtrooms as designated by the Presiding and/or Supervising Judge.
- B.** All civil law and motion matters will be scheduled for a hearing date, time, and location at the Clerk's Office upon filing all moving papers **and payment of any applicable fees.**
- C.** Parties shall deliver courtesy copies of all documents filed in connection with a law and motion proceeding directly into the drop box for the department hearing the matter. Courtesy copies do not need to be file endorsed.
- D.** If any matter scheduled on the law and motion calendar is resolved, dismissed, settled or becomes moot for any reason, the moving party shall immediately notify the judicial assistant for the Assigned Judge if the motion is to be dropped from the law and motion calendar. Said notification may be made by telephone, followed by a letter of confirmation.
- E.** When a party is required to provide an appendix of authorities other than California cases, statutes, constitutional provisions, or state or local rules pursuant to California Rules of Court, rule 3.1113(i)(1), the appendix shall be lodged in the courtroom of the Assigned Judge, and not in the clerk's office.

(Eff. 1/1/1997; Rev. 1/1/2006, 7/1/2007, 7/1/2008, 1/1/2013, 7/1/2014, 7/1/18; 7/1/19, 1/1/2020; Rev. and renumbered 1/1/2021, Rev. 7/1/2024)

5.2 ORDER OF EXAMINATION CALENDAR

- A.** The Order of Examination Calendar will be heard as designated by the Supervising Judge of the Civil Division. Hearing dates will be designated by the department assigned to hear the matter and indicated when the order is returned to the applicant for service; the court cannot accommodate requests for specific dates. No tentative rulings will be made available for matters on this calendar.

B. Representation of Corporation

Corporations in civil actions must be represented by legal counsel at the order of examination hearing.

~~B.C.~~ Judgment Debtor's Failure to Appear

If the party named in the Application and Order for Appearance and Examination fails to appear at the time and place specified in the order, and proper proof of service of the order has been filed with the clerk, a warrant for the arrest of the party may issue. The judgment creditor must prepare a declaration and warrant for the judge's signature. Such declaration and warrant must be delivered to the clerk's office within six (6) months of the issuance order. A new Order of Examination will be required if the warrant is not issued within the six (6) months' time period. Subsequent warrants must be accompanied by an original declaration.

~~C.D.~~ Service of Warrants

All warrants must be served by the Sheriff's Department.

~~D.E.~~ In-Custody Judgment Debtors

The Sheriff's Office will notify the Clerk's Office if the judgment debtor is taken into custody. Upon receipt of this notification, the Clerk's Office will arrange a bail hearing date on the next misdemeanor calendar in the Criminal Division. Within his/her discretion, the judge presiding at the misdemeanor calendar hearing shall effect the release of the judgment debtor upon the condition that he/she appear at a designated Order of Examination Calendar in the future. The clerk shall give notice to the judgment creditor of the date, time, and location of that hearing by mailing a copy of the minute order of the bail hearing.

~~E.F.~~ Warrant of Attachment/Contempt of Court Hearings

A fine will be ordered upon the court's finding of contempt for failure to appear at the Order of Examination. When bail has been posted by the judgment debtor, the fine will be deducted from the bail. The balance of the bail will be returned to the judgment debtor unless the parties stipulate or the court enters a turnover order transferring all or part of the bail to the judgment creditor or another third party. Bail posted by an individual other than the judgment debtor will be returned to the

depositor and the judgment debtor will be ordered to pay the contempt fine to the court. Failure to pay said fine may subject the judgment debtor to further sanctions.

(Eff. 1/1/1997; Rev. 7/1/2002, 7/1/2008, 7/1/2011, 1/1/2014; Rev. and renumbered 1/1/2021, [7/1/2024](#))

5.3 CONTINUANCES

Requests for continuances by stipulation (along with the required fees) or notification of dropping of law and motion matters must be [filed by the moving party with the Civil Clerk's Office by 4:00 p.m. at least three \(3\) court days prior to the scheduled hearing date. The moving party must also deliver, on the day of the filing, a courtesy copy of the documents \(these do not need to be file endorsed\) to the respective department assigned to the matter. ~~presented by the parties to the judicial assistant for the Assigned Judge by 4:00 p.m. at least three \(3\) court days prior to the scheduled hearing date.~~](#) Only one continuance by stipulation will be granted; after that, if the case cannot proceed the court may drop the matter or require that it be re-noticed.

It is the responsibility of the moving party to notify the judicial assistant for the Assigned Judge when a pending motion may be dropped due to a stipulation or for any other reason. No hearing will be automatically dropped from the calendar.

(Eff. 1/1/1997; Rev. 7/1/2004, 7/1/2008, 1/1/2014, [7/1/2024](#))

5.4 MEET AND CONFER CONFERENCE

- A.** Prior to the hearing date on all motions, the moving party must make a reasonable and good faith attempt to informally resolve the motion with the opposing party(s) or attorney(s) in person or by telephone, and in accordance with applicable law. The conference must occur not less than five (5) calendar days preceding the noticed or continued date of hearing as to all motions, except motions for summary judgment and/or motions for summary adjudication of issues. With reference to any motion for summary judgment and/or motion for summary adjudication of issues, the conference must occur not less than ten (10) calendar days preceding the noticed or continued date of hearing on such motion.
- B.** In response, the opposing party(s) or attorney(s), during the conference, must also make a reasonable and good faith attempt to informally resolve the motion with the moving party or ~~his~~ [their](#) attorney in person or by telephone and in accordance with applicable law. In the event the motion is not so resolved, then the moving party must file not less than two (2) court days before the hearing date a

declaration pursuant to Code of Civil Procedure section 2016.040 setting forth facts applicable to the meet and confer conference. Orders of Examination are exempt from the requirement of this section.

(Eff. 1/1/1997; Rev. 7/1/2004, 7/1/2008, 1/1/2021)

5.5 HEARINGS, TENTATIVE RULINGS AND ORAL ARGUMENTS

- A.** During the court day preceding each law and motion calendar, by 2:00 p.m., the Court will issue a tentative ruling for each matter noticed on such calendar. Tentative rulings may be obtained online between the hours of 2:00 p.m. and 4:00 p.m. on the day before the hearing on the court’s website at www.sonoma.courts.ca.gov (Click on the “Online Services” tab on the home page, select “Tentative Rulings” in the drop-down menu, and the click on the link to “Civil”). A copy of the tentative ruling will also be posted at the Assigned Judge’s courtroom. For tentative rulings by phone, please call (707) 521-6606. Where appearance has been required or invited by the court, then oral argument may be presented. Appearance is always required on small claims law and motion matters and on all claims of exemption, unless otherwise stated on the tentative ruling.
- B.** Oral argument of all counsel and parties in any law and motion matter shall not exceed 20 minutes in length.
- C.** When the moving party fails to appear at the date and time scheduled for a hearing, the matter may be dropped, continued or ruled upon at the discretion of the Assigned Judge with or without the request of the responding party(ies).
- D.** Subject to the court’s discretion, a party, witness, or counsel may make telephonic or video appearances before the court [as set forth in California Rules of Court, Rule 3.670](#).

(Eff. 1/1/1997; Rev. 7/1/2004, 7/1/2008; Rev. and renumbered 1/1/2021, [Rev 7/1/2024](#))

5.6 EX PARTE APPLICATIONS

- A.** [Each request for an ex parte application, notice, and declaration must comply with California Rules of Court, Rules 3.1200 et seq.](#) All civil ex parte law and motion applications including applications for temporary relief, orders to show cause, orders shortening time or extending time, extraordinary writs, and other provisional remedies, except as otherwise provided, must be presented to the Assigned Judge at the times and locations as designated on the Court’s Website,

the sole exception to this rule is found in Rule 17.17 herein.

- B.** Each application must include a written declaration showing that notice of the ex parte application has been given to the opposing party(ies) or counsel no later than 10:00 AM the court day before the ex parte [California Rules of Court, Rules 3.1200 - 3.1207]. The application must provide the details for the relief requested, including whether the opposing party is represented by counsel, the nature of the contact, and whether such party has agreed to the requested order or a factual showing in support of any application requested to be issued without notice.
- †.C.** The following matters shall be deemed excluded from the ex parte applications presented under this rule and shall be governed by other applicable sections of the Sonoma County Superior Court Rules, to wit: family law matters, domestic violence and civil harassment matters.
- B.D.** Each application must also include a declaration showing that there is a compelling need for emergency handling of the ex parte application and for the requested relief and why it should not be processed routinely by the Civil Clerk's Office.
- E.** If the application is opposed, the attorneys must meet and confer prior to presentation of the ex parte.

(Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2007, 7/1/2008, 1/1/2014, 7/1/2017; Rev. and renumbered 1/1/2021, [Rev 7/1/2024](#))

5.7 TRANSCRIPTS OF ADMINISTRATIVE RECORDS

Whenever any transcript of a deposition or other testimony is an attachment, the relevant part must be highlighted in such manner that calls attention to the relevant testimony.

Any administrative record filed in conjunction with a special proceeding as described in Code of Civil Procedure, Part 3, Title 1, must be thermal bound separately, along the left margin, in volumes of not more than 300 pages.

(Eff. 1/1/1997; Rev. 1/1/2005, 1/1/2007, 7/1/2007, 7/1/2008)

5.8 ORDERS AFTER HEARING OR UPON EX PARTE MOTION

Each proposed order must specify on the face page, immediately below the case number, the date the matter was heard and the name of the judge who presided at the hearing.

It is the court's policy not to sign proposed orders pertaining to the filing of amendments to pleadings, amended pleadings, or to the filing of cross-complaints or complaints-in-intervention, which require the clerk to remove and file the copy of the proposed pleading attached to the motion as required by California Rules of Court, rule 3.1324. Proposed orders granting leave to file amendments to pleadings, amended pleadings, cross-complaints, or complaints-in-intervention must specify that the original of the proposed pleading will be submitted for filing following the granting of the order.

A. Protective Orders (Discovery, etc.)

Any language incorporated in such an order that pertains to the filing with the court of material under seal must state that the party submitting confidential material to the Court to be filed must put that material in a sealed manila envelope no smaller than 9" x 12" and no larger than 10" x 13"; that the envelope must have on its back (on the unsealed side) the warning: "CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER," the case number and caption, and the title(s) of the paper(s) enclosed; that in parentheses beneath the title(s) of the paper(s) as they appear on the envelope, there must be a reference to the confidentiality order, by file date and title [as, for example, (FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER FILED JANUARY 1, 2000)], under which the papers are submitted. These papers must then be maintained in the Court's regular public file but in their sealed envelopes. If the papers are exhibits to a motion or other paper, the manila envelope, with the stated identifying features, must not be attached to the principal paper, but there must be reference made in the motion, memorandum of points and authorities, or declaration, as appropriate, to the confidential materials filed under seal.

B. Orders to Consolidate

An order on motion to consolidate must specify which case number is to be the lead case. In any instance in which the order does not specify the lead case number, the clerk must designate as the lead case the one with the lowest file number in the highest jurisdiction.

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2007, 7/1/2008, 1/1/2014, 1/1/2021)

RULE 6 RULES APPLICABLE TO PROBATE, CONSERVATORSHIPS AND GUARDIANSHIP PROCEEDINGS

6.1 INTRODUCTION

A. General

The Probate Rules for Sonoma County Superior Court set forth local policies and procedures of the probate department. These rules do not attempt to restate or summarize statutory or case law or estate administration in general. Guidance on probate law and practice may be found in publications such as California Decedent Estate Practice, California Trust Administration, and California Conservatorship Practice, which are published by CEB Continuing Education of the Bar - California.

These rules, although binding on parties, may be departed from ~~in~~ at the discretion of the Court.

B. Contact Information

Website: For current contact information, tentative rulings, and the online probate calendars, parties should refer to the court's website at:
www.sonoma.courts.ca.gov.

All local forms referred to in this rule are available at and can be downloaded from the court website.

One or more of the following [resources](#) may be helpful in matters presented to the Probate Court.

1. Clerk of the Probate Court: The mailing address of the Probate Clerk is 600 Administration Drive, Santa Rosa, CA 95403. The physical address of the Probate Clerk's Office is 3055 Cleveland Avenue, Santa Rosa, CA 95403 (first floor).
2. Probate Court Examiner: The mailing address of the Probate Court Examiner is 3055 Cleveland Avenue, Santa Rosa, CA 95403. The email address is ProbateExaminer@sonomacourt.org.

3. Office of the Probate Court Investigator: The mailing address of the Office of the Probate Court Investigator is 600 Administration Drive, Santa Rosa, CA 95403. The email address is sci@sonomacourt.org.

(Revised 1/1/2021, 1/1/2024, [7/1/2024](#))

6.2 CALENDAR AND PROCEDURAL MATTERS

The current Probate, Conservatorship (including Limited Conservatorships), and Guardianship calendars are posted on the court's website. (Click on the link to "Current Probate Calendars" on the probate page).

A. General Guidelines

1. General Probate Matters

The Presiding Judge of the Superior Court shall designate the departments to hear general probate matters. General probate matters will be calendared and heard at such times and places as shall be designated by the Presiding Judge.

2. Probate Calendar Day on Judicial Holiday

When the date for the Regular Probate Calendar is a court holiday, the calendar will be heard on a date and time as designated by the Supervising Judge of the Probate Division.

3. [Probate Examiner Notes](#)

[Probate examiner notes addressing compliance with or deficiencies in procedural matters are posted in many individual case types prior to the hearings. Parties may access probate examiner notes through the case portal on the Court's website.](#)

(Rev. 1/1/2022, 1/1/2024, [7/1/2024](#))

B. Calendaring Guidelines

Calendaring information on the Regular Probate, Guardianship and Lanterman-Petris-Short (LPS) calendars may be found on the court's website, at <http://sonoma.courts.ca.gov/online-services/calendars/probate>.

1. Regular Probate Calendar Matters

Except as otherwise indicated in these rules, all probate petitions concerning the following are to be calendared for hearing on the Regular Probate Calendar:

- a. Decedent's estates,
- b. Trusts,
- c. Conservatorships of the person and of the estate (other than LPS conservatorships unless there is an estate involved.)
- d. Guardianships of the estate. Petitions for appointment of a guardian of the estate only, and all petitions concerning the administration of an existing guardianship of the estate, are to be calendared for hearing on the Regular Guardianship Calendar.
- e. Special Needs Trusts. All petitions for an order approving a Special Needs Trust or for an order directing payment or delivery of any property or funds to a Special Needs Trust, pursuant to Probate Code §§3602,3611, or other authority, shall be scheduled for hearing on the Regular Probate Calendar. When such a petition is a first-filed paper or arises out of a civil matter not pending before the Probate Court, the petition shall be filed with the Probate Clerk as a new case and given a new case number.

2. Case Management Calendar

- a. Matters are set on this calendar by the Court only and are generally uncontested or for status only.
- b. Case management statements are not required to be filed; however, any written updates may be filed as a statement of issues at least five (5) Court days before the hearing.

3. Petitions for Guardianship of the Person and Estate

Petitions for the appointment of the guardian of the person and estate are to be calendared for hearing on the Guardianship Calendar.

4. LPS Calendar

All matters involving proceedings under the Lanterman-Petris-Short Act are to be calendared on the LPS Calendar.

(Rev. 7/1/2023, 1/1/2024)

C. Filing, Hearing, and Continuance Procedures

All petitions and supporting documents in matters to be heard on the probate calendar shall be filed with the Probate Clerk.

1. Procedure for Obtaining a Hearing Date

In all matters, petitioners will be assigned a hearing date from the probate clerk at the time of filing.

2. Procedure for Obtaining a Continuance (This rule does not apply to Trial Dates)

- a. Stipulated Continuance Form: Stipulated continuances for any matter set on the regular Probate calendar will generally be granted a maximum of two (2) times per pending petition or application for relief and for not more than a total of six (6) months' time from the date the matter was first set for hearing. ~~the regular Probate calendar will generally be allowed a maximum of two (2) times per pending petition or application for relief and for not more than a total of six (6) months' time from the date the matter was first set for hearing.~~ To request one of the two stipulated continuances, a NOTICE OF STIPULATED CONTINUANCE (PROBATE) (Sonoma County Local Form PR-018) executed by all parties or their attorneys and the continuance fee must be submitted to the probate clerk no later than noon (12:00 p.m.) three (3) court days prior to the hearing date. Electronic signatures are acceptable. The probate clerk will continue the hearing to the date selected by the parties, if available, based on calendar availability. If the selected date is not available, the probate clerk will continue the matter to the next available probate calendar based on calendar availability.
- b. Continuance Requested at Hearing: Requests for continuances may be made at the hearing, and may be granted in the discretion of the Court.
- c. Limitation on Continuances: Normally, no more than three continuances will be allowed before the matter is dismissed without prejudice.
- d. ~~Continuances for Probate Matters Assigned to Short Cause or Civil Master Calendar: Any matter assigned to or set on the Short Cause Calendar or the Civil Master Trial Calendar shall be governed by the California Rules of Court and Superior Court Rules applicable to those calendars.~~

D. Submission of Proposed Orders and Other Pleadings Before Hearing Date

1. Orders

a. Electronic Filings for Orders After Hearing

Subject to any applicable exemptions, orders-after-hearing shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in a fully editable word processing format (preferably in MS Word format, and not PDF

or PDF converted to a word format) shall be emailed directly to the department using the following email format:

EFileProposedOrderDept#@sonomacourt.org --replace the # sign with the Department's number. Please note the case number in the subject line of your email.

b. All Other Proposed Orders

Proposed orders shall be submitted to the Probate Clerk's office at the time of filing the petition. If a self-addressed, pre-paid envelope is included or paid for at the time the order is submitted with appropriate photocopy charges, the clerk will return a file-endorsed copy by mail. Attorneys with boxes in the Courthouse should pay the appropriate photocopy charge and note their box number in [the](#) upper right-hand corner of the proposed Order and in the comments section when eFiling to cause the clerk to deliver a copy to the box.

2. Supporting Papers

Supporting papers shall be filed at the time of filing the Petition, except as otherwise provided in the Probate Code or these Local Rules.

3. Proofs of Service

Proofs of Service for the initial petition shall be filed with the Clerk at least five (5) days prior to the day of the hearing. Any other Proofs of Service shall be filed with the Clerk contemporaneously with the papers to which they pertain.

4. Proofs of Publication

Proofs of Publication shall be filed with the Clerk at least five (5) days prior to the day of the hearing.

(Rev. 1/1/2020, 1/1/2021, [7/1/2024](#))

E. Hearings and Tentative Rulings

1. Notices of Hearing

Notices of hearing on cases scheduled for hearing on the Regular Probate Calendar shall indicate ~~that~~ the time for the commencement of the calendar.

2. Tentative Rulings – Regular Probate Calendar

During the court day preceding each weekly Regular Probate Calendar, by approximately 2:00 p.m., the Court will issue a tentative ruling for each matter noticed on such calendar. The tentative ruling may be obtained online on the court's website at www.sonoma.courts.ca.gov between the hours of 2:00 p.m. and 4:00 p.m. on the day before the hearing (Click on the "Online Services" tab on the home page, select "Tentative Rulings" in the drop-down menu, and ~~the~~ then click on the link to "Probate"). The Tentative Rulings will also be posted ~~at~~ outside the probate department on the day of the hearing. For tentative rulings by phone, please call (707) 521-6607.

- a. Parties who do not object to the tentative ruling need not appear at the hearing, unless the ruling requires appearances, or another party has requested a hearing pursuant to the procedure in subdivision (b) below.
- b. Any interested party who wishes to be heard in relation to the tentative ruling must call 707-521-6893 and leave a brief message that includes the name and telephone number of the party calling and the case name and number. Any interested party who wishes to be heard in relation to or opposition to a tentative ruling must also notify the attorneys for all represented parties as well as all unrepresented parties of their intent to appear. Notifications to the court and all attorneys and unrepresented parties must be completed no later than 4:00 p.m. on the court day immediately preceding the day of the hearing.
- c. Unless notification has been given as provided in (b), above, the tentative rulings shall become the rulings of the Court, on the day of the hearing. Signed orders on approved matters are generally available at the Probate Clerk's office within hours after the hearing, and are not immediately available after the hearing.

3. Appearances

No appearances are required for pre-approved matters unless an interested person has asked to be heard in response to the tentative ruling and has given the required notice of such a request.

(Rev. and Renumbered 1/1/2024, [Revised 7/1/2024](#))

F. Contested Matters

1. Written Objections

- a. Before the Court will conduct a hearing in any contested proceeding, the party(ies) opposing or objecting to a petition, accounting, or other matter scheduled for hearing shall file verified, written objections specifying the grounds for such objection or opposition. If oral objections are made at a hearing, the court may continue the matter in order to have the objections

submitted in writing. This rule does not apply to matters coming before the court under the Lanterman-Petris-Short Act.

- b. Interested persons who oppose the granting of a petition for appointment of a guardian are encouraged to use Sonoma County form PR-9 (Objection(s) to Appointment of Guardian of the Person) to file objections.

2. Meet and Confer Requirement

In the event of any contest or objection to any petition on the probate calendar, the parties or ~~his or her~~ **their** respective attorneys shall make a reasonable and good faith attempt to informally resolve the controversy at a face-to-face conference, if possible, otherwise by telephone conference, before any hearing of the contested petition. If such resolution is not possible, then each party shall file a Statement of Issues as provided in 3, below.

3. Statement of Issues or Settlement

At least seven (7) **court days** before the hearing, each party shall either (1) notify the Probate Clerk in the Superior Court Clerk's office or the probate department that the controversy has been resolved; or (2) file and serve the Statement of Issues.

Each Statement of Issues must:

- a. Indicate that the parties or ~~his or her~~ **their** respective attorneys have met face-to-face or, if that is not possible, have participated in a telephone conference to discuss the issues in dispute,
- b. identify the substantial issues in the controversy, with references to any supporting evidence and/or legal authority,
- c. include each party's opinion of any barriers to settlement,
- d. provide an estimate of the time requirement for the hearing or resolution,
- e. include each party's opinion as to the appropriate method for resolving the controversy (i.e., mediation, arbitration, short cause trial, etc.).

4. Contested Matters on Probate Calendar

When the hearing on a contested matter is estimated to be 20 minutes or less, the hearing will be held before the Probate Judge on the Regular Probate Calendar if time permits. Otherwise, the matter will be set for an extended hearing.

5. Transfer to Trial Calendar

If the hearing on a contested matter is estimated to exceed twenty (20) minutes or a jury trial is demanded, and counsel appears at the probate calendar, the matter

may be transferred to the short cause calendar or may be assigned directly to one judge for all purposes.

(Revised 1/1/2021, [7/1/2024](#))

G. Ex Parte Applications and Stipulated Petitions

1. Ex Parte Procedure

a. Same Day Ex Parte Matters

If a party has reason to believe that an order is urgently needed to prevent irreparable harm or immediate danger to person or property, that party may file a Same Day Ex Parte application for relief. Filing fees must be paid, and in the event a new case is being commenced, a case number must be assigned, before a party presents any application for ex parte relief.

An order granting or denying a Same Day Ex Parte matter is generally available for pickup at 2:00 p.m. on the day it is presented.

b. Drop-Off Ex Parte Matters

Ex Parte Applications not based on an urgent need to prevent irreparable harm or immediate danger to person or property may be submitted to the Court as a “Drop-Off Ex Parte Matter” where otherwise authorized by statute, Rules of Court, court order, or these rules. All Drop-Off Ex Parte Matters must include “Drop-Off Ex Parte Matter” in the caption. Failure to include “Drop-Off Ex Parte Matter” on the caption will cause the pleading to be reviewed as a Same Day Ex Parte application and will be denied if it does not meet the standard for a Same Day Ex Parte application.

The following matters are expressly authorized to be presented as Drop-Off Ex Parte Matters:

- i. Approval of a stipulation, including a stipulated petition to approve settlement agreement;
- ii. Petitions for letters of special administration;
- iii. Stipulated applications for a continuance of a hearing or trial;
- iv. Matters authorized to be presented to the court ex parte by statute or Rule of Court (with citation to authorizing statute or Rule of Court);
- v. Requests to advance a hearing date and/or shorten time;
- vi. Applications to correct an order;

- vii. Applications to increase bond;
- viii. Petitions to appoint a guardian ad litem;
- ix. Petitions for final discharge and order;
- x. Petitions for allowance or rejection of a creditor's claim (by attorney or personal representative); or
- xi. Petitions requesting court appointment of counsel.
- xii. Petitions for appointment of successor trustee where all parties consent and waive notice. The ex parte petition for appointment of successor trustee must address the issue of bond, even if Petitioner's position is that no bond is required, and must specifically address the legal basis for appointing the proposed trustee under California Probate Code section 15660, et seq.

The Court does not consider a [Probate Code section 850 Petition \(Heggstad petition\)](#), ~~*Heggstad*~~, Probate Code section 15403 or section 15409 petitions as drop off ex parte matters. The Court may, with a sufficient showing of exigency per California Rule of Court, Rule 3.1202(c), consider such as an emergency same day ex parte, presuming they are also accompanied by waiver(s) of notice and consent(s).

An order granting or denying a Drop-Off Ex Parte Matter is generally available for pickup at 2:00 p.m. on the day, which is five (5) court days after it is presented.

(Eff. 1/1/2022, Rev 7/1/23, 1/1/2024)

c. Hearing May be Required

The Court may deem that any matter presented on an ex parte basis, whether opposed or unopposed, requires a hearing. If a hearing is required, the matter will be set by the Court on the regular probate calendar on a date chosen by the Court. The Court may shorten time or overset an existing probate calendar on its own motion if it deems such is necessary.

If a hearing is required, the party presenting the ex parte application will be notified of the date and time of the hearing, and that party shall be required to provide notice of the date and time to all parties entitled to notice within two (2) court days thereafter, unless otherwise ordered by the Court.

2. Timing of Ex Parte Matters

Applications for ex parte relief are accepted Monday-Friday and reviewed in chambers. No personal appearance is required to request or oppose an ex parte matter.

The application and all supporting documents must be filed with the Sonoma County Court Clerk's office, Probate Division, before 10:00 a.m. to be considered presented on that day. The judicial officer may decline to consider untimely applications on the merits.

Papers in opposition to an ex parte matter must also be filed with the Sonoma County Court Clerk's office, Probate Division, by 10:00 a.m. on the day the ex parte application is presented.

3. Contents of Application and [Proposed] Order

An application for any ex parte order must be verified and must contain sufficient evidentiary facts to justify the issuance of ~~the~~-an order. Conclusions or statements of ultimate facts are not sufficient, and a foundation must be shown for the declarant's personal knowledge.

Except where a Judicial Council or local form that includes an order is used, an application for an ex parte order must be accompanied by a separate order which is complete in and of itself and which specifies all relief ordered by the Court. For example, it is not sufficient for such order to provide merely that the application has been granted, or that the sale of property set forth in the petition has been approved.

4. Notice and Special Notice

Unless otherwise expressly provided for by applicable statute or rule of court, the form and content of notice to all interested parties and parties who requested special notice shall be provided in accordance with the California Rules of Court applicable to civil ex parte matters, including timely notice of the date, time, and place for the presentation of the ex parte matter. The application must be accompanied by a declaration identifying all persons entitled to notice under the applicable sections of the Probate Code, California Rules of Court (including special notice), or these rules, and it must evidence compliant notice or set forth the facts and legal authority upon which the applicant requests an order dispensing with notice.

6.3 **RULES REGARDING DECEDENTS' ESTATES**

A. Duties and Liabilities of Personal Representative

The Sonoma County Superior Court does not require filing of the Confidential Supplement to Duties and Liabilities of Personal Representative, as authorized in Probate Code §8404(a).

B. Continuance to Permit Filing of Contest

When a petition for the probate of a Will is called for hearing and an attorney or party appears and orally objects and declares that a written contest will be filed, the Court may continue the hearing for a reasonable length of time with the condition that if such written contest has not been filed prior to the continued date, the hearing will proceed as if no objection had been made by said attorney or party, unless the court finds good cause exists for a further continuance.

C. Estates with Pour-Over Wills

When the beneficiary of a will is the trustee of a trust, Item 8 of the Petition for Probate shall identify all trustees and all beneficiaries of the trust by name and by stating whether each individual is a trustee or a beneficiary.

D. Claims of Personal Representative and Attorneys of Record

1. Noticed Hearing

A noticed petition for approval of a creditor's claim of the personal representative or of ~~his~~ ~~their~~ attorney of record is required, except as provided below. All parties must receive at least fifteen (15) days' notice of the hearing. The creditor's claim shall be complete with approval signed by all personal representatives in the proceeding.

2. Ex parte approval

A petition and creditor's claim for any of the following claims that **comply** ~~complies~~ with the above rule (except for the fifteen (15) day notice requirement) may be presented and considered by the court ex parte.

- a. The claim is for reimbursement of funeral and last illness expense, and proof of payment is attached to the claim;

- b. The claim, together with all other claims of that personal representative or attorney, except for reimbursement of funeral and last illness expenses, is less than \$2,500.00;
- c. A written approval signed by all persons whose interest might be affected by the approval is attached to the claim;
- d. The personal representative has complied with the provisions of the Independent Administration of Estates Act with respect to the proposed payment of said claim; or
- e. A claim is for an amount certain and based upon a prior court order, which is attached to the creditor's claim.

E. Content of Orders of Distribution

Every order of distribution, whether or not an accounting has been waived, must set forth specifically the manner in which the estate is to be distributed by showing each distributee's name and a description of the property, including the full legal description and assessor's parcel number for real property, and the amount of cash (as of a date certain) to be distributed. Descriptions must be complete and must not require reference to the petition or to any extrinsic document.

F. Accountings

1. General Format

Accounting format details and contents shall be in strict conformance with California law, including but not limited to the Probate Code and California Rules of Court.

2. Supplemental and Amended Accounts

A supplemental account in a decedent's estate shall include only receipts and disbursements occurring since the ending date of the last filed account. Generally a supplemental account is not to be used to amend or correct the last filed account. An amended account may be filed to amend or correct such last account. Any supplemental or amended account shall be noticed for hearing unless the Court by order dispenses with notice.

(Eff. 1/1/1997; Rev. 1/1/1999, 7/1/2007, 1/1/2009, 7/1/2010, 1/1/2015, 1/1/2019, 1/1/2021)

G. Reserves After Final Account

If a petition for final distribution requests a reserve in an amount greater than \$2,500, the petition shall include a statement specifically describing the need for the reserve amount. The statement shall include an estimate of the amount of costs, taxes, or other expenditures for which the reserve is requested.

(Renumbered 1/1/2021)

H. Spousal Property Petition/Succession to Real Property Petition

1. The petition must identify and present evidence of the current vesting, title, and character (community property or separate property) of each asset.
2. Where the petition affects title to real property, a copy of the deed(s) showing vesting at the decedent's date of death or at the time of filing of the Petition for a Particular Transaction pursuant to Probate Code section 3100 et seq. must be attached to the petition.

(Eff. 7/1/2021)

6.4 CONSERVATORSHIPS

A. Temporary Conservatorship

Where the petitioner believes that the proposed conservatee will suffer harm or substantial loss prior to the hearing date on the Petition for Appointment of Probate Conservator, the petitioner may also file a Petition for Temporary Conservatorship. In all such cases, the Petition for Appointment of Probate Conservator must first be on file in the clerk's office, and a case number **must be** issued before a Petition for Temporary Conservatorship will be heard.

- a. Regular Notice: Normally, a Petition for Temporary Conservatorship will be set for hearing at the time normally set aside for probate matters, allowing for at least ten (10) days' notice of the petition.
- b. Emergency Circumstances Ex Parte Application: In very rare circumstances where the proposed conservatee is in immediate and grave danger of physical or irreparable financial harm, petitioner may notice the Petition for Temporary Conservatorship to be heard on the ex parte calendar.

B. Required Documents in Conservatorship Cases

In addition to the pleadings and papers normally required in a conservatorship matter, the following special instructions apply:

1. Appointment of Public Defender

The Sonoma County Public Defender is appointed to represent the proposed conservatee in all initial conservatorship cases without prejudice to a substitution of counsel of the proposed conservatee's choosing.

2. Appointment of Court Investigator

The Sonoma County Court Investigator shall be appointed for all conservatorship cases (excluding LPS conservatorships).

3. Conservatorship Handbook

The required DUTIES OF CONSERVATOR AND ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK (Judicial Council Form GC 348) shall be submitted with the first filed Petition for Appointment of Probate Conservator. The HANDBOOK FOR CONSERVATORS is available at:
http://www.courts.ca.gov/documents/conservatorship_handbook.pdf.

4. Notification of Change of Contact Information

Any time the conservator or guardian or the conservatee or ward has a change of contact information, the Notice of Change of Address or Other Contact Information shall be filed and served on the Office of the Probate Court Investigator. (Judicial Council Form MC-040)

5. Confidential Contact Information Form

The Confidential Contact Information Form must be filed with all petitions for appointment of a conservator, including appointment of temporary, successors or co-conservators, and all petitions for approval of accounts of a conservatorship estate. The Confidential Contact Information Form shall be marked as "CONFIDENTIAL". (Sonoma County Local Form PR-12)

(Rev and renumbered 7/1/23, Rev. 1/1/2024)

C. Independent Powers under Probate Code § 2591 et. seq.

The provisions of this section apply both to conservatorship and guardianship matters. For simplicity only, the terminology for conservatorships is used.

1. Necessity Required

The conservator of the estate has broad powers to act for the conservatee's benefit under the Probate Code. The Court will generally limit a grant of Independent Powers under Probate Code §2590 et seq. to specific factual situations where necessity requires independent powers.

2. Special Rules for Independent Powers

The following rules shall apply to all cases involving requests for independent powers, except LPS conservatorships:

- a. Temporary Conservatorship of the Estate: Independent powers will be granted in a temporary conservatorship of the estate only in unusual situations upon a showing of good cause.
- b. Factual Showing: Any request for independent powers shall be accompanied by an affidavit or declaration setting forth the facts which explain why: (1) the power requested is needed to administer the estate or protect the conservatee; and (2) granting such power would be to the advantage, benefit and in the best interests of the estate and the conservatee.
- c. Specific Enumeration of Powers: Each power must be described in detail. Quoting the specific language of the subsection enumerating the requested power is preferred. It is not sufficient to incorporate by reference Probate Code §2591 in the petition.
- d. Real Property Description: Where the power to sell real property is requested, the request shall describe the real property to be sold by the street address or legal description, and whether or not the property is the conservatee's home or former home. The notices of the request shall include the street address.
- e. Court Confirmation of Real Property Sales: Where the independent power to sell real property is granted, the Court will normally require the sale be returned to the court for confirmation. This requirement may be waived by the Court upon showing of good cause.
- f. Enumerated Special Powers in Order and Letters: Any special powers granted must be set forth in detail in the Order and in the Letters of Conservatorship. In addition, if the power to sell real property has been granted, the Order and Letters shall describe the property to be sold by street address or legal description, and whether court confirmation of the sale is required.

(Renumbered 1/1/2024)

D. Conservatorship/Guardianship Accountings

1. Format

A standard accounting lists receipts and disbursements in subject-matter categories, with each receipt and disbursement category subtotaled.

Accounts of conservators and guardians shall be filed as a standard accounting unless prior court approval is sought and obtained to file a simplified accounting.

2. Adequacy of Bond

Reports of conservators and guardians shall state the total amount of the current bond and whether additional bond is necessary. The report shall set forth the calculation of the minimum bond amount, including the amount for recovery. Each report should also specify any blocked bank accounts or assets and the current value of any such assets. Any significant changes in the value of assets should be reported, together with the effect on the adequacy of the bond.

3. Requests for Extension of Accountings

Extensions to file accounts in conservatorships and guardianships may be approved ~~in~~ at the court's discretion. When requesting an extension, the conservator/guardian shall do so by filing an ex parte application and declaration in support of the extension as an "Order on Matter Not Requiring a Hearing" under the applicable Local Rule.

4. Original Account Statements in Conservatorship and Guardianship Matters

Wherever the Probate Code or these rules require the filing of original financial account, billing and/or escrow statements, such statements will be "lodged" with the clerk and not filed. All persons required to file documents electronically under these Local Rules shall confidentially lodge the documents through the e-filing system. A pleading caption page must be page one, and the first chronological statement of each financial institution shall be bookmarked separately. If multiple e-filing envelopes are required, please make a note in the comments box. Original scanned papers must be retained and delivered to the Court for inspection upon request.

Persons not mandated to electronically file may still do so or deliver paper copies to the Court for filing.

When paper documents are lodged, the documents must not be bound and must be contained in a 9" x 12" (or larger, if necessary) envelope. The envelope shall be prominently marked as "CONFIDENTIAL" and display the case title, number, and a brief description of the contents. If requested, original papers will be returned to the filer after the Court's determination of the account becomes final. In that case, the fiduciary must submit a self-addressed envelope of sufficient size and with adequate postage affixed to return the documents by mail at the time of lodging.

However the documents are submitted, the documents shall be organized by account and then chronologically for each account. If the document exceeds a hundred pages, an index should be included.

5. Waiver of Accounts

- a. General Rule: Except as noted below, no request or petition for waiver of any account or final account (upon the death of the conservatee or minor) in any conservatorship or guardianship will be approved.
- b. Small Estates: Waivers of Account in conservatorships and guardianships may be approved for small estates ~~in~~ at the court's discretion under the provisions of Probate Code §2628. This will be a noticed hearing.
- c. Guardianship Final Account Waivers: Waivers of final guardianship accounts on termination are discouraged. Where the ward waives the final account, the court may require the ward to be present at the hearing.

E. Final Distribution in Conservatorships and Guardianships

1. Investigator's Assessment on Final Accounting

Prior to the filing of a Petition for Termination of a conservatorship, counsel shall contact the Court Investigator to determine the Court Investigator's assessment of the conservatorship estate for services rendered. A request to pay the assessment and the amount of the assessment shall be included in the petition and final account and order thereon.

2. Small Estates

If the value of the conservatorship/guardianship estate does not exceed the amount determined under Probate Code § 13100 and distribution is intended by affidavit procedure pursuant to Probate Code § 13101, notice of hearing, a copy of the final account and report of the conservator/guardian, and a copy of the petition for final distribution, shall be served on the successor(s) of the deceased conservatee/ward.

3. Other Probate Estates

In all other cases, a petition for final distribution upon the death of a conservatee or a ward shall be approved only after the appointment of a personal representative of the estate of the conservatee/ward. The final account and petition for distribution of the conservator/guardian shall identify the personal representative and the court and case number of the probate proceeding for the deceased conservatee/ward. Notice of hearing, a copy of the final account and report of conservator/guardian, and a copy of the petition for final distribution; shall be served on the personal representative of the estate of the deceased conservatee/ward.

F. Limited and LPS Conservatorships

1. Limited Conservatorship Filings

Every conservatorship involving a developmentally disabled proposed conservatee shall be filed as a limited conservatorship proceeding.

2. Disclosure of Developmental Disability

The involvement of a developmentally disabled conservatee shall be clearly set forth in all conservatorship and guardianship petitions and accountings.

3. Limited Conservatorships Regional Center

- a. Calendar Setting if Regional Center Report Required: Any conservatorship proceeding requiring a Regional Center report shall be set at least thirty (30) days after mailing notice of the proceeding to the Regional Center, to allow the Regional Center report to be filed prior to the hearing.
- b. Regional Center and Public Defender Appointment: The Order Appointing Regional Center (Sonoma County Local Form # PR-4) may be utilized to facilitate ordering the Regional Center report and appointment of the Public Defender to represent the conservatee. Such Orders shall be submitted with the initial Petition.

4. Review of General Conservatorships

In existing general conservatorships involving a developmentally disabled conservatee the court may direct that a new petition for conservatorship be filed under the limited conservatorship code provisions.

5. Accountings

Any accounting required in LPS or limited conservatorship matters shall comply with accounting requirements in other Sonoma County conservatorship estate

matters unless otherwise directed by the court designated to hear the LPS calendar.

6. **Closed Status of Reports**
Reports by a Regional Center and the Office of the Probate Court Investigator, and other documents or materials containing sensitive information filed in LPS and limited conservatorship hearings, shall be maintained in a confidential status in the case file with disclosure only to authorized persons pursuant to Court order.

(Eff. 1/1/1997; Rev. and renumbered 1/1/2021; Rev. 7/1/2021, Renumbered 1/1/2024, [Rev. 7/1/2024](#))

G. Report of Court Appointed Counsel in Conservatorship Matters

Report of Court Appointed Counsel in conservatorship matters shall include, at a minimum:

1. The number and length of visits to the proposed conservatee, and whether the visits were in-person or held in another manner (in-person visit(s) are preferred if possible);
2. Whether other individuals were present during visits with the proposed conservatee, and, if so, who;
3. Other individuals or documents consulted in counsel's investigation of the facts and counsel's opinion of the merit of any claims of such parties for and against the conservatorship, so far as consistent with counsel's ethical obligations to the client (if there are individuals in favor of the conservatorship and others opposing the conservatorship, counsel is expected to consult with at least one individual representing each such position);
4. The proposed conservatee's wishes, desires, concerns, and objections, if any; and
5. Whether the attorney currently represents, or has previously represented, the conservator or proposed conservator.

(Eff. 1/1/2022)

6.5 COMPENSATION OF FIDUCIARIES AND ATTORNEYS

A. Fees and Commissions in General

All requests for compensation of fiduciaries and attorneys in decedent's estates, guardianship, conservatorship and trust proceedings shall be submitted in strict compliance with the Code of Civil Procedure, Probate Code, California Rules of Court, and these local rules.

B. Fees for Extraordinary Services in Decedents' Estates

1. General Rule

Each request for fees for extraordinary services will be considered on its individual merits. Such services may include, but shall not be limited to, leases and foreclosures of real property, tax matters (including preparation of returns, audits and tax litigation), operating a business, heirship proceedings, special services that may be necessary for the personal representative or attorney to perform, and those matters specifically mentioned in the California Rules of Court.

2. Determination of Entitlement and Amount

In addition to the factors set forth in California Rules of Court, the Court may consider the following factors, among others, in exercising its discretion in any application for fees for extraordinary services:

- a. Time devoted to the matter categorized by subject matter of services provided. The Court must be provided with a statement of facts containing sufficient information in order to enable it to analyze the reasonableness of the rate and the amount of time devoted to the matter. Detailed time records may be provided to support the statement of facts but are not required in all cases.
- b. The benefits of the services to the estate. It is recognized that the representative or ~~his or her~~ **their** attorney may occasionally be under a duty to pursue certain matters which do not provide a financial gain to the estate. Such services may nevertheless be compensable.
- c. **Whether if the service was not performed by the attorney or personal representative, the exceptional services would have been performed by an independent professional, and the reasonable expected cost of such independent services.** ~~Whether, if not performed by the attorney or personal representative, the extraordinary services would have been performed by an independent professional and the reasonable expected cost of such independent services.~~

3. Service of Petition for Compensation

In addition to other papers required to be served, copies of any petitions requesting allowance of fees or commissions for extraordinary services in decedents' estates shall be served on all persons entitled to receive notice of the hearing on the petition (except beneficiaries of specific gifts whose interests are not affected by the compensation requested).

C. Compensation of Conservators, Guardians, and Their Legal Counsel

1. Court Appointed Counsel for Conservatees

Hourly rates for court-appointed counsel for conservatees will be set at the time of appointment.

2. Allowance of Fees

Each request for fees in guardianship and conservatorship matters will be considered on its individual merits.

3. Factors in Allowing Compensation

In addition to the factors set forth in California Rules of Court, the Court may consider the following factors, among others, in exercising its discretion in any application for fees for services:

- a. Time devoted to the matter categorized by subject matter of services provided. The Court must be provided with a statement of facts containing sufficient information in order to enable it to analyze the reasonableness of the rate and the amount of time devoted to the matter by each person whose time is charged. Time records may be provided to support the statement of facts, but are not required in all cases. However, if the court has questions about fees, time records may be requested. To avoid delay in approval of fees, counsel may want to submit time records at the time of filing their fee request.
- b. The quality and extent of the services performed.
- c. The responsibility assumed and exercised.
- d. In a final account, a reasonable estimate of work and time to complete estate affairs and distribution.

4. Attorney Representing Conservatee or Ward

An attorney representing the conservatee or ward may file a petition for fees at any time after the hearing on the petition for appointment of probate conservator or guardian.

D. Reimbursement of Costs in Conservatorships and Guardianships

1. Allowed Reimbursements

Allowable reimbursement of reasonable costs that benefit the conservatorship estate include, but are not limited to:

- a. Court Clerk's fees;
- b. Newspaper publication fees;
- c. Surety bond premiums;
- d. Appraisal fees;
- e. Extraordinary photocopies involving large numbers of pages, not to exceed \$0.25/page;
- f. Extraordinary Postage:
 - i. certified mail fees; and
 - ii. foreign mailings.
- g. Photocopies and postage costs must typically be itemized; however, up to a total of \$100.00 in "miscellaneous copy and postage costs" may be approved without itemizing.

2. Not reimbursable

The following costs are considered part of normal overhead and may not be reimbursed absent a showing of special circumstances:

- a. Routine photocopies and postage;
- b. Secretarial time and paralegal time for secretarial services;
- c. Local telephone calls; and
- d. Local mileage and parking

3. Reimbursed Only in Court's Discretion

The following costs may be reimbursed in the Court's discretion:

- a. Unusually large costs for photocopies and postage;
- b. Substitutes for U.S. Postal Service (Federal Express, UPS, etc.);
- c. Long-distance telephone;
- d. Travel outside of Sonoma County;
- e. Parking fees incurred when traveling outside of Sonoma County; and
- f. Other costs found to be extraordinary.

(Eff. 1/1/1997; Rev. 1/1/2015; 1/1/2016; 1/1/2019, [7/1/2024](#))

6.6 **BONDS**

A. Increasing or Decreasing Bond Amount

The fiduciary may normally petition to increase or decrease the required amount of bond on an ex parte basis, using the procedure for obtaining an "Order on

Matter Not Requiring Hearing". Where objections to the amount of bond are expected, the petition should be noticed for hearing on the regular probate calendar.

B. Use of Blocked Accounts

A fiduciary shall evaluate whether holding liquid assets in blocked accounts with financial institutions would be advantageous to the estate and request authorization for such holdings, where appropriate.

C. Waiver of Bond in Conservatorships and Guardianships

The Court generally will not waive bond for conservatorships or guardianships except in the following circumstances:

1. Conservator Spouse of Conservatee

Where the conservator is the spouse of a conservatee, all or most of the property of the conservatee is shown to be community property, to the Court's satisfaction, and the community property is to be excluded from estate administration.

2. Conservatee Waiver

~~In matters where the conservatee gives consent, as a competent person, to waiver of bond.~~ In cases where the conservatee grants consent, as a competent individual, to waive bond.

3. Small Estates

In small estates as defined in the Probate Code.

D. Reducing Bond Through Use of Blocked Account.

1. Issuance of Letters

Where assets are to be placed in a blocked account, the fiduciary shall file the Receipt and Acknowledgment of Order Restricting Release of Property of the Financial Institution within thirty (30) days of issuance of Letters. Sonoma County Local Form PR-5 is available for this purpose.

Proposed orders pertaining to blocked accounts should contain appropriate language to allow deposits in conformance with the Probate Code and Financial Code § 158

2. After Appointment

Bonds may be reduced at any time after appointment by an ex parte petition and order reducing bond, together with the Receipt and Acknowledgment of Order Restricting Release of Property of the Financial Institution showing that assets have been deposited. Such a petition must set forth the total assets of the estate and designate those held in blocked accounts. The reduced bond must satisfy the minimum bond requirements. Such a petition may be presented as an “Order on Matter Not Requiring Hearing”.

3. Direct Transmittal to Financial Institution

If the assets to be deposited are in the possession of a financial institution other than the named financial institution, the order should direct the entity in possession to deliver such assets directly to the named financial institution and further direct the financial institution, on receiving such assets, to issue its receipt and agreement to the fiduciary, who shall forthwith file the same with the Court.

4. Withdrawals or Releases from Blocked Accounts

An application for an order authorizing release of assets from a blocked account may be submitted ex parte as an “Order on Matter Not Requiring Hearing”. The petition should set forth the approximate value of the assets on hand, the approximate value of all assets in blocked accounts, the amount of the existing bond, and the purpose for which the withdrawal is requested.

E. Discharge of Bond and Exoneration of Surety

~~1. Receipts Must be Filed~~

1. Bond shall not be discharged and surety exonerated until all Receipts on Distribution have been filed with the Court.

~~2. Guardianship Bonds on Termination~~

2. The guardian of the estate shall maintain the guardianship bond during the one (1) year period that commences when the ward reaches the age of majority. The Order terminating the guardianship of the estate may include an authorization to retain a reserve for payment of the bond premium for the additional one-year period and related fees and costs.

The Order terminating the guardianship of the estate may recite that the bond is discharged and the surety on the bond exonerated on the date that is one (1) year after the ward's 18th birthday, unless suit has been filed within that one (1) year period.

(Eff. 1/1/1997; Rev. 1/1/2003, 1/1/2010, 7/1/2010, 01/01/2015)

6.7 SALES OF REAL PROPERTY

A. Overbids in Court Confirmation of Sale

When there is successful overbid in open court on a sale of real property, counsel must complete ~~and the successful bidder must sign an~~ the "Increased Bid In Open Court" form ~~and file same.~~ (Sonoma County Local Form PR-14), ~~and the successful bidder must sign and file the same.~~ The order will not be signed unless the form is filed. Copies of the Increased Bid In Open Court form will be available in the Probate Department when a sale of real property is on the calendar.

B. No Commission -- Special Situations

No real estate commission shall be allowed or credited to or for the benefit of a personal representative or fiduciary in the subject probate proceeding who is a licensed real estate broker or salesperson in any probate sale of real property in the proceeding, directly or indirectly. The petition for confirmation of sale shall state any known claim of the personal representative, fiduciary or purchaser to all or any part of the proposed real estate commission, directly or indirectly.

C. Disputes Between Agents or Brokers Regarding Compensation

Should a dispute arise between agents or brokers seeking compensation upon the sale of real property under the purview of Section 10161 and/or Sections 10162.5 through 10166 of the Probate Code, there shall be a separate evidentiary hearing to resolve the dispute. Before the hearing, the agents or broker, or their respective attorney, shall "meet and confer" (face-to-face) in a reasonable and good faith attempt to resolve the dispute, informally or by other means, and notify the court of the results at least two (2) **court days** before the hearing. The sale of real property may be confirmed at the hearing on the sale and need not be delayed by

virtue of any dispute for compensation by or between real estate agents or brokers.

D. Contracts With Broker or Agent

Any application for order approving an exclusive listing agreement with a real estate broker or agent shall include a completed copy of the proposed written listing as an attachment. Such application may be submitted ex parte as an “Order on Matter Not Requiring Hearing” as described in Sonoma County Local Rule 6.2.I.

(Eff. 1/1/1997; Rev. 1/1/1999, 7/1/2010, 01/01/2015, [7/1/2024](#))

6.8 TRUST PETITIONS

A. Trust Instrument

For every petition filed pursuant to Division 9 of the Probate Code, the petition must include a copy of the entire trust instrument(s) relevant to the action, including all amendments thereto, and all attachments, schedules, and exhibits.

B. Accountings: Required Form of Accounts

Accountings should conform to the requirements set forth in this rule and with Probate Code sections 1060-1064. Accountings are designated as either standard or simplified. A standard accounting lists receipts and disbursements in subject-matter categories, with each receipt and disbursement category subtotaled. A simplified accounting lists receipts and disbursements chronologically, by receipt or payment date, without subject-matter categories. All trustees must file standard accountings unless prior court approval is sought and obtained to file a simplified accounting. If an item is not self-explanatory, an explanation must appear either in the accounting or in the report accompanying the accounting. The Court reserves the right to require supplemental supporting documentation, including financial statements of the type described in Probate Code section 2620 as well as Cal. Rules of Court, Rule 7.575, if deemed necessary by the Court.

(Rev and renumbered 7/1/23)

6.9 GUARDIANSHIPS

A. **General**

The Guardianship Rules for Sonoma County Superior Court set forth local policies and procedures of the guardianship department. These rules do not attempt to restate or summarize statutory or case law in general. Guidance on guardianship law and practice may be found in publications such as California Guardianship Practice, which is published by CEB Continuing Education of the Bar - California.

These rules, although binding on parties, may be departed from ~~in~~ at the discretion of the Court.

B. **Calendaring Guidelines**

Calendaring information on the Guardianship calendars may be found on the court's website, at <http://sonoma.courts.ca.gov/online-services/calendars/probate>.

C. **Contact Information**

Website: For current contact information, tentative rulings, and the online guardianship calendars parties should refer to the court's website at: www.sonoma.courts.ca.gov.

All local forms referred to in this rule are available ~~at~~ and can be downloaded from the court website.

One or more of the following may be helpful in matters presented to the Guardianship Court.

1. Clerk of the Probate Court: The mailing address of the Probate Clerk is 600 Administration Drive, Santa Rosa, CA 95403. The physical address of the Probate Clerk's Office is 3055 Cleveland Avenue, Santa Rosa, CA 95403 (first floor).
2. Probate Court Examiner: The mailing address of the Probate Court Examiner is 3055 Cleveland Avenue, Santa Rosa, CA 95403. The email address is ProbateExaminer@sonomacourt.org.
3. Office of the Probate Court Investigator: The mailing address of the Office of the Probate Court Investigator is 600 Administration Drive, Santa Rosa, CA 95403.

The email address is sci@sonomacourt.org.

D. Report of Proposed Guardian

A Report of Proposed Guardian Form shall be filed with any Petition for Appointment of Guardian. (Sonoma County Local Form PR-2)

E. Investigations

1. The Office of the Probate Court Investigator shall make an investigation and file ~~with the court~~ a report and recommendation **with the court** concerning each proposed guardianship of the person and estate where the proposed guardian is a relative.
2. Any investigation of a proposed guardianship of any non-relative proposed guardian shall be made by the county agency designated to investigate potential dependency.
3. When there are competing petitions of proposed guardians, the Court Investigator should file a CI Memo with the Court to inform the Court of the competing petitions and the need for an order from the Court before the investigation can begin.
4. If the Court orders an investigation of both proposed guardians, the resulting report to the court should be informational only and should not include recommendations.
5. The Court may choose to refer a matter to the local child welfare agency for an evaluation, investigation, and findings to determine if the minor may be described by Welfare and Institution Code 300 and that an application to commence Juvenile Court Proceedings and obtain a decision from a Social Worker may be appropriate. WIC § 329.
 - a. If the Court makes a referral for a WIC § 329 investigation and determination, the Probate Court Investigation shall pause the investigation. WIC § 319.1
 - b. The assigned social worker shall file a report with their findings and conclusion with the Probate Court within three weeks.
 - c. If a child involved in Probate Guardianship proceedings becomes the subject of dependency proceedings, custody-related matters will be addressed by Juvenile Court. The finding from the Juvenile Court shall be filed in the probate case. WIC § 304.
 - d. If the child does not become a subject of dependency, the Probate Court

Investigation shall resume the investigation per the order of the court.

F. Petition for Visitation

A request for an order of visitation will be filed using Local Form PR-15, which can be located on the court's public website. The petition will be filed and served on all parties following the Probate Code, California Rules of Court, and Local Rules for Conservatorships and Guardianships.

G. Tentative Rulings - Guardianship Calendar

During the court day preceding each weekly guardianship calendar, commencing at 11:00 a.m., or earlier if feasible, the Court will cause ~~to be recorded~~ a tentative ruling **to be recorded** for each matter noticed on such calendar. The tentative ruling may be obtained by telephoning (707) 521-6607 or by accessing the Court's website at www.sonoma.courts.ca.gov and selecting the option for Tentative Rulings. The tentative rulings will also be posted **outside of** ~~at~~ the guardianship department.

1. Parties who do not object to the tentative ruling need not appear at the hearing, unless the ruling requires appearances or another party has requested a hearing pursuant to the procedure in subdivision (2), below.
2. Any interested party who wishes to be heard in relation to /the tentative ruling must call 707-521-6893 and leave a brief message that includes the name and telephone number of the party calling and the case name and number. Any interested party who wishes to be heard in opposition to a petition must also notify the attorneys for all represented parties as well as all unrepresented parties of their intent to appear. Notifications to the court and all attorneys and unrepresented parties must be completed no later than 4:00 p.m. on the court day immediately preceding the day of the hearing.
3. Unless notification has been given as provided ~~in b;~~ **6.9 G** above, the tentative rulings shall become the rulings of the court when announced by the courtroom clerk at 9:15 a.m. on the day of the hearing.

(Adopted 1/1/2024)

RULE 8 RULES APPLICABLE TO CRIMINAL TRIAL PROCEEDINGS

8.1 CRIMINAL COURTS: ASSIGNMENT OF CASES

All criminal felony matters, including violations of felony probation, shall be assigned for “all purposes” to a felony trial department on a predetermined basis from Arraignment on the Complaint through Sentencing.

All criminal misdemeanor matters shall be assigned for “all purposes” to a misdemeanor department on a predetermined basis.

A copy of the Criminal Division Schedule may be obtained from the Superior Court Clerk’s Office Criminal Division, or on our website: www.sonoma.courts.ca.gov

(Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2009, 7/1/2015, 1/1/2021, 1/1/2023)

8.2 FILING OF CRIMINAL COMPLAINTS

Time for Filing Criminal Complaints

- a. Felony and misdemeanor complaints must be filed in the Criminal Clerk’s Office.
- b. All felony and misdemeanor complaints received for in-custody arraignment shall be filed no later than 2:00 p.m. the day preceding the arraignment. All in-custody felony and misdemeanor arraignments shall be heard on the morning calendar and within 48 hours of arrest.
- c. All felony and misdemeanor complaints received for out of custody arraignment shall be filed by close of business, no later than two (2) court days before the date set for arraignment.
- d. Upon showing of good cause, a later time for filing may be authorized by the judge assigned to the arraignment.

(Eff. 7/1/2024)

8.3 VIOLATION OF PROBATION

A. Assignment of Cases

All violations of probation shall be assigned to a criminal department on a predetermined basis.

B. Disclosure of Non-Confidential VOP Probation Records

The Court authorizes the Sonoma County Probation Department to produce copies of non-confidential probation records that form the basis of allegations contained in a Request Probation be Summarily Revoked (aka, the “Universal Memo”) to the defense and prosecution in any formal violation of probation proceeding.

Any request for confidential records, or records of probation not otherwise produced by the Probation Department, may be sought through the Court in any Violation of Probation proceeding after providing reasonable notice to the Probation Department and District Attorney’s Office.

(Eff. 1/1/1997; Rev. 1/1/2005, 1/1/2008, 1/1/2021, 1/1/2023, 1/1/2024, [Renumbered 7/1/2024](#))

8.34 PROTECTION OF CONFIDENTIAL PERSONAL INFORMATION

In accordance with Penal Code section (hereinafter PC §) 964 and the public policy set forth therein, prosecutors and law enforcement agencies should not submit police reports, arrest reports or investigative reports containing “confidential personal information” (as defined in subdivision (b) of PC § 964) of victims or witnesses to the court in support of a criminal complaint, indictment, or information; or in support of a search or arrest warrant. Rather, prosecutors and law enforcement agencies should present the court with written declarations from law enforcement officers that are devoid of this confidential personal information.

The parties may submit copies of police reports, arrest reports or investigative reports that are redacted of all “confidential personal information” of victims and/or witnesses. The redacted copies of these reports provided to the court must be attached to a declaration attesting to the fact that the information redacted was “confidential personal information” of victims and/or witnesses as defined in PC § 964. The parties must also provide an unredacted copy of the documents, which, upon review, shall be sealed, and retained by the court, if the redacted material is determined to be “confidential information” as defined in PC § 964(b).

In instances where “confidential personal information” of victims and/or witness cannot be redacted for purposes of clarity or completeness, but must be provided to the court, prosecutors and law enforcement may request the court seal a portion or all of the warrant

and its components, police report, arrest report or investigative report. The Court may grant the sealing order if it makes the following express findings in a written order: 1. The document requested to be sealed contains “confidential personal information” as defined in PC § 964; 2. The confidential personal information must be provided to the court for clarity and completeness of the criminal complaint, indictment, information, or search/arrest warrant application; and 3. No less restrictive means exist, such as the procedures set forth in paragraphs 2 and 3 of this Local Rule, to protect the confidential personal information while preserving clarity and completeness of the criminal complaint, indictment, information, or search/arrest warrant application. If the sealing request also seeks protection of information that is not “confidential personal information” as defined by PC § 964, the Court will consider that portion of the request pursuant to California Rule of Court 2.550. All documents reviewed, as well as orders signed, will be retained by the court.

All agencies should bear in mind that the court will not undertake the task of redacting any confidential personal information of victims or witnesses from documents submitted for the court’s consideration. Rather, the burden to ensure that this information is not included within any documents presented falls squarely on the agencies preparing and presenting them to the court. In this respect, the court may exercise its discretion to accept or reject a police, arrest or investigative report containing confidential personal information that is submitted in support of a criminal complaint, indictment, or information; or in support of a search or arrest warrant.

(Adopted 7/1/2015, Rev. 1/1/2024, [Renumbered 7/1/2024](#))

8.45 CRIMINAL PRETRIAL LAW AND MOTION

Criminal pretrial law and motion hearings shall be heard by the judge assigned the case at such time and place scheduled by the judge.

A. Written Motion Procedures

1. All motions shall be made in writing. With the exception of PC § 1050 continuance motions, [notices and motions](#) ~~Notice of Motion and Motion for Transfer~~ pursuant to PC 1203.9 and motions to vacate bail bond forfeitures, or upon order of the court, **ALL** motions must be filed in court, except that the judge may authorize filing of a motion in the Clerk’s Office by minute sheet entry. PC § 1203.4 motions to expunge/reduce will be received in the Clerk’s Office and filed in court. The court shall set a hearing date for all motions. Appearances for filing of motions in court may be calendared through the Clerk’s Office.

2. All motions, including all PC § 1538.5 motions, shall clearly state the grounds for the motion and be accompanied by points and authorities; which shall include a concise statement of the facts supporting the motion.
3. Courtesy copies of all pleadings shall be delivered to the assigned judge's judicial assistant or courtroom clerk at the time of filing.
4. Any person submitting or filing documents with the court shall redact personal and financial identifying information.

(Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007, 7/1/2008, 1/1/2010, 7/1/2013, 1/1/2015, 1/1/2022; Rev. and renumbered 1/1/2021, Rev. and renumbered 1/1/2024, [Rev. and Renumbered 7/1/2024](#))

8.56 PRETRIAL DISCOVERY[Repealed]

Rule 85 repealed effective January 1, 2021 adopted effective January 1, 1997; previously amended effective January 1, 2005

8.67 APPOINTMENT AND PAYMENT OF COUNSEL IN CONFLICT CASES

- A. In cases where the Public Defender's Office declares a conflict in Adult and Juvenile ~~Justice criminal~~ matters, the Court shall appoint conflicts counsel. (PC § 987.2) The County of Sonoma may provide a list of contract conflict counsel for the court to make appointments. If any attorneys from the contract list declare a conflict, the Court shall appoint the next attorney on the list. If the list is exhausted, the Court in its discretion shall appoint other competent conflict counsel outside of the contract conflicts list.
- B. In cases where the Public Defender's Office declares unavailability, the Court shall appoint conflicts counsel (PC § 987.2). The County of Sonoma may provide a list of contract conflict counsel for the court to make appointments. If any attorneys from the contract list declare a conflict, the Court shall appoint the next attorney on the list. If the list is exhausted, the Court in its discretion shall appoint other competent conflict counsel outside of the contract conflicts list.
- C. "Reasonable necessary ancillary defense services" shall also be ordered upon request by conflicts counsel. (PC §§ 987.8(g), and 987.9; Evidence Code § 730) These requests are confidential and may be made ex-parte to the Superior Court. The application for appointment and funds shall be accompanied by an affidavit and other supporting documents that specifically outline the reasonableness of the request and the appropriate amount of funds requested.

- D. After the appointments are made and applications for other defense services fees are approved, bills for payment shall be forwarded to the County of Sonoma for review and payment, if appropriate. (PC § 987.3).

(Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2007, 7/1/2007, 7/1/2010, 1/1/2024, [Renumbered 7/1/2024](#))

8.78 APPOINTMENT OF SECOND COUNSEL

Applications for second counsel in special circumstances cases shall be made to the "PC § 987.9" judge of the Superior Court. The application shall specify how the lead counsel intends to use the second counsel.

(Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007, [Renumbered 7/1/2024](#))

8.89 EX PARTE APPLICATIONS FOR ORDERS

- A. All applications involving criminal matters shall be presented to the assigned criminal department.
- B. All applications for a court order for the temporary release of inmates from the Sonoma County Jail shall be filed and presented in writing along with a proposed order to the assigned criminal department.
1. Each application shall include a written declaration showing that notice of the application has been given to the District Attorney and to the Sonoma County Sheriff's Office not less than forty-eight (48) hours before the application is presented to the Court.
 2. Unless the District Attorney agrees in writing, the application shall be heard and decided by the Court after considering the views of all parties. The Court may under appropriate circumstances consider in camera declarations concerning the merits of the request.
 3. Any order granting the application shall include an order that the Sonoma County Sheriff shall provide security and transportation for the applicant. Alternatively, the Court may choose to release the inmate on ~~his~~ [their](#) own recognizance or supervised own recognizance if there is good cause to do so.
 4. Upon submission of a declaration of indigence, the order may include a waiver of costs or fees by the Sheriff for transportation and security.
 5. In the event that the defendant requests confidentiality the court order may include a protective order to preserve confidentiality, upon a showing of good

cause.

(Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007, [Renumbered 7/1/2024](#))

8.910 CONTINUANCES

No trial or preliminary hearing may be continued, except upon written motion establishing good cause as required by PC § 1050, unless otherwise required by statutory or decisional law.

(Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007, 1/1/2021, [Renumbered 7/1/2024](#))

8.1011 COURT SYSTEM

It is the goal of Sonoma County Superior Court that each department handle its assigned cases from start to finish regardless of the custodial status of the defendant. A copy of the Criminal Division Schedule may be obtained from the Clerk's Office, Criminal Division, or by visiting the court's website at www.sonoma.courts.ca.gov.

(Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007, 1/1/2024, [Renumbered 7/1/2024](#))

8.1112 ARRAIGNMENTS

Felony arraignments will be in the trial department. Trial departments are designated randomly and that random designation will be determined by the Superior Court and is subject to change.

In multiple defendant cases, the assignment shall be made by the first defendant listed on the complaint. Once assigned, the case remains with the assigned judge until it is completed.

(Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007; 7/1/2015, 1/1/2024, [Renumbered 7/1/2024](#))

8.1213 CALENDARING SYSTEM

A. First Appearance Date

First appearance date for out of custody felony defendants will be two weeks after arrest.

First appearance date for out of custody misdemeanor defendants will be four (4) weeks after arrest except in cases where defendant is charged with violations of Health and Safety Code §§ 11550 and 11377 in which the first appearance date shall be ten (10) days after arrest. See PC § 853.6.

When a defendant is charged with violations of PC §§ 243(e)(1), 273.5, 273.6, 166(a)(4) or 422, the first appearance date shall be fourteen (14) days after date of arrest when the defendant is not in custody.

B. Arraignments

A Deputy Public Defender, conflicts counsel, or privately retained defense counsel, and District Attorney shall be present at all arraignments.

C. Schedule of Events

Misdemeanors: After the entry of a plea of not guilty, the case shall be set for a settlement conference. If there is no settlement and no motions to be filed, the next event set shall be a readiness conference and jury trial. Misdemeanor cases shall be disposed in accordance with California Rules of Court - Judicial Administration Standards 2.2.

D. Calendar Events

1. Arraignments

The [Office of the](#) District Attorney shall give a defendant, designated by the court as in pro per, or an attorney appearing generally, a copy of all police and laboratory reports and the complaint.

[The Office of the](#) District Attorney shall file PC § 1000 declarations if applicable.

2. Jury Trials

- a. Felony cases: Defendant is to be present at jury trial unless waived by the Court. Each judge shall conduct a pretrial conference to discuss in limine motions, jury instructions, witness schedules and voir dire procedures.
- b. Misdemeanor Cases: Defendant is to be present at jury trial readiness and jury trial confirmation unless waived by the Court. Each judge shall conduct a pretrial conference to discuss in limine motions, jury instructions, witness schedules and voir dire procedures. All motions in limine, requested jury instructions listed by name and number, witness list, and verdict forms shall be filed with the court no later than the first day of trial. Unless specially set,

the first day of trial is Thursday at 10:30 a.m.

(Eff. 7/1/2015; Rev. 7/1/2021, 1/1/2022, 1/2/2024, [Rev. and Renumbered 7/1/2024](#))

8.1314 MENTAL HEALTH DIVERSION

- A. All motions requesting Mental Health Diversion pursuant to PC § 1001.36 or PC § 1370 shall be filed in the courtroom. The initial application for a determination of eligibility shall include documentation of a mental health diagnosis or mental health treatment within the past 5 years. Any medical records submitted shall be filed separately under seal and shall not be attached to the application. The court hereby adopts Sonoma County Local Form CR-007 for optional use in submitting an Application for Mental Health Diversion.
- B. The initial motion for Mental Health Diversion shall be calendared on the regular criminal calendar. If there is no dispute regarding the eligibility of the defendant to participate in Mental Health Diversion, the matter shall be referred to Sonoma County Behavioral Health for an assessment and report regarding the suitability of the defendant to participate in Mental Health Diversion. If there is a dispute regarding the eligibility to participate in Mental Health Diversion, the matter shall be set on a law and motion calendar for a hearing regarding eligibility before referring the matter to Sonoma County Behavioral Health.
- C. Upon referring the matter to Sonoma County Behavioral Health, the court shall set a future hearing date at which the assessment report shall be reviewed. In the event there is not agreement that the defendant is suitable for Mental Health Diversion, the matter shall be set on a future law and motion date before the judge presiding over the matter to determine suitability.
- D. Any supplemental pleadings regarding the suitability of the defendant to participate in Mental Health Diversion shall be filed within 5 business days of the receipt of the report from Sonoma County Behavioral Health. Any supplemental pleadings regarding suitability shall be filed in the criminal clerk's office.

(Adopted 7/1/23, Rev. 1/1/2024, [Renumbered 7/1/2024](#))

8.1415 REMOTE APPEARANCE RULE FOR CRIMINAL MATTERS

The court may permit remote appearances for defendants, victims, and attorneys subject to the following limitations and discretion of the judicial officer in the courtroom:

- A. Remote appearances for defendants in criminal cases will be permitted pursuant to PC § 977 et. Seq;

- B.** Remote evidentiary hearings will be permitted pursuant to PC § 977.3;
- C.** Remote appearances for victims in criminal cases will be permitted pursuant to PC § 977.3. The prosecuting attorney shall notify the judicial officer prior to calling the case that victims wish to appear remotely. Victims shall follow all remote appearance rules;
- D.** Remote appearances shall be limited to defendants, victims and attorneys;
- E.** A remote appearance is still a court appearance. A remote hearing is subject to all Local Rules and Rules of Court governing decorum in the courtroom. A remote hearing is also subject to all laws and rules governing confidentiality, photographing and recordings of proceedings in a courtroom. No one appearing remotely may record, photograph or reproduce any hearing, or any part of a hearing, including any screenshots. Any person who violates this provision shall be subject to all sanctions provided under the law for a like action in an in-person hearing;
- F.** Any victim, defendant or attorney appearing remotely is expected to:
 - 1. follow proper courtroom decorum including attire. If the attire is inappropriate for a courtroom, it is inappropriate for a remote appearance;
 - 2. turn on the camera prior to calling that individual's case;
 - 3. remain muted unless speaking;
 - 4. use an identifiable and accurate name;
 - 5. appear in a quiet location that is free from distraction and noise;
 - 6. understand how to use the remote technology prior to the appearance;
 - 7. have wi-fi or other cell service access to ensure there are no connectivity problems;
- G.** Any victim, defendant or attorney appearing remotely that is unable to comply with the expectations (above) shall be required to appear in-person at all future court dates;
- H.** Each judicial officer shall have discretion whether to maintain a remote waiting room for defendants, attorneys or victims wishing to appear remotely;
- I.** Any defendant, victim or attorney that appears remotely and loses connectivity shall be responsible for determining the next court date. The judicial officer has discretion to issue, or issue and stay, a bench warrant for any defendant that loses

connectivity prior to setting the next court appearance;

- J.** The judicial officer has discretion whether to recall a warrant if a defendant makes a remote appearance;
- K.** The judicial officer has discretion whether to address an alleged violation of a court order, violation of pretrial release, violation of probation or any other violation of court supervision if a defendant makes a remote appearance; and
- L.** The judicial officer shall have discretion to require an in-person appearance of any defendant, attorney, or victim at any court hearing.

(Eff. 1/1/2023, Renumbered 7/1/23, formerly Rule 8.13, Rev. 1/1/2024, [Renumbered 7/1/2024](#))

RULE 9 RULES APPLICABLE TO FAMILY LAW PROCEEDINGS

9.1 APPLICATION [Repealed]

Rule 9.1 repealed effective January 1, 2021; adopted effective January 1, 1997; previously amended January 1, 2004 and July 1, 2010.

9.2 CASE ASSIGNMENT

All Family Law cases will be assigned to a Family Law department upon the filing of the initial pleading. The statutory time limits to disqualify a judicial officer pursuant to CCP §170.6(a)(2) shall control. Exceptions include those cases required to be heard by the Title IV-D commissioner pursuant to Family Code § 4251 and cases filed pursuant to the Domestic Violence Prevention Act, Family Code § 6200 et seq. Cases shall remain in the initially assigned department unless the assigned judicial officer is disqualified or recused, in which case the matter shall be re-assigned to another Family Law department. If the Department of Child Support Services has intervened, all pending support related hearings will be re-calendared to the child support commissioner.

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2007, 7/1/2007, 7/1/2010, 7/1/2012, 1/1/2018, 1/1/2021, 7/1/2022, renumbered 1/1/2023, Rev. 1/1/2024)

9.3 SANCTIONS IN RESPECT TO RULES

A. In General

Failure to comply with any applicable rules may subject the noncomplying party to sanctions.

B. Responsibility

If a failure to comply with an applicable rule is the responsibility of counsel and not of the party, any penalty must be imposed on counsel and must not adversely affect the party's cause of action or defense.

C. Notice and Procedure

Sanctions must not be imposed under this rule except upon notice in a party's motion papers or upon the court's own motion after the court has provided notice and an opportunity to be heard. A party's motion for sanctions must (1) set forth

the applicable rule that has been violated, (2) describe the specific conduct that is alleged to have violated the rule, and (3) identify the attorney, law firm, party, witness, or other person against whom sanctions are sought. The court on its own motion may issue an order to show cause that shall (1) set forth the applicable rule that has been violated, (2) describe the specific conduct that appears to have violated the rule, and (3) direct the attorney, law firm, party, witness, or other person to show cause why sanctions should not be imposed against them for violation of the rule.

D. Award of Expenses

In addition to the sanctions awardable under [Rule 9.3 A.](#), the court may order the person who has violated an applicable rule to pay to the party aggrieved by the violation that party's reasonable expenses, including reasonable attorney fees and costs, incurred in connection with the sanctions motion or the order to show cause.

E. Order

An order imposing sanctions must be in writing and must recite in detail the conduct or circumstances justifying the order.

(Eff. 1/1/2004; Rev. 7/1/2010, 7/1/2013, 1/1/2021, [7/1/2024](#))

9.4 FAMILY LAW FACILITATOR

A. Services Provided by the Family Law Facilitator

1. Provide educational materials to [parents parties](#) concerning the process of establishing parentage and establishing, modifying, and enforcing child and spousal support in the Courts;
2. Provide educational materials and information to [parents parties](#) concerning the process of establishing child custody and parenting plan orders, particularly regarding how custody and parenting plans relate to child support, to the extent that funding is provided.
3. Distribute necessary court forms and voluntary declarations of [paternity parentage](#);
4. Provide assistance in completing forms;

5. Prepare support schedules based upon statutory guidelines;
6. Provide referrals to the local child support agency, Family Court Services, and other community agencies and resources that provide services for ~~parents and children~~ families.

B. Additional Services Designated by Local Rule

1. Meet with the ~~litigants~~ parties to mediate issues of child support, spousal support, and maintenance of health insurance, where at least one of the parties is not represented by an attorney;
2. Draft stipulations and stipulated judgments regarding all Family Law issues, where neither party is represented by an attorney;
3. At the request of the court, prior to or at the Domestic or Child Support Calendar or other hearing, review paperwork, examine documents, prepare support calculations, and advise the judge or commissioner whether or not the matter is ready to proceed;
4. Prepare formal orders consistent with the court's announced orders where neither party is represented by an attorney;
5. When requested by the court, serve as a special master and make findings and recommendations to the court, unless the Family Law Facilitator has served as a mediator in that case;
6. Assist the court with research and any other responsibilities which will enable the court to be responsive to the needs of ~~unrepresented~~ self-represented parties;
7. Develop and provide programs for Bar and Community Outreach that will assist ~~unrepresented~~ self-represented and financially disadvantaged parties to gain equal access to the Family Law Court.

(Eff. 1/1/1997; Rev. 7/1/2005, 7/1/2009, 7/1/2010, 7/1/2012, 1/1/2022, 7/1/2024)

9.5 COLLABORATIVE LAW CASES

The Sonoma County Superior Court recognizes the unique nature of family law disputes and the fact that family law issues are best resolved by the parties reaching agreement over such critical matters as child custody, support, and property, without engaging in the traditional adversarial litigation process. The Sonoma County Superior Court strongly supports the use of the collaborative law process as well as other alternative dispute resolution tools for the purpose of developing both short-term and long-term workable

agreements that meet the best interests of the entire family, particularly the children whose lives will be affected by the resolution.

A. No case will be entitled to a designation as a “collaborative law” case unless all of the following requirements are met:

1. The parties have signed a collaborative law stipulation and order that provides for a full and candid exchange of information, that advisory counsel shall not subsequently represent either party, and the prohibition for further work on this matter by all experts and other professionals retained for the process, if the use of the collaborative law procedures are terminated.
2. All documents filed in the case are to be submitted by the parties as self-represented parties. Notwithstanding this provision, the attorneys may appear by agreement as counsel of record for the sole purpose of filing a bifurcated judgment regarding status, the final judgment and/or other final documents reflecting the agreement of the parties, upon the entry of which they shall immediately withdraw.
3. No contested matters are presented by a Request for Order that require judicial resolution.
4. The term collaborative law case is included in the caption of any document filed with the court from and after the filing of the collaborative law stipulation and order.

B. The collaborative law process is by its very nature, a series of intense settlement negotiations, therefore:

1. Other than as may be agreed in the collaborative law stipulation and order, no evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to the collaborative law proceeding is admissible or subject to discovery, and disclosure of the evidence must not be compelled in any non-criminal proceeding.
2. Other than as may be agreed in the collaborative law stipulation and order, no writing, as defined in Evidence Code § 250 that is prepared for the purpose of, in the course of, or pursuant to a collaborative law case is admissible or subject to discovery, and disclosure of the writing must not be compelled in any non-criminal proceeding. This does not include documentary items such as account statements, bank statements, records of title, etc., that reflect on the existence and value of the assets or debts.
3. Other than as agreed in the collaborative law stipulation and order, all communications, negotiations or settlement discussions between participants in

the course of a collaborative law proceeding must remain confidential.

- C. As to any case designated as a collaborative law case, the court will:
 - 1. Consider collaborative counsel to be advisory and not attorneys of record, except as provided in paragraph A.2. of this rule.
 - 2. Refuse to set any hearings, impose discovery deadlines or enter scheduling orders.
 - 3. Give priority in processing of stipulated orders.
 - 4. Provide notice and an opportunity to be heard prior to any dismissal based upon a failure to prosecute or for delay.
- D. The designation of a case as a collaborative law case is totally voluntary and requires the agreement of all parties. The collaborative law case designation will be removed upon stipulation or filing and service of a termination election as provided in the collaborative law stipulation and order. In the event collaborative law procedures are terminated, any party filing a Request for Order shall include a request for scheduling of a case management conference prior to the hearing.
- E. Except as otherwise provided in this rule, collaborative law cases are governed by the Family Code and the California Rules of Court.

(Eff. 1/1/2005; Rev. 7/1/2005, 7/1/2009, 7/1/2010, 1/1/2013, 1/1/2017, 1/1/2021)

9.6 APPEARANCE BY TELEPHONE

A. Application

This rule does not apply to Family Court Services Appointments. ~~To request to appear telephonically for mediation at Family Court Services, refer to Rule 9.14.A.2.~~ This rule does not apply when the Department of Child Support Services is requesting the telephonic appearance on behalf of one of the parties. If the Department of Child Support Services is the requesting party, they shall make the request as soon as possible after the request is made of them by the party.

B. General Provision

A party, an attorney, a witness, or a representative of the child support enforcement agency or other governmental agency may request permission of the court to appear by telephone in any hearing or conference. The Court shall ensure

that the appearance of one or more parties by telephone does not result in prejudice to the parties appearing in person.

C. Requests

Absent good cause, request for appearance by telephone shall be made by submitting a separate local form, form #FL-075, to the Family Law Clerk's Office with the moving papers. If the applicant is the responding party, the attorney for the responding party, another party, or a witness, the request must be submitted to the Family Law Clerk's Office no later than (5) five calendar days after the date of service of the moving papers. The request by the responding party shall be served on the other parties.

D. Opposition

Opposition to the application must be made in writing no later than five (5) court days from the ~~submission and~~ service of the application for telephone appearance.

E. Court Order on Application

Application and/or opposition shall be submitted to the judicial assistant for the designated family law judicial officer. All requests and opposition papers must include a daytime telephone number and a fax number, if available, for notification purposes. The court will rule on the application at least (5) five court days before the hearing. If the application is not contested and the court has not ruled on the application by that time, the application is deemed granted. If opposition is filed, the parties will be notified of the judicial officer's decision at least 48 hours before the hearing.

If a ~~litigant's~~ party's request to appear telephonically is denied less than (5) five days before the hearing, the ~~litigant~~ party shall have the right to a continuance in order to make travel arrangements to attend the hearing.

The determination as to whether a party may appear by telephone shall be made by the court on a case-by-case basis. At any time before or during a proceeding or hearing, the court may determine that a personal appearance would materially assist ~~it~~ in deciding the proceeding or hearing and order the matter continued.

F. Costs

The party appearing by telephone will be required to pay a fee directly to the vendor who provides the telephonic appearance services. The fee may be waived if an Order Granting Fee Waiver has been issued by the court.

(Eff. 7/1/2005; Rev. 7/1/2007, 7/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; 1/1/2012, 7/1/2012, 7/1/2014, 1/1/2016, 1/1/2018, 7/1/2024)

9.7 **ACCEPTANCE OF HANDWRITTEN PLEADINGS**

~~Litigants~~ Parties may submit handwritten pleadings in blue or black ink that are neat and legible. The judicial officer and/or Clerk's Office have the discretion to reject handwritten pleadings that are not neat or legible.

(Eff. 1/1/1997; Rev. 7/1/2005, 7/1/2009, 7/1/2010, 1/1/2021)

9.8 **LIMITED LEGAL REPRESENTATION [Repealed]**

Rule 9.8 repealed effective January 1, 2021; adopted effective January 1, 2003; previously amended effective July 1, 2005, January 1, 2007, July 1, 2009, July 1, 2010 and July 1, 2013.

9.9 **DOCUMENTS NOT TO BE FILED WITH THE COURT**

In family law cases only, notices of unavailability shall not be filed with the court.

(Eff. 1/1/2005; Rev. 7/1/2005, 7/1/2009; Retracted 7/1/2010; Reinstated 7/1/2011)

9.10 **CASE RESOLUTION CONFERENCE**

A. **Purpose**

The purpose of a Case Resolution Conference is to provide judicial management in family law matters in order to expedite the process of the case, reduce expense of litigation, and focus on early resolution by assisting the parties in establishing processes and procedures to bring a case to a final disposition in an effective and timely manner pursuant to ~~CR~~ California Rule of Court 5.83 and ~~FC~~ Family Code § 2450.

At the Case Resolution Conference, the court may:

1. Provide early neutral case evaluation;

2. Suggest Alternative Dispute Resolution;
3. Bifurcate issues and set these issues for trial;
4. Make special referrals such as co-parent counseling;
5. Order completion of Declarations of Disclosure if they have not been timely exchanged pursuant to Family Code § 2104(f);
6. Limit, schedule or expedite discovery, including disclosure of expert witnesses;
7. Appoint joint experts upon stipulation of the parties and order allocation of payment for experts;
8. File stipulations the parties reach on temporary issues or that narrow the other issues;
9. Schedule a hearing on issues that are critical to the progress of the case;~~(e.g., for example,~~ appointment of minor's counsel, appointment of experts);
10. Set the case on a dismissal calendar for failure to serve (CCP 583.210) or failure to adjudicate (CCP 583.310), unless CCP 583.161 applies;
11. Review other case management options under Family Code § 2451 with counsel, their clients and self-represented parties;
12. Take such other actions and make orders regarding case flow management which would tend to promote a just and efficient disposition of the case.

B. Requests to Reset/Advance/Set Case Resolution Conference:

The Court may set a Case Resolution Conference by issuing a Setting Order (FL-073). Parties, upon a showing of good cause, may request to set, reset or advance the Case Resolution Conference by submitting the Case Resolution Conference form (FL-092). Setting Orders shall provide at least 45 days advance notice of the court date. All parties must complete the Case Resolution Conference Statement portion of form, FL-092, and have it filed and served on all parties at least 10 calendar days prior to the Case Resolution Conference.

Parties requesting to set, advance or reset a Case Resolution Conference are required to complete page two (2) of form FL-092.

C. Appearances:

Self-represented parties and attorneys of record must appear at the Case Resolution Conference unless excused by the Court. Failure to appear at the Case Resolution Conference may result in sanctions. If the Department of Child Support Services is a party to the action, their appearance is not required unless requested by the Court.

D. Drops from the Case Resolution Conference Calendar

A case shall not be dropped from the Case Resolution Calendar until a final judgment addressing all issues in the case has been filed with the court.

(Eff. 1/1/2008; Rev. 7/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.10; Rev. 1/1/2012, 7/1/2012, 1/1/2013, 2/24/14, Renumbered 1/1/2016, Rev. 1/1/2021, [7/1/2024](#))

9.11 DOMESTIC VIOLENCE RESTRAINING ORDERS (FAMILY CODE §§ 6200-6389)

Notice and Delivery of Applications for Domestic Violence Temporary Restraining Orders, including copies of all documents to be submitted must be given to the opposing party or attorney by 10:00 a.m. the day before the application is scheduled to be reviewed by the assigned judicial officer. For details see local form FL-040.

Opposition papers must be received by 8:30 a.m. on the day of the review. A copy of the opposition papers shall also be served personally, by fax or e-mail on the opposing party by 8:00 a.m. on the day of judicial review. If service of the opposition papers is not possible, an ex parte declaration shall be filed providing the reasons for the lack of service. (~~Sonoma County form FL-040~~) See local form FL-040.

Judicial review of the requests for temporary orders shall be conducted Monday through Friday beginning at 8:30 a.m. by a judicial officer designated by the ~~presiding judge~~ [Presiding Judge](#). At the discretion of the judicial officer, oral argument may be taken. If this is to occur, the court will notify counsel or parties by noon on the ~~morning day~~ of the review. If counsel or parties wish to appear by telephone, their pleadings shall so indicate.

(Eff. 7/1/13; Renumbered 1/1/2016; 7/1/2017, [7/1/2024](#))

9.12 EX PARTE/EMERGENCY FAMILY LAW ORDERS

It is the policy of this court not to grant ex parte/emergency orders changing the status quo with respect to child custody, parenting plans or residence exclusion without a very

strong factual showing of grave danger or severe detriment to the child prior to the time the issues can be properly set for a noticed hearing with both parties present and afforded an opportunity to be heard. The court may in its discretion refer the matter to Family Court Services for a child custody recommending counseling appointment prior to signing an order shortening time for the prompt calendaring of the matter at the earliest available ~~OSC~~ option on the Court's calendar.

A. Declarations

1. Factual Basis

All declarations shall be based upon personal knowledge of the declarant. Declarations containing hearsay are subject to a motion to strike the whole unless the hearsay is substantiated by a supplemental declaration by the hearsay declarant.

2. Extraordinary Relief

A very specific declaration must be given when extraordinary relief is sought. A specific declaration includes the dates of incidents, detailed descriptive facts and specific harm threatened or actually caused. Conclusions, feelings, wishes or fears alone will not support an ex parte/emergency order. Extraordinary relief includes without limitation: temporary custody of children, temporary possession and use of personal property, limited contact with children, or removal of one party from the family residence.

3. Declarations Upon Ex Parte/Emergency Application

Ex parte/Emergency orders are sometimes rendered without giving an opportunity for the parties to be personally seen and heard. The temptation to indulge on paper in unrestrained exaggeration is ever-present. Concealment of relevant facts is a danger. Accordingly, attorneys, parties and persons employed to type pleadings (typing services) shall adhere to the highest standards of full disclosure in preparing the declarations in support of ex parte/emergency orders.

4. Change of Status Quo

THERE IS AN ABSOLUTE DUTY TO DISCLOSE THE FACT THAT A REQUESTED EX PARTE/EMERGENCY ORDER WILL RESULT IN A CHANGE OF THE STATUS QUO.

B. Notice

Notice of the intent to file an ex-parte/emergency request for temporary family law orders must be given to the opposing party or attorney by 10:00 a.m. one court day before the application is scheduled to be reviewed by the assigned

judicial officer. This notice requirement can be waived by the court if (1) notice is impossible, or (2) notice would frustrate the very purpose of the order, or (3) immediate and irreparable harm could be suffered if notice were given. Local form FL-016 and Judicial Council form FL-303 have been adopted for optional use in advising the Court that you have given notice to the other side. See either form for information for applicants. A completed FL-016 or FL-303 must be submitted to the court when your request for temporary/emergency orders is submitted.

C. Delivery of Application

The application, including all declarations, attachments, and documents intended for court review shall be delivered to the opposing party/attorney by 11:00 a.m. one court day before the application is scheduled to be reviewed by the assigned judicial officer. A blank copy of local form CA-106 must be delivered to the opposing party/attorney with the applicant's documents.

D. Opposition

Opposition papers must be received [by the Court](#) on the day the application is scheduled to be reviewed by the assigned judicial officer. A copy of the opposition papers shall also be served personally, by fax or e-mail on the opposing party or attorney by 9:30 a.m. on the day of judicial review. Local form CA-106 has been adopted for optional use in submitting opposition. Information for the opposing party is included with form CA-106.

E. Judicial Review

Judicial review of the applications for ex parte/emergency family law orders shall be conducted Monday through Friday beginning at 10:00 a.m. by a judicial officer designated by the Presiding Judge.

At the discretion of the judicial officer, oral argument may be taken. If this is to occur, the court will notify counsel or parties by noon on the day of the review. If counsel or parties wish to appear by telephone, their pleadings shall so indicate

F. Set Aside of Ex Parte/Emergency Order (Domestic Violence and Family Law)

If a responding party requests an ex parte/emergency order be set aside prior to the date set for hearing on the Domestic Calendar, notice shall be given to the moving party in the same manner as described in Sonoma County Local Rules, rule 9.12 and 9.13. The judicial officer may order an earlier hearing date or modify the orders on a proper showing in lieu of setting aside the orders.

(Eff. 7/1/2005; Revised and Renumbered 7/1/2011 – formerly Rule 9.11; Rev. 1/1/2012, 7/1/2012, 7/1/2013, 7/1/2014; 7/1/2015, [7/1/2024](#))

9.13 DOMESTIC AND CHILD SUPPORT CALENDARS

A. Calendar (Domestic and Child Support)

1. Domestic and Child Support matters shall be heard as designated by the Presiding Judge. A copy of the current designation may be obtained from the Clerk's Office or the Sonoma County Superior Court website at www.sonoma.courts.ca.gov. Domestic matters shall be heard by a judge, court commissioner, or persons specified by the Presiding Judge.
2. Matters will be scheduled for a hearing date, time and courtroom at the Clerk's Office upon the filing of moving papers.
3. Every party who files a Request for Order or Responsive Declaration involving child custody or visitation may also complete and file a Family Law Child Custody and Visitation Questionnaire (FL-045). The purpose of the questionnaire is to provide the Child Custody Recommending Counselor and the judicial officer with focused information regarding the child(ren). When this form is completed it must be filed and served to the other party.
4. Unless agreed to by all parties, contempt proceedings shall not proceed at the initial calendar date. The moving party need not have witnesses available at that time. The initial calendar date shall be for the appointment of counsel if necessary, entry of plea, and the setting of a trial date.

B. Responsive Pleadings

Responsive pleadings to a Request for Order shall be filed and served within the time provided by law. An order shortening time for service may specify a different time for filing responsive documents.

An exception to these pleading rules may be allowed by the court to allow more time to file a response if the matter is an initial Request for Order on a new matter or a post judgment motion or for good cause shown. If additional time is permitted to file a response, the moving party may request that the hearing be continued.

Sanctions for failure to comply with the rules may include the hearing being conducted as a default matter, or if a continuance is requested, the party whose pleadings are untimely filed may be required to pay the costs of the ~~opposing~~ [other](#) party's appearance.

C. Meet and Confer Requirements

No case on the Domestic Calendar, Case Resolution Calendar, Settlement Conference Calendar, Trial Calendar, or the Child Support Calendar will be heard unless and until ALL THE PARTIES, COUNSEL, AND THE LOCAL CHILD SUPPORT AGENCY (when involved in the case) have met and conferred, face to face, in a good faith effort to resolve all issues. All relevant documents shall be exchanged by all the parties, their counsel, and the local child support agency while conferring, absent good cause to the contrary.

The requirement to meet and confer may be satisfied by a meeting on the day of the hearing prior to the case being heard.

Failure to meet and confer may result in the matter being dropped from calendar or continued, or rejection of documents not so exchanged, or other appropriate sanctions. Contempt proceedings shall not be subject to this rule.

D. Continuances on Domestic and Child Support Matters

Stipulated continuances prior to the court date will be allowed a maximum of two (2) times. Thereafter, a court appearance is required to request a continuance. The party(ies) requesting a continuance after two continuances has/have already been granted, shall be required to **show good cause and/or an emergency. All requests beyond the maximum two (2) will be delivered to the judicial assistant for the assigned judicial officer to review.**

To request a continuance, a ~~NOTICE OF STIPULATED CONTINUANCE (FAMILY LAW) (Sonoma County form FL015)~~ [Notice of Stipulated Continuance \(Family Law\) local form FL015](#) must be completed and executed by all parties or their attorneys and the continuance fee must be submitted to the family law clerk no later than noon (12:00 p.m.) two (2) court days prior to the hearing date. Signatures transmitted by facsimile transmission (fax) are acceptable.

If a party is unable to submit a ~~Notice of Stipulated Continuance, Sonoma County local form FL015;~~ to the court by noon (12:00 p.m.) two (2) court days prior to the scheduled hearing, then good cause and/or an emergency must be shown to the court on the day of the hearing. Furthermore, a courtesy call to the ~~Judge's~~ [assigned](#) judicial assistant is required by 3:00 pm one (1) court day prior to the scheduled hearing. The content of the call shall be limited by providing only

notice that an in court continuance will be requested and that good cause and/or an emergency will be presented.

Orders to show cause and motions shall be heard and resolved within four (4) months of the original hearing date absent a showing of good cause and/or an emergency.

E. Continuances on the Title IV-D Calendar

Requests for continuances on the Child Support calendar may be effected via ~~NOTICE OF STIPULATED CONTINUANCE~~ Notice of Stipulated Continuance pursuant to the rules above, OR may be made via personal appearance on the scheduled hearing date. Litigants Parties who wish to have child support matters continued must contact the Department of Child Support Services to verify available calendar dates. There is no fee for continuing a child support matter on this calendar

F. Dropping a Case from the Domestic or Child Support Calendars

The moving party may drop a hearing from the Domestic or Child Support Calendar by-submitting the ~~Request to Drop Hearing~~ Request to Drop Hearing local form FL-042-or submitting the request in pleading format by noon (12:00 p.m.), one (1) court day prior to the hearing date.

The following matters may not be dropped without a written stipulation covering the status of existing court orders or upon leave of the Court:

1. Restraining orders.
2. Child custody and visitation parenting plans or orders which have been issued in conjunction with a domestic violence restraining order and transmitted to the Department of Justice through the California Law Enforcement Telecommunications Systems (CLETS).
3. Any matter in which a Responsive Declaration has been filed seeking affirmative relief on the pending issues.

G. Financial Matters

1. If the moving party is seeking only Family Code § 271 fees (and no other financial relief), the moving party need not file an Income and Expense Declaration. However, a party objecting to an attorney fee request based on their inability to pay attorney's fees shall be required to file an Income and Expense

Declaration.

2. ~~The Income and Expense Declarations:~~ The Income and Expense Declaration shall have the following documents attached:
 - a. W-2's or 1099 forms if the income tax return is unavailable; and
 - b. Last three (3) pay stubs.
 - c. Self-employed individuals shall attach a profit and loss statement for the preceding twelve (12) months, or other appropriate time period, at least as detailed as the IRS form Schedule C, ~~to their Income and Expense Declaration.~~

In addition, if more than three (3) months have elapsed since the filing of the Income and Expense Declaration, self-employed individuals shall prepare a supplemental profit and loss statement, again at least as detailed as the IRS form Schedule C, for the period of time between the ending date of the profit and loss statement attached to the Income and Expense Declaration and the time of the hearing. Any supplemental profit and loss statement shall be delivered to the other party **and to the Court** no later than three (3) court days preceding the hearing date.
3. ~~Tax Returns:~~ The parties shall also exchange the last two (2) years income tax returns, including all attachments. If the court determines that it wants to retain the tax returns they shall be sealed and maintained as a confidential record of the court pursuant to Family Code § 3552(c).
4. ~~Deposition related to financial matters:~~ In the event that depositions are necessary in connection with a Request for Order relating to financial matters, the deposition of any party may be bifurcated and taken as to financial issues without violating the statutory limitation of a single deposition, provided the notice of taking deposition specifies that only financial matters will be investigated and that the deposition will be adjourned to a later date for all other issues. This procedure also may be applied to a deposition regarding issues which have been bifurcated for trial.

(Eff. 7/1/2005; Revised and Renumbered 7/1/2011 – formerly Rule 9.12, Rev. 1/1/2021; 1/1/2022, [7/1/2024](#))

9.14 **MEDIATION AND CHILD CUSTODY RECOMMENDING COUNSELING (CCRC)**

A. Purpose

The purpose of the Mediation and CCRC session is to reduce the acrimony which may exist between the parties and to develop a custody/visitation plan which ensures minor child(ren)'s frequent and consistent contact with their parents, when it is in their best interest. All parties shall make a good faith effort to arrive at an agreement regarding child custody and visitation before scheduling appointments with Family Court Services ("FCS"), and before the court hearing, except in those cases where domestic violence or other restraining orders have been issued or are pending a hearing, or where there are allegations of child abuse or neglect currently under investigation.

B. Services

1. Confidential Mediation (Tier I): Tier I referrals are for confidential mediations for families who have been unable to reach an agreement regarding custody and parenting time. Tier I mediation shall be made available in all cases in which child custody or visitation is an issue.
 - a. Children shall not participate in Tier I.
 - b. Tier I is confidential except the mediator may report any suspected child abuse, elder abuse, if someone is a danger to themselves or others or if a parent reports to have committed or ~~intend~~-intends to commit a serious crime.
 - c. All cases filed with the Clerk's Office will be calendared in Tier I.
 - d. Any agreements reached by the parties, as well as any outstanding issues, will be reported to the Court and the parties, via a written report.
 - e. A hearing will be calendared following a Tier I session.

2. Information Review and Summary (Tier II): Tier II referrals are for the purpose of reviewing and summarizing specific information filed with the Court. A judicial officer has the discretion to include specific areas of inquiry in a Tier II referral including but not limited to, local criminal records, Child Protective Services records, as well as child interviews. Aside from these three aforementioned collaterals, should the Court require additional review information to be summarized by a Family Court Services staff member (i.e., law enforcement, school, medical or psychological records, etc.); the judicial officer will order the party to file such records with the Court, and for the Family Court Services staff member to review and summarize the required information. The parties shall have 30 days from the date of such order to file the required documents. Failure to file the required documents may result in a continuance or a court decision being made without the additional information. Tier II summary reports will be provided to the Court and the parties. The confidentiality of Tier II sessions is limited as a summary report is provided to the Court.
 - a. A review hearing will be calendared when a Tier II session is ordered.
 - b. It is not the intent of the Court for parties to circumvent Tier II by

referring parties directly to Tier III after Tier I.

- c. In the absence of unusual circumstances as determined by the Director of Family Law or order of the Court after a hearing before a judicial officer, mediators will not be assigned to complete Tier II inquiries.

- 3. Child Custody Recommending ~~Counselling~~ Counseling (Tier III): The Court ~~will~~ may refer parties to Tier III, child custody recommending ~~counselling~~ counseling sessions. The child custody recommending counselor will report on any agreements reached. In the absence of any agreements, recommendations will be made based on the child(ren)'s best interest. Tier III reports will be provided to the Court and the parties. The confidentiality of Tier III is limited as a report is provided to the Court.

- a. A review hearing will be calendared when a Tier III session is ordered.
- b. In the absence of unusual circumstances as determined by the Director of Family Law or order of the Court after a hearing before a judicial officer, mediators will not be assigned to conduct Tier III sessions.

- 4. ~~Tier II or Tier III referral assignments: Assigned mediators will not be assigned to conduct Tier II or Tier III sessions, in the absence of unusual circumstances as determined by the Director of Family Law or order of the Court after a hearing before a judicial officer.~~

C. Referral to the Online Orientation Program and Family Court Services

All Requests for Orders regarding custody or parenting plan issues must be filed and served with [Further Orders for Parties with Custody and Visitation Matters](#), local form FL-017; ~~Further Orders for Parties with Custody and Visitation Matters~~. Appointment dates for mediation or child custody recommending counseling appointments (hereafter referred to as recommending counseling) may be obtained through the Clerk's Office on the date of filing. No contested child custody or parental contact cases, including requests for review dates and requests for modifications, will be heard by the Court unless and until the parties have been provided appropriate opportunity to view an orientation class and attend a mediation or recommending counseling appointment.

All parties shall view the online orientation program and complete an online intake form, prior to attending the mediation or recommending counseling appointment as directed on the ~~Further Orders for Parties with Custody and Visitation Matters~~ [Further Orders for Parties with Custody and Visitation Matters](#) document. The online orientation program cannot be waived and must be viewed prior to the Family Court Services appointment. Should the parties fail to view the orientation or complete the intake form prior to their session, they will need to take time from the 90 minutes that are allocated to ~~his/her~~ their respective session

and view the online orientation program. The Family Court Services session will not move forward until the parties have complied with these two mandatory provisions.

D. Documents to be Delivered and Reviewed by the Mediator/Child Custody Recommending Counselor

All relevant materials to be considered by Family Court Services must be delivered to all other parties in a timely manner. E-mail delivery is permitted upon the attorney of a represented party. E-mail service is not permitted upon a self-represented party without the party's express consent on the Judicial Council ~~CONSENT TO ELECTRONIC SERVICE AND NOTICE OF ELECTRONIC SERVICE ADDRESS~~ Consent to Electronic Service and Notice of Electronic Service Address, Judicial Council form EFS-005-CV.

Delivery shall be as follows:

1. Moving documents must be filed and personally delivered or e-mailed no less than seven (7) court days prior to the appointment. If delivery is by US Mail, documents must be mailed to opposing party seven (7) court days plus five (5) calendar days prior to the appointment date. Proof of delivery is required. Responding documents must be filed and personally delivered or e-mailed no less than two (2) court days prior to the appointment. If delivery is by US Mail, documents must be mailed to opposing party two (2) court days plus five (5) calendar days prior to the Family Court Services appointment.
2. For review hearings, documents must be personally delivered or e-mailed ten (10) court days in advance of the FCS appointment. If sent by mail, then documents must be mailed five (5) additional calendar days in advance. This does not affect either party's right to timely file any appropriate pleadings with the Court before the review hearing itself. Documents filed or delivered after the time set forth in this paragraph will not be reviewed by the FCS staff. Courtesy copies shall not be submitted.
3. No court documents shall be served or exchanged at Family Court Services. Recordings, electronic communication, and photos shall not be submitted or shared at the time of the session.

(Rev. 7/1/2022)

E. Complaints or Requests for Change of Mediator or Recommending Counselor

Any request for a change of mediator or recommending counselors must be received by the Office of the Court Executive Officer or ~~his/her~~ their designee no

later than 30 calendar days after the mediation or recommending counseling session and should be addressed to the Court Executive Officer. Requests or complaints received after this time will not be considered. The request or the complaint should be completed and submitted using the [Family Court Services Complaint Process Regarding a Mediator/Child Custody Recommending Counselor](#) online form. A response to the complaint will be issued in writing 30 calendar days after the complaint is received. The other party will be copied with the response.

Complaints or disagreements related to the content of the Family Court Services report must be addressed with the Court.

F. Contact with Family Court Services

No party, attorney, or the Court is permitted to have ex parte contact with the assigned Family Court Services mediator or recommending counselor about the pending case.

Minor's counsel may contact Family Court Services pursuant to Family Code § 3151(c)5 to obtain and provide relevant information regarding the child(ren) they represent. However, Family Court Services is prohibited from contacting the minor's counsel pursuant to California Rule of Court 5.235.

Unsolicited communications (e-mails and correspondence via regular mail) are not permitted and will not be reviewed or considered.

G. Appointment of Child Custody Evaluators

1. Referral:

In the event of a referral to a private psychological expert for a custody evaluation and report, the parties shall complete the Order Appointing Child Custody Evaluator (FL-327) and the Court shall make an order regarding the payments of the costs of such evaluation at the time the evaluation is ordered.

2. Time Limits:

Custody Evaluation Reports will be lodged with the Court within ninety (90) days of the date such investigation has commenced (120 days if one party resides outside the county). The "commencement date" for a report by a private psychological expert shall be when the parties have paid the required deposit/retainer and submitted any required paperwork.

Custody Evaluation Reports are confidential and shall be distributed to parties, attorneys, experts, and the Court. The report, or any portions thereof, shall not be shown or distributed to any other person or used or attached to any document filed

with the Court, except as authorized by the Court. Upon a request by the evaluator or a party, the Court may make additional and/or more limited restrictions regarding the release and distribution of the report. The Court shall **impose sanctions for any** unauthorized distribution or use of the report.

3. **Complaints or Requests for Change of Private Evaluator:**
An evaluator may only be disqualified or removed at the request of a party on grounds that are similar to the disqualification or removal of a judicial officer, referee or arbitrator (CCP § 170.1).
An evaluator may decline appointment. Once appointed, an evaluator may petition the Court for withdrawal by submitting a letter to the Court, with copies to counsel and/or self-represented parties. The letter shall state the reasons for the request for withdrawal. The Court shall thereafter set a hearing to determine whether the request will be granted and if granted, to appoint a new evaluator. A party with a grievance regarding an evaluator shall first meet with the evaluator to attempt to resolve the issue, if the evaluator is willing to meet. If the evaluator is not willing to meet, or if after meeting with the evaluator, the grievance is unresolved, complaints regarding an evaluator shall be directed to the Family Law Judicial Officer who is or has been hearing the case. The complaint shall be in writing and should set forth the case name, number and the nature of the complaint, including all the facts and circumstances with as much clarity and specificity as possible.
4. **Contact with Private Child Custody Evaluator:**
No party, attorney, or the Court is permitted to have any ex parte contact with the assigned child custody evaluator about the pending case, except as directed by the child custody evaluator during the custody evaluation procedure.

H. Appointment of Parent Coordinator

1. Parties may stipulate to the appointment of a Parent Coordinator or Parent Coordinator Team.
2. **Parent Coordinator Team:** If the parties stipulate to the appointment of a Parent Coordinator Team, the parties or their attorneys, if represented by counsel, shall contact the proposed mental health and attorney members of the Team to obtain ~~his/her~~ **their** consent to act as a Team. The Team may only be appointed by agreement of both parties and upon each Team member signing the Stipulation and Order Regarding Appointment of Parenting Coordinator (**local form FL-030**) and the attorneys for the parties signing The Role of the Client's Attorney in **Parent Coordinator Cases (local form FL031)**. ~~document, Sonoma County Local Form FL-031~~. Any requested modifications to the provisions of the local forms

must be approved by each Team member. A Stipulation and Order for Appointment of Parent Coordinator Team may only be submitted to the Court for approval and signature after obtaining the confirming signatures of the mental health and attorney members of the Team.

3. Attorneys and mental health professionals who want to be appointed as Parent Coordinators must complete the application for approval to serve as a Parent Coordinator (FL-037) and submit it to the Court.
4. The Court shall maintain a list of approved Parent Coordinators who have satisfied the requirements set forth in the application.
5. The Court shall annually contact the Parent Coordinators on the list and request declarations from them stating their current education and licensing status.

I. Appointment of Minor's Counsel

4. Family Code § 3150 Appointments

1. The Court may appoint counsel to represent a child in a custody proceeding. Upon appointment of Minor's Counsel, all mediation or child custody recommending counseling services provided by Family Court Services are immediately terminated. The Court shall require the parties to submit financial information, such as an Income and Expense Declaration, in order to consider whether the parties are able to pay the minor's counsel fees. The appointed attorney shall receive a reasonable sum for compensation and expenses. The Court shall set the attorney's hourly rate taking into consideration the parties' financial circumstances. The rate may be up to the attorney's full hourly rate. The Court shall apportion payment of the hourly rate between the parties depending on the parties' respective financial circumstances. The Court may order the parties to submit updated financial information.
2. If the Court finds that the parties cannot afford to compensate the minor's counsel, appointed counsel shall be compensated at the rate established by the Superior Court of Sonoma County.

Fees and expenses including, but not limited to, travel time, mileage to or from any location, tolls, photocopy charges, telephone or fax costs, secretarial or document processing fees, postage, preparation of billing package, and court runner and messenger fees, shall not be reimbursed. Fees shall not be charged by the Court for the filings of appointed counsel. The Court shall make an order of appointment, which will include the rate of payment and an expiration date for the appointment. Minor's counsel appointments will be reviewed annually, and the Court may require additional Income and Expense Declaration submissions by the parties to determine whether a change in circumstances has enabled the parties to pay future minor's counsel fees.

The appointed counsel shall submit invoices for payment on a quarterly basis. The Court uses a fiscal year that operates from July 1st - June 30th. Request for payment by appointed counsel must be submitted within the fiscal year that the services were performed or the invoice will not be paid. The only exception is at the close of the fiscal year (June 30th), where the appointed counsel may submit an invoice for work performed in the last quarter of the fiscal year by July 31st of that calendar year.

When submitting an invoice to the Court for reimbursement, the appointed counsel must include: (1) the order indicating the appointment and the terms of compensation, (2) a declaration of the attorney and detailed invoice which clearly describes the services provided and the hours assigned to each service, and (3) a proposed order for payment.

All requests for payment are subject to judicial review. If the reviewing judge deems the charges excessive or not conforming to this rule, charges may be reduced or disallowed.

3. Application for Appointment for Family Code § 3150 Appointments:
 - a. To apply to be on the **court-approved** attorney ~~appointment~~ panel for Family Code § 3150 appointments, an attorney must file an application and confirmation that they have met the educational requirements with the family law supervising judge.
 - b. The Court will evaluate the application and notify the applicant within 30 days of the Court's decision.
 - c. The Court will only appoint attorneys who are members of the **court-approved** ~~counsel-attorney~~ panel.

4. Annual Review:
 - a. Upon appointment of minor's counsel, the Court will set an annual review of the appointment of minor's counsel. This date will be approximately twelve 12 months after the first appearance of minor's counsel in the case.
 - b. At the annual review, the Court will determine whether the minor's counsel has satisfied ~~his/her~~ **their** education requirements as set forth in ~~CRC~~ **California Rule of Court** 5.242(c-e).
 - c. The annual review will be scheduled in the order of appointment or at the child's counsel's first court appearance of the case.

5. Relieving Minor's Counsel of Appointment:

The Court, in its discretion, will consider relieving minor's counsel of appointment under the following circumstances:

 - a. At the time ~~of~~ a final order or judgment has been filed, or 90 days thereafter, or;

- b. A motion filed by any party for good cause; or
- c. A motion to be relieved filed by the minor's counsel if the minor's counsel does not believe ~~that he or she~~ they can effectively represent the child; or
- d. At the annual review.
- e. Minor's counsel will not be relieved if the Court, upon a showing of good cause, deems it necessary to extend the appointment, or if the Court requests periodic review or monitoring of the child related issues before the Court. At any hearing where the Court is considering relieving minor's counsel, the Court will address the issues of reimbursement of fees paid to minor's counsel by the Superior Court. All parties must file current income and Expense Declarations at the hearing.

6. Grievance:

A party or counsel who wishes to lodge a complaint regarding the performance of a minor's counsel appointed by the Court must do so in writing and serve the original of the complaint on the minor's counsel no later than 20 days after the event giving rise to the complaint or within 20 days of receiving any written report of the minor's counsel.

No later than 10 court days after the receipt of the complaint, the minor's counsel must serve the complainant with a written response to the complaint. Without conceding the accuracy of the contents of the complaint, minor's counsel may ask the Court to relieve ~~him or her~~ them of the appointment and, if appropriate, appoint a new minor's counsel.

If the response served by the minor's counsel does not resolve the complaint, the complainant must serve a copy of the complaint and the response of the minor's counsel, if any, on the supervising family law judge whose decision concerning the complaint, which may include removing the minor's counsel from the panel of minor's counsel used by the Court, will be final. The decision by the supervising judge must be served on the complainant and minor's counsel within 15 court days of receipt.

- 7. **Minor's** counsel may contact Family Court Services pursuant to Family Code § 3151(c)5 to obtain and provide relevant information regarding the child(ren) they represent. However, Family Court Services is prohibited from contacting the **minor's** counsel pursuant to California Rule of Court 5.235.
- 8. All other aspects of Family Code § 3150 appointments are governed by California Rules of Court 5.240 - 5.242.

J. Family Code § 7860 Appointments

The Court may appoint counsel to represent a child or parent in a freedom from parental custody and control proceeding. The appointed attorney shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the Court. The amount shall be paid by the real parties in interest, other than the child, in proportions the Court deems just.

If the Court finds that the real parties in interest are unable to afford counsel, the amount shall be paid out of the general fund of the county.

All requests for payment are subject to judicial review. If the charges are deemed excessive by the reviewing judge, charges may be reduced or disallowed.

(Eff. 7/1/13; Rev. 7/1/14, Renumbered 1/1/2016; 1/1/2018, 7/1/19, 1/1/2021, 1/2022, [7/1/2024](#))

9.15 CHILD SUPPORT AND SPOUSAL SUPPORT

A. Guidelines for Child and Spousal Support

1. Child support shall be awarded in accordance with Family Code § 3500 et seq. and shall be determined by the use of a Judicial Council approved computer-generated calculation that complies with the formula set forth in Family Code § 4055.
2. Temporary spousal support shall be awarded in accordance with Family Code §3600 et seq. and may also be determined by the use of a computer-generated calculation that applies the “Alameda Rule”.
The “Alameda Rule” provides:
 - a. In cases in which there is no child support, the guideline shall be 40% of the net income of the payor minus 50% of the net income of the payee.
 - b. In cases in which there is to be child support, the guideline shall be 35% of the payor’s net income, after deducting the child support amount, minus 40% of the payee’s net income.
 - c. If the amount produced is a negative number, the spousal support is zero.

B. Computer Generated Support Calculations

With the exception of permanent spousal support matters, in all proceedings in which support an issue, the parties shall submit an approved computer-generated

calculation that sets forth their proposal for child support and/or temporary spousal support.

If a support modification is at issue, the parties shall indicate on their respective proposals the date and amount of the order that the court is being asked to modify.

All orders after hearing, including stipulations, that contain child and/or temporary spousal support provisions, including orders for \$0 support, shall have attached a computer-generated support calculation setting forth the guideline amount and the assumptions used by the court in determining the support amount. If the parties do not agree upon a single calculation, each party may attach a computer-generated calculation.

C. Reimbursement Issues

Request for reimbursement of out-of-pocket costs for health care and/or childcare must include a summary detailing the cost paid and reimbursement requested. Copies of evidence/exhibits in support of the request for reimbursement shall be submitted with the moving papers.

(Eff. 7/1/2013; Renumbered 1/1/2016; Rev. 1/1/2021)

9.16 PUBLIC ASSISTANCE

If one party is receiving public assistance or if the local child support agency is otherwise providing support enforcement services pursuant to Family Code §§ 17400 and 17406, all of the following shall apply:

- A.** A copy of the Request for Order and all supporting documents shall be served on the local child support agency at the same time the papers are served on the opposing party;
- B.** The fact that any party is receiving public assistance shall be revealed on the financial declarations filed with the court;
- C.** All orders shall comply with Family Code §§ 4200 and 4201;
- D.** All stipulations for temporary or permanent orders shall be presented to the local child support agency for approval pursuant to Family Code § 4065(b) in sufficient time for the local child support agency to object if it deems it necessary to do so.

(Eff. 7/1/2005; Rev 7/1/2009, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.13, Rev. 7/1/2012, Rev. 7/1/2013, Renumbered 1/1/2016)

9.17 PREPARATION OF ORDERS AFTER HEARING

- A.** Unless otherwise ordered by the court, the moving party must, within ten (10) days of the ruling, prepare a written order following any hearing. Parties shall follow the procedures outlined in ~~CR~~ [California Rule of Court 5.125](#).
- B.** On the Child Support Calendar, the order shall be prepared and presented to the court for approval before the end of the court session whenever possible.
- C.** On the Domestic Violence Calendar, the order shall be prepared and presented to the court for approval before the end of the court session.
- D.** Any order that includes an order for child or family support shall have attached the following Judicial Council forms:
 - 1. Notice of Rights and Responsibilities, Health Care Costs and Reimbursement Procedures (Judicial Council form FL192);
 - 2. Information Sheet on Changing a Child Support Order (Judicial Council form FL 192 side 2);
 - 3. A Judicial Council approved computer-generated support calculation. If the parties do not agree upon a single calculation, each party may attach a computer-generated calculation; and
 - 4. Notice of Rights and Responsibilities, Childcare Costs and Reimbursement Procedures if the order provides for payment of a percentage or ratio of childcare costs (~~Sanoma County~~ [local](#) form FL020).
In addition, the parties shall submit a completed Child Support Case Registry Form (Judicial Council form FL-191) with the order. This form is not required if the local child support agency is an intervener in the case.
- E.** The Court shall set a compliance calendar date within 90 days after the hearing to assure the Order After Hearing is filed.
- F.** In accordance with ~~LR~~ [local rule](#) 9.4.B.2, for cases in which both parties are self-represented, the Court may direct the Family Law Facilitator/Self Help Center staff to complete Judgment documents based on settlements reached during Settlement Conferences at court, or after Trial. The Family Law Facilitator / Self Help Center is not limited to ten (10) days in which to draft the Judgment.

1. After Settlement Conference, if the parties are not at court to review and sign the Judgment, the draft shall be mailed to the parties, who shall have twenty (20) days from the date the drafted Judgment is mailed in which to approve or refuse to sign the drafted Judgment.
2. If the Judgment is approved by the parties, they shall cooperate in signing the Judgment and any other necessary documents and submit them for filing prior to the compliance date. The parties may use the service of the Family Law Facilitator / Self Help Center staff for assistance in signing and submitting the Judgment documents. Once the Judgment is filed, the compliance date shall be dropped.
3. If either party refuses to approve the drafted Judgment, the refusing party shall provide the other party, in writing, with an itemization of objections and a proposed alternative to the drafted judgment.
 - a. If the refusal is resolved, and parties agree to sign the proposed Judgment or an alternative to the Judgment, they shall follow the procedures after approval as stated in #2 above.
 - b. If the parties do not resolve the refusal, they shall appear at the compliance hearing. Ten (10) days prior to the hearing, the refusing party(ies) shall file and serve a declaration itemizing the items refused and the reasons for the refusal.
4. After trial, ~~the~~ drafted Judgment shall be submitted directly to the ~~Judge~~ judge for approval.

(Eff. 1/1/2006; Rev. 1/1/2007, 7/1/2008, 7/1/2009, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.14, 7/1/12, Rev., 1/1/2016, 1/1/2017, 1/1/2021, 7/1/2024)

9.18 REVIEW HEARINGS

With regard to any matters set for review on the Domestic or Child Support Calendars, any declarations, including ~~income and expense declarations~~ **Income and Expense Declarations**, or other pleadings to be considered by the court shall be filed with the court and served on all other parties no less than ten (10) calendar days before the date the matter is set for review. Any reply declarations shall be filed with the court and served on all other parties no less than five (5) calendar days before the date the matter is set for review.

(Eff. 1/1/2003; Rev. 7/1/2005, 7/1/2009; Renumbered 7/1/2011 – formerly Rule 9.15)

9.19 LAW AND MOTION MATTERS

A. Application

The provisions of this division of the Sonoma County Superior Court Rules shall apply to all family law and motion matters before trial or as otherwise provided in any other division of these rules. All law and motion matters shall be governed by Cal. Rules of Court, rule 3.1100 - 3.1362 and 5.92 et seq. The following motions shall be considered law and motion matters:

1. Bifurcation of Any Issue (**Exception:** If a bifurcation of status only motion is filed with any other issue, the motion will be set on the domestic calendar);
2. Change of Venue;
3. Claims of Exemption;
4. Discovery;
5. Enforce or Compel Discovery Requirements Pursuant to Family Code 2105 et seq.;
6. Enforce Settlement;
7. Execute Documents in Family Law Cases;
8. Motions for Reconsideration or Motions for New Trial;*
9. Quash;
10. Receivership;
11. Summary Judgment—Including Status Only;
12. Vacate or Set Aside Defaults, Judgments or Orders;
13. Withdraw as Counsel.

*These Motions shall be scheduled before the original judicial hearing officer on the appropriate law and motion calendar.

B. Scheduling

1. Family law and motion matters will be heard at such times and places as designated by the Supervising Judge of the Family Law Division. The calendar will include all family law and motion matters as listed in Sonoma County Local Rules, Rule 9.19. A schedule may be obtained from the Family Law Clerk or through the Sonoma County Superior Court website.
2. All family law and motion matters will be scheduled for a hearing date, time, and location at the Clerk's Office upon filing of all moving papers.
3. No hearing will be held unless a request has been made pursuant to [local rule 9.19 E.1. ~~subsection E.1~~](#) after the tentative ruling.

C. Memorandum of Points and Authorities

All law and motion matters listed in Sonoma County Local Rules, rule 9.19, may be accompanied by a memorandum of points and authorities.

No opening or responding memorandum may exceed 10 pages. No reply or closing memorandum may exceed 7 pages. The page limit does not include exhibits, declarations, attachments, a table of contents, a table of authorities, or the proof of service.

A party may apply to the court for permission to file a longer memorandum. The application may be made ex parte, but with written notice of the application to all other parties at least 24 hours before the memorandum is due. The application must state reasons why the argument cannot be made within the stated limit.

A memorandum that exceeds the page limits of these rules will be filed and considered in the same manner as a late-filed paper.

To the extent practicable, all supporting memoranda, declarations, and affidavits must be attached to the Request for Order.

All references to exhibits or declarations in supporting or opposing papers must reference the number or letter of the exhibit, the specific page, and, if applicable, the paragraph or line number.

Any request for judicial notice must be made in a separate document listing the specific items for which notice is requested. A party requesting judicial notice must provide the court and each party with a copy of the material requested to be judicially noticed. If the material is part of a file in the Superior Court of California, County of Sonoma, the party must specify in writing the part of the court file sought to be judicially noticed.

If a proposed order or judgment is submitted, it must be lodged and served with the moving papers but must not be attached to them.

D. Meet and Confer Conference

The parties, and attorneys, if any, shall meet and confer in a good faith effort to resolve all of the issues in the case pursuant to Sonoma County Local Rules, rule 9.13. The meet and confer session may take place by telephone conference call. The meet and confer shall occur in a timely fashion so that the parties will be prepared to file a declaration regarding compliance with California Code of Civil Procedure Section 2016.040 no later than five (5) court days prior to the date set

for the hearing. All relevant documents must be exchanged by the parties while conferring, absent good cause to the contrary.

E. Hearings, Tentative Rulings and Oral Arguments

1. Commencing at 2:00 p.m. on the court day preceding each Law and Motion calendar, the court will cause to be recorded a tentative ruling (if available) on each motion set on the next day's Law and Motion calendar on the court's website <http://www.sonoma.courts.ca.gov>. For tentative rulings by phone, please call (707) 521-6607. The tentative ruling shall become the ruling of the court, unless any party desiring to be heard so advises the judicial assistant for the designated family law judicial officer no later than 4:00 p.m. on the court day preceding the Law and Motion calendar, and further advises the judicial assistant for the designated family law judicial officer that such party has notified all other parties of their intention to appear. Where appearance has been required or invited by the court, oral argument may be presented.
2. Evidence received at a law and motion hearing shall be by declaration and affidavit and by request for judicial notice without testimony or cross-examination, except as allowed in the court's discretion for good cause shown or as permitted by these rules.

F. Continuances

Requests for continuances by stipulation or notification of dropping of law and motion matters must be presented by the parties to the clerk by 3:00 p.m. at least five (5) court days prior to the scheduled hearing date. Only one continuance by stipulation will be granted; after that, if the case cannot proceed, the court may drop the matter or require that it be re-noticed.

It is the responsibility of the moving party to notify the clerk when a pending motion may be dropped due to a stipulation or for any other reason. No hearing will be automatically dropped from the calendar by the clerk.

G. Orders of Examination

Orders of Examination shall follow Sonoma County Local Rules.

The Sheriff's Office will notify the Family Law Division Clerk's Office if the judgment debtor is taken into custody. Upon receipt of this notification, the clerk's office shall arrange a bail hearing. The clerk shall give notice to the judgment creditor of the date, time and location of the bail hearing by telephone.

H. Hearings on Claims of Exemption

Hearings on Claims of Exemption pursuant to Code of Civil Procedure sections 703.570 ~~and section~~ 706.105 shall be set at such times and places as designated by the Supervising Judge of the Family Law Division. Hearing dates shall be obtained from the clerk. No tentative rulings will be made available for these matters on this calendar.

I. Protective Orders (Discovery, etc.)

Any language incorporated in such an order that pertains to the filing of material under seal shall state that the party submitting confidential material to the court shall attach a cover sheet to that material which contains the following warning: "CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER," the case number and caption, and the title(s) of the paper(s); that in parentheses beneath the title(s) of the paper(s) there shall be a reference to the confidentiality order, by file date and title [as, for example, (FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER FILED JANUARY 1, 2000)], under which the papers are submitted. These papers shall then be maintained as confidential on the court's file.

(Eff. 1/1/2004; Revised and Renumbered 7/1/2011 – formerly Rule 9.16; Rev. 1/1/2012, 7/1/2012, Renumbered 1/1/2016, Rev. 7/1/2022, 7/1/2024)

9.20 FAMILY LAW SETTLEMENT CONFERENCES

- A. Family law judicial officers may refer cases for a Settlement Conference which shall be conducted by a settlement conference officer as directed by the family law judicial officers. When setting a settlement conference date, the Court shall always set a Case Resolution Conference date following the settlement conference date. The Court will serve all parties personally or by mail.
- B. To request a Settlement Conference, parties (or their attorney, if represented) ~~may~~ shall submit ~~Sonoma County Local Form~~ local form FL-074, Request/Response to Request for Settlement Conference, ~~or Settlement Conference and Trial, or Default Hearing.~~
The family law judicial officer will review cases set on the domestic, Case Resolution Conference, Child Support, and Trial calendars. If the court determines the case could benefit from a Settlement Conference, an order will be entered and a date for the conference will be set as well as a Case Resolution

Conference date. The court will serve all parties with an order regarding the conference personally or by mail.

~~Parties (or their attorney, if represented) may submit a Request for Settlement Conference only or Request for Settlement Conference and Trial, Sonoma County form FL-074, to request a Settlement Conference.~~

Settlement Conferences will be scheduled only if Preliminary Declarations of Disclosure have been exchanged and an FL-141 has been filed by both parties or the requesting party has complied and there is good cause for proceeding without the other party having filed the Preliminary Declaration of Disclosure and FL-141.

- C. The request will be reviewed by a family law judicial officer. If the judicial officer determines a Settlement Conference is appropriate, the Court will issue an order and serve the parties and/or attorneys with the order setting both a Settlement Conference and a Case Resolution Conference. If the party requesting a Settlement Conference and/or Trial has provided a Preliminary Declaration of Disclosure and the responding party has not, if the Court does not set a Settlement Conference and/or Trial Date, the Court will place the matter on the next scheduled Case Resolution Conference at which time the Court may issue orders relating to the non-complying party's failure to exchange Preliminary Declaration of Disclosure, including, but not limited to, an order to comply, sanctions, and setting a trial and settlement conference as originally requested.
- D. Each party shall ~~served~~ serve and submit ~~Sonoma County~~ local form FL-002, Statement of Issues for Settlement Conference or Trial or ~~Sonoma County~~ local form FL-048, Settlement Conference Statement/Trial Brief prior to the conference. The Statement shall be filed ten (10) calendar days prior to the Settlement Conference. The Statement shall be stamped as "received." Failure to submit a Statement in a timely manner may result in the Court doing one or more of the following: 1) Rescheduling the Settlement Conference with the same panelist; 2) ordering the non-complying party to pay sanctions.
- E. Any request to drop or continue the Settlement Conference and Case Resolution Conference must be made to the Family Law Judicial Assistant by 5:00 p.m. at least three (3) court days prior to the conference. Absent extraordinary circumstances, making a request in an untimely manner or failing to appear at the Settlement Conference may result in the Court ordering such party to pay sanctions. The Court will not drop the Case Resolution Conference unless a Judgment resolving all issues is submitted to the Court prior to the Case Resolution Conference date.
- F. **Appearances**

Each party and principal trial attorney for each party shall attend the Settlement Conference. The Settlement Conference shall be conducted by a Settlement Conference officer to be appointed by the court. Unless notified otherwise, appearance by all parties is mandatory. An attorney or party who fails to attend or participate effectively in any Settlement Conference may be subject to sanctions. Any alternative to personal appearance shall be pre-approved by a judicial officer. When the local child support agency has intervened in a case, the agency will determine if its appearance is necessary and notify the Court whether it intends to appear. The agency may appear by telephone.

Settlement Conferences will last a maximum of three (3) hours or until the parties are excused by the Settlement Conference officer. Parties and counsel are expected to be present for the entire Settlement Conference, with the exception of the local child support agency, which may appear for support-related issues alone. If the agency is a party to the action, any settlement involving support issues requires the agency's signature.

- G.** If a complete settlement is not reached at the Settlement Conference, the case shall remain set for a Case Resolution Conference so the court can determine the next steps needed to resolve the case.

(Eff. 1/1/2005; Revised and renumbered 1/1/2016, Rev. 7/1/2022, [7/1/2024](#))

9.21 CHILD CUSTODY SETTLEMENT CONFERENCES

Upon the filing of the Child Custody Evaluation Report with the court, a ~~settlement conference and case management conference~~ Settlement Conference and Case Management Conference regarding the issues of child custody and parenting plan only shall be scheduled by the judicial assistant of the assigned Family Law departments to be held ~~at~~ as soon as possible with a judicial officer. The custody evaluator may be present at the Settlement Conference when requested by either party or at the direction of the Court.

Once a Child Custody Evaluation Report has been filed with the court, the clerk shall lodge the report in the court's file as confidential and forward it to the judicial assistant of the assigned Family Law departments. The judicial assistant shall schedule a custody Settlement Conference as soon as possible. In the event of an unavoidable conflict, a party or attorney shall have a limited time to reschedule the Settlement Conference. Stipulation of the parties alone is not good cause for continuance of the Settlement Conference.

At any time following the Settlement Conference, any party may, upon noticed (Request for Order) motion timely served upon all parties, request that the court make interim orders regarding custody and/or parenting plan pending trial. The supporting declaration shall set forth with specificity the facts that support an interim change of custody and/or parenting plan orders prior to the trial. The declaration shall also address the recommendations in the custody evaluation report and set forth a specific proposal for interim orders.

A Statement of Issues for Settlement Conference or Trial (Local Form FL-002) is not required for Settlement Conferences regarding child custody and parenting plan only.

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2009, 7/1/2009, 1/1/2010, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.19; Renumbered 1/1/2012 – formerly Rule 9.20, Rev. 7/1/2012, 7/1/2013, 1/1/2021; Renumbered 1/1/2016; Rev. 7/1/2022)

9.22 APPOINTMENT OF SPECIAL MASTER, APPRAISERS, EXPERTS (NON-CUSTODY)

Parties may request appointment of a Special Master, Special Master Team, Appraiser or Other Expert by means of a Request for Order or in a Case Resolution Conference Statement.

(Eff. 7/1/2005; renumbered 7/1/2013; Rev. 7/1/2013, Renumbered 1/1/2016)

9.23 TRIAL AND EVIDENTIARY HEARINGS

These proceedings are intended to take more time so that the parties may call and question witnesses, testify themselves, and submit documentary evidence for the court to review.

A. Setting Issues for Trial

1. A family law contested cause may be set for trial by filing Sonoma County local form FL-074, Request/Response to Request for Settlement Conference, Trial or Default Hearing. The request for trial may be presented to the judicial officer at the domestic calendar hearing. If no hearing is pending, the request shall be served and filed with the family law clerk. The request for trial does not need to be filed as a joint request of the parties.
2. For contested causes set for trial directly from a domestic calendar, the judicial officer retains the discretion to set one or more of the following hearings: (1) Case

Resolution Conference; (2) Settlement Conference.

3. Upon the filing of the Sonoma County local form FL-074 Request/Response to Request for Settlement Conference, Trial or Default Hearing, a Case Resolution Conference shall be scheduled before the judicial officer assigned to the case pursuant to Sonoma County Local Rule, rule 9.2. Case Resolution Conference may be scheduled within thirty (30) days of the filing of the request for trial. The court shall serve all parties or attorneys with a notice of Case Resolution Conference.
4. If it is determined that a trial is necessary, the court shall either set the trial date far enough out for the parties to be able to comply with the discovery deadlines set forth in the California Code of Civil Procedure, or obtain a stipulation from the parties regarding the discovery cut off dates and set the trial date accordingly.
5. No matter will be set for trial until and unless the parties have exchanged their Preliminary Declarations of Disclosure and, if required, filed form FL-141, Declaration Regarding Service of Declaration of Disclosure.

B. Case Resolution Conference

If the court sets a Case Resolution Conference in lieu of a Settlement Conference or trial date, the parties or attorneys shall file a Case Resolution Conference Statement, form FL-092, ten (10) calendar days prior to the conference. At the Case Resolution Conference, the court will review the status of the case and may make orders pursuant to Sonoma County Local Rule, rule 9.10.

C. Statement of Issues

If a Statement of Issues was submitted for a settlement conference, the Statement of Issues shall be deemed the Statement of Issues for trial and filed in the court file unless, at the time of the settlement conference, the party indicates ~~he/she~~ they will be filing another Statement of Issues ten (10) calendar days prior to the trial date.

If a settlement conference was not held, the parties or attorneys shall file a Statement of Issues for Settlement Conference or Trial, Sonoma County form FL002, ten (10) calendar days prior to the trial date.

The statement of issues shall include all information requested in the Statement of Issues, Sonoma County form FL002.

D. Meet and Confer

The parties, and attorneys, if any, shall meet and confer in a good faith effort to resolve all of the issues in the case. The parties, and attorneys, if any, shall state in the statement of issues the dates they met and conferred.

E. Continuing a Trial

1. **Continuing Domestic and Child Support Trials by Stipulation**
The court, upon a showing of good cause, may grant stipulated requests to continue a trial. The stipulated request shall be submitted to the assigned judicial officer by noon ten (10) calendar days prior to the hearing date. Counsel or parties shall submit a stipulation to continue, a declaration stating why the continuance is necessary, and a proposed order for continuance. The court has discretion to determine if good cause exists to grant the continuance of the hearing. Stipulation by itself does not constitute good cause for granting a continuance.

2. **Continuing Trials by Motion**
Any motion which seeks to advance or continue a settlement conference or any trial shall be set on the Domestic or Child Support calendar of the judicial officer assigned to hear the case. Requests for an order shortening time for service of a motion to continue shall be submitted to the judicial officer assigned to hear the case.

Any motion for continuance must be calendared for hearing at least seven (7) calendar days in advance of the trial (or other hearing) date, unless good cause is shown for a shortening of such time. Stipulation by itself does not constitute good cause for granting a continuance.

F. Contempt Proceedings

The defendant in contempt proceedings shall not be required to comply with the meet and confer rules set forth above or participate in the preparation of the statement of issues.

G. Master Calendar Call

All matters set for trial shall be called on the assigned Master Calendar Call, which will be considered the initial trial date for discovery purposes. A matter will not proceed to trial on the date of the Master Calendar Call, at which time a specific date and time (generally in the following week) for commencement of the trial will be set. Parties and witnesses need not attend the Master Calendar Call

unless it is necessary for them to be ordered back for the actual commencement of the trial.

(Eff. 7/1/2005; Rev. 7/1/2006, 7/1/2007, 1/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.20; Renumbered 1/1/2012 – formerly Rule 9.21, Rev. 7/1/2012, Rev. 7/1/2013, 7/1/2015, 1/1/2021, Renumbered 1/1/2016; 7/1/2017)

9.24 CHILD CUSTODY TRIALS

Either party may request an expedited custody trial on custody issues by filing a Request for Settlement Conference/Request for Settlement Conference and Trial, Sonoma County form FL-074. The request for trial does not need to be a joint request of the parties. The parties are not required to complete a Statement of Issues prior to trial.

The Court shall set a Case Resolution Conference on the ~~Domestic~~ domestic calendar approximately two weeks after receiving the request for an expedited child custody trial.

At the Case Resolution Conference the Court may set a settlement conference, make interim orders, set the matter for trial, or make other pertinent orders. The Case Resolution Conference shall be continued to a date consistent with the status of the case.

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2009, 7/1/2009, 1/1/2010, 7/1/2010, 1/1/2022; Revised and Renumbered 7/1/2011 – formerly Rule 9.21; Renumbered 1/1/2012 – formerly Rule 9.22, 7/1/2012, 1/1/2013, Rev. 7/1/2013, renumbered 1/1/2016)

9.25 ADOPTIONS

- A. In all adoption cases a hearing may be scheduled by contacting the Family Law Department's adoption line at (707) 521-6641.
- B. The following documents must be filed or received by the court prior to scheduling the adoption hearing. Please note that you must call the court to receive a hearing date. The court does not automatically set a hearing in your adoption matter:
 1. Adult Adoptions:
 - a. Petition (verified and signed by both parties)
 - b. Agreement of Adoption (consent of both parties)
 - c. Consent of Spouse of Adult Adoptee (if ~~applicable~~ applicable)
 - d. Consent of Spouse of Adopting Parent (~~If~~ if applicable)
 - e. Court Report of Adoption (VS-44) if an amended birth certificate is requested.

- f. Order of Adoption (proposed)
2. Agency/Independent/Inter-County Adoptions:
 - a. Adoption Request
 - b. Consent and/or Joinder of Department of Social Service OR
 - c. Agency Copy of Order Terminating Parental Rights (certified copy of order needed if parental rights were terminated in another county) OR
 - d. Consent/Relinquishment of ~~natural~~ Natural Parents;
 - e. Report of Social Services, OR Agency Report
 - f. Court Report of Adoption (VS-44)
 - g. Adoption Expenses
 - h. Adoption Agreement (unsigned)
 - i. Adoption Order (Proposed)
 3. Step-parent Adoption:
 - a. Adoption Request
 - b. Copy of Order Terminating Parental Rights (certified copy of order needed if parental rights were terminated in another county) OR
 - c. Consent/Relinquishment of Natural Parent
 - d. Report by Family Court Services
 - e. Court Report of Adoption (VS-44)
 - f. Adoption Agreement (unsigned)
 4. Step-parent Adoption for Children Born During the Marriage or Domestic Partnership Pursuant to Family Code § 9000.5
 - a. Adoption Request
 - b. Adoption Agreement
 - c. Adoption Order
 - d. A copy of the parties' marriage certificate, registered domestic partner certificate, or civil union
 - e. A copy of the child's birth certificate
 - f. Declarations by the parent who gave birth and the spouse or partner who is adopting explaining the circumstances of the child's conception in detail sufficient to identify whether there may be other persons with a claim to parentage of the child who is required to be provided notice of, or who must consent to, the adoption. (See Family Code § 9000.5(c)(3).)
 - g. Adoptions under Family Code § 9000.5 will not require a hearing or investigation unless ordered by the court.
- C. The court may drop a matter from the adoption calendar for failure to comply with these rules.

(Eff. 1/1/2002; Renumbered 7/1/2011 – formerly Rule 9.22; Rev. 1/1/2012 and Renumbered – formerly Rule 9.23; rev. 7/1/15, renumbered 1/1/2016; 7/1/2017)

9.26 JUDGMENTS

A. **Action by Judicial Officer**

Default and uncontested dissolution, legal separation, and nullity cases are normally processed by a court clerk for action by a judge or court commissioner. The judicial officer will do one of the following: (a) sign the proposed order or judgment; (b) “suspend” the file pending response to a request to counsel or a self-represented **litigant party** for further documentation or proof; (c) reject the proposed order or judgment; or (d) at the judicial officer’s discretion, if the case presents issues on which a record should be made, set the matter for hearing.

B. **Judgment Checklists**

The appropriate completed checklist must be submitted with the necessary documents. Judgments submitted without a completed checklist will be returned to submitting party. The checklists may be found on the Court’s website at [http://sonoma.courts.ca.gov/divisions/family law](http://sonoma.courts.ca.gov/divisions/family%20law).

C. **Nullity Judgments**

A party requesting a judgment for nullity shall submit, with the proposed judgment, a “Declaration in Support of Nullity” setting forth the facts that support the requested judgment under Family Code §§ 2200 and 2210 et seq. A hearing may be required on any request for a judgment of nullity. ~~Form~~ **Judicial Council form** FL-170 or a separate Declaration may be used.

D. **Bifurcation of Marital Status**

Contested bifurcation motions in cases where both parties have appeared are law and motion matters governed by **local rule Rule-9.19**.

The following documents are required for bifurcation of status only judgments:

1. Bifurcation without Agreement
 - a. Declaration Regarding Service of Preliminary Declaration of Disclosure from Petitioner (FL-141).
 - b. Request for Order (FL-300) for Bifurcation and Request or Response to Request for Separate Trial (FL-315). Sonoma County requires a hearing for bifurcation of marital status that proceeds by default. The hearing must be set at least six months from the service date of the petition on the Respondent.

- c. Declaration for Default or Uncontested Dissolution (FL-170)
- d. Status Only Judgment (FL-180)
- e. Notice of Entry of Judgment (FL-190) with a stamped, self-addressed envelope for each party. The submitting party must provide enough postage for return of all documents submitted.
- f. Bifurcation of Status of Marriage or Domestic Partnership - Attachment (~~Form~~FL-347)

2. Bifurcation by Stipulation

- a. Appearance, Stipulations and Waivers (indicate on the form that the parties are stipulating to bifurcation of the marital status) or separate stipulation and order.
- b. Declaration for Uncontested Dissolution or Legal Separation (Form FL-170).
- c. Declaration Regarding Service of Preliminary Declarations of Disclosure from both parties (or service of the preliminary declarations of disclosure may be deferred if stipulated to in writing.)
- d. Status Only Judgment (Form FL-180)
- e. Notice of Entry of Judgment (FL-190) with a self-addressed, stamped envelope for each party. The submitting party must provide enough postage for return of all documents submitted.
- f. Bifurcation of Status of Marriage or Domestic Partnership - Attachment (Form FL-347).

(Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2007, 7/1/2009, 7/1/2010, 1/1/2022; Renumbered 7/1/2011 formerly Rule 9.23; Renumbered 1/1/2012 – formerly Rule 9.24, Rev. 7/1/2012, 1/1/2013, 7/1/2013, 7/1/2014; 7/1/2015, Revised and renumbered 1/1/2016)

9.27 SERVICE BY POSTING

If an Order for Posting under California Rule of Court 5.72(b) is granted, the posting shall be completed only by the Family Law Clerk at the courthouse in the place regularly established for posting by the Court. Judicial Council form FL-980 will be used. The Family Law Clerk shall complete and file the Proof of Service after posting.

(Eff. 7/1/2013, Renumbered 1/1/2016)

9.28 DELIVERY OF COURTESY COPIES

When filing documents for a hearing fewer than 10 court days prior to the hearing date, the filing party shall deliver a courtesy copy to the judicial officer's chambers [via the assigned judicial assistant](#).

(Eff. 7/1/2015, Renumbered 1/1/2016, 1/1/2022, [7/1/2024](#))

9.29 REQUESTS FOR SPECIAL IMMIGRANT JUVENILE FINDINGS

Requests for Special Immigrant Juvenile Findings pursuant to Code of Civil Procedure section 155 in family law matters shall be filed as a separate stand-alone filing. Such requests shall not be made in the form of an attachment to the Petition, but should be submitted separately in the form of pleading, or as a separate Request for Order. Any Request for Order shall not be combined with other issues, and shall be a stand-alone application relating only to the Special Immigrant Juvenile Findings pursuant to Code of Civil Procedure 155.

(Eff. 1/1/2016; Renumbered 1/1/2022)

RULE 10 RULES APPLICABLE TO JUVENILE COURT PROCEEDINGS

10.1 JUVENILE ABBREVIATIONS, ADMINISTRATION AND DEFINITIONS

The Juvenile Court hears both Juvenile Dependency and Juvenile Justice actions. All cases in Juvenile Court shall be subject to assignment to a judicial officer for all purposes at the time of filing of the action who shall thereafter handle all proceedings involving the matter, including trial, except as otherwise provided or required by law.

The following abbreviations are used throughout these rules:

| | | |
|------|---|----------------------------------|
| CASA | = | Court Appointed Special Advocate |
| CRC | = | California Rules of Court |
| HSD | = | Human Services Department |
| ICWA | = | Indian Child Welfare Act |
| IEP | = | Individual Education Plan |
| NBRC | = | North Bay Regional Center |
| WIC | = | Welfare & Institutions Code |

The following definitions are used throughout these rules:

“Standing Order” means orders executed by the Presiding Judge of the Juvenile Court of general application to the Court, attorneys, parties, agencies, and organizations that appear before or transact business with the Juvenile Court, Social Services Agency, or Probation, and that are designed to expedite and facilitate the business of the Court or those agencies.

“Court”, unless otherwise specified, means the Sonoma County Juvenile Court, sitting as such pursuant to WIC § 245.

“Court Protocol” means agreements of practice or procedure made between the Court and juvenile justice or human services partners.

“Judge”, unless otherwise specified, means those judges or judicial officers designated to hear juvenile cases, pursuant to WIC § 246.

(Eff. 1/1/14, Revised 1/1/2022)

10.2 JUVENILE CALENDARS

Juvenile calendar matters with regard to WIC §§ 300 et seq. and 600 et seq. shall be heard as designated by the Presiding Judge. A copy of the current designation may be obtained at the Sonoma County Superior Court website at www.sonoma.courts.ca.gov or at the courthouses. Dependency and Juvenile Justice matters shall be heard by a judicial officer or persons specified by the Presiding Judge.

(Eff. 1/1/14, Revised 1/1/2022)

10.3 RULES OF PROCEDURE AND STANDING ORDERS

CRC, rules 5.500 - 5.906 apply to all juvenile proceedings.

Standing Orders: Standing orders are posted on the court's website at www.sonoma.courts.ca.gov.

(Revised 1/1/2007, 1/1/2022)

10.4 ATTENDANCE AT HEARINGS (CRC, RULE 5.530) AND OTHER PROCEEDINGS

Unless excused by the Court, each adult party and attorney shall attend each scheduled Juvenile Court hearing, including settlement conferences and mediation sessions.

In Juvenile Justice matters, minors shall attend all hearings unless specifically excused by the Court or Probation. If a minor is in placement or foster care out of county or out of state, the physical presence of the minor can be excused, and the minor may appear electronically.

(Revised 1/1/2007, 1/1/2022)

~~A. Remote Appearance Rule for Juvenile Justice~~

~~7. Except as otherwise set forth in this rule or ordered by the Court, trials and evidentiary hearings will be held in person. A judicial officer may order that a specific evidentiary hearing or trial be conducted by remote appearance.~~

~~8. Unless an in-person appearance is expressly ordered by the court or otherwise required by law, attorneys and parties are permitted to appear at a non-evidentiary hearing via remote technology rather than in person. Parties who appear remotely will be deemed to have requested a remote appearance. In any hearing not~~

~~specifically set by the Court to be conducted by remote appearance, a party may appear remotely upon a judicial officer's finding of good cause, unforeseen circumstances, or that the remote appearance will promote access to justice.~~

- ~~9. Pursuant to WIC § 676(a), the court may allow persons deemed to have a direct and legitimate interest in a particular case or the work of the court to appear remotely. The court must apply the same confidentiality requirements to a remote juvenile justice proceeding as apply to a justice proceeding conducted in person.~~
- ~~10. Any party intending to appear remotely for non-evidentiary proceedings must provide notice to all parties or persons entitled to receive notice prior to the commencement of the hearing. The notice may be given informally, including by telephone, e-mail, or text message. No advance notice to the court is required prior to the date of the hearing.~~
- ~~11. A judicial officer may elect to terminate a remote hearing and continue the matter to a future in-person hearing.~~
- ~~12. A remote hearing is subject to all Local Rules and Rules of Court governing decorum in the courtroom. A remote hearing is also subject to all laws and rules governing confidentiality, photographing, and recordings of proceedings in a courtroom. No one appearing remotely may record, photograph, or reproduce any hearing, or any part of a hearing, including any screenshots. Any person who violates this provision shall be subject to all sanctions provided under the law for a like action in an in-person hearing.~~

~~B. Remote Appearance Rule for Juvenile Dependency Matters~~

- ~~3. The provisions of Rule 3.672(i) shall apply to Juvenile Dependency matters.~~
- ~~4. All confidentiality requirements applicable to in-person in person Juvenile Dependency proceedings shall apply equally to remote hearings. In the event the Court cannot ensure that a remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceeding, the judicial officer may order any person to appear in-person in person and may elect to terminate a remote hearing and continue the matter for a later in-person in person appearance.~~

~~(Eff. 1/1/2023, Rev. 7/1/2024)~~

10.5 COUNSEL OF RECORD AND SELF-REPRESENTED PARTIES (Dependency Proceedings)

Whenever a requirement in these rules, other than the competency requirements set forth in these rules, is imposed on counsel, that requirement is equally applicable to a self-represented party.

(Eff. 1/1/2014)

10.6 **PRE-HEARING DISCOVERY**

A. Informal Discovery

Pre-hearing discovery shall be conducted informally in accordance with CRC 5.546. Except as protected by privilege or statute, all relevant material shall be disclosed in a timely fashion to all parties to the litigation.

B. Formal Discovery

Only after all informal means have been exhausted, ~~may~~ **can** a party petition the court for discovery. Any noticed motion shall state the relevance and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information.

The date for the hearing shall be obtained from the Juvenile Court. A copy of the motion shall be served on all parties at least five (5) court days before the hearing date. At the time of service, a courtesy copy shall be delivered to the judicial officer before whom the matter is scheduled to be heard. Any responsive papers shall be filed and served, and a courtesy copy delivered to the designated judicial officer two (2) court days prior to the hearing.

There shall be no depositions, requests for production of documents, interrogatories, and requests for admissions or other similar types of civil discovery without the approval of the Judge of Juvenile Court upon noticed motion. See *Joe Z. v. Superior Court* (1970) 3 Cal.3d 797.

C. Experts and Other Witnesses

The name(s) of any experts to be called by any party and copies of their reports, the names of any witnesses to be called, and copies of any documents to be introduced at the hearing on the merits shall be made available to all parties no later than (2) two **weeks prior to the trial date, unless otherwise ordered by the Court.** ~~court days after the settlement conference in dependency proceedings or pre-trial confirmation in delinquency proceedings, unless otherwise ordered by the court. If no settlement conference is held in a dependency case, disclosure shall be made at least three (3) court days prior to the master calendar.~~

(Revised 1/1/2007, 1/1/2022, 7/1/2024)

10.7 NOTICED MOTIONS (Dependency Proceedings)

- A.** No noticed motion shall be accepted by the court unless it is accompanied by a proof of service. Orders shortening time are required to calendar noticed motions if statutory notice times are not complied with.
- B.** The moving party shall prepare and submit to the court an original and one copy of the request and proposed order to place a matter on calendar, notice of motion, motion, declaration, and proposed order. Prior to submitting the moving papers to the court, the moving party must serve by ~~faesimile~~ e-mail, copies of the moving papers on all counsel, parties unrepresented by counsel (may be mailed if ~~a fax number~~ an e-mail address is unavailable), and the social worker. The court will issue its order regarding the request for a hearing date within five (5) court days of receipt of the request for hearing.
- C.** Upon receipt of the request and executed order placing the matter on calendar, the moving party must serve by ~~faesimile~~ e-mail transmission copies of the same on all counsel, parties unrepresented by counsel (may be mailed if ~~a fax number~~ an e-mail address is unavailable) and the social worker no later than ten (10) court days prior to the hearing date. A proof of service shall be filed with the court no later than five (5) court days prior to the hearing date.
- D.** Any opposition to the motion shall be filed and served on all counsel, parties unrepresented by counsel (may be mailed if ~~a fax number~~ an e-mail address is unavailable), and the social worker no later than five (5) court days prior to the hearing date.
- E.** Any reply to the opposition shall be filed and served on all counsel, parties unrepresented by counsel (may be mailed if ~~a fax number~~ an e-mail address is unavailable), and the social worker no later than two (2) court days prior the hearing date.
- F.** All motions will be decided on the briefs, declarations, and other documentary evidence filed. No testimony will be taken unless specifically authorized by the court. A failure to file declarations will not be grounds for requesting an evidentiary hearing.
- G.** In exceptional circumstances, oral motions may be entertained.
- H.** 10.7. C., D., and E. do not apply to discovery motions.

(Revised 1/1/2007, 7/1/2024)

10.8 REQUESTS FOR EX PARTE ORDERS

Anyone requesting an ex parte order, **other than temporary restraining orders**, must provide **24-hour advanced** notice to all parties of such request. Notice shall be provided by either personal service, **telephone voicemail**, or service by **e-mail facsimile**. A proof of service **form** must be filed with the ex parte request and submitted to the clerk in the juvenile department where the pending action would normally be heard. Any party wishing to object may file an objection with the clerk no later than **10:00 a.m. the next court day** ~~the end of the second court day~~ after service **receipt of notice**. The court will not rule on said request any sooner than the third court day after service. This notice requirement shall not apply in situations where the delay would not be in the best interest of the child, such as requests for protective custody warrants and urgent medical/dental procedures. In those instances, **notice is not required**. ~~the best interest of the child precludes notice.~~

(Revised 1/1/2007; 1/1/2012, **7/1/2024**)

10.9 APPLICATIONS FOR TEMPORARY RESTRAINING ORDERS

- A. **Unless made on the Court's own motion, a party requesting a restraining order for a case on calendar may present that request for order directly to the Court. All other requests for orders shall be filed with the clerk's office.** ~~Notice that a temporary restraining order is being sought shall be given to the party to be restrained and all attorneys of record and self-represented parties at least twenty-four (24) hours prior to the application if such notice would not endanger the safety of the person(s) sought to be protected. If 24-hour notice has not been given, the declaration must state good cause for the failure to give 24-hour notice.~~
- B. The party requesting the temporary restraining order shall ~~be responsible for preparing the~~ **submit with the request a proposed** order on Judicial Council form, Restraining Order - Juvenile (JV-250) and **presenting** it for signature.
- ~~C. It will be the responsibility of the party seeking the temporary restraining order or any other person designated by the court to serve the temporary restraining order on the person to be restrained and all appropriate law enforcement agencies.~~
- ~~D. It will be the responsibility of the court, upon receipt of the original temporary restraining order and/or proof of service, to register the documents in the CLETS system.~~

(~~Eff. 1/1/2014~~, **Revised 7/1/2024**)

10.10 ATTORNEY COMPETENCE (Juvenile Justice Proceedings)

Each ~~court-appointed~~ Court-appointed attorney who practices before the Juvenile Justice Court must meet the educational requirements of CRC 5.664. ~~The~~ At any time, the Court may require evidence of the competency of any attorney appointed to represent a youth in a juvenile justice proceeding, including requesting documentation of training attended. The court may also require attorneys who represent youth in juvenile justice proceedings to complete a Declaration of Eligibility for Appointment to Represent Youth in Juvenile Justice Court (JV-700).

(Eff. 1/1/2022, Revised 7/1/2024)

10.11 CONTINUANCES

- A. Attorneys for parties are required to adhere to the statutory timelines for all hearings.
- B. **Dependency:** Continuances will be granted and time waivers accepted pursuant to WIC § 352 and CRC, rule 5.550. Requests for stipulated continuances shall be presented to the court by noon at least one (1) court day prior to the hearing.
- C. **Justice:** Continuances of jurisdictional hearings will be granted only upon written motion with notice to all attorneys and unrepresented parties filed within two (2) court days of the date set for hearing. All other hearings may be continued by written motion noticed on an ex parte basis if all attorneys and parties agree to the continuance and the new date for hearing.

(Revised. 1/1/2007; 1/1/2022, 7/1/2024)

10.12 ATTORNEY COMPETENCE (Dependency Proceedings)

- A. **General Competency Requirement**
 - 1. Absent a knowing and intelligent waiver by the party represented, all attorneys who represent parties in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules and CRC, rule 5.660.
 - 2. Each attorney appearing in a juvenile dependency matter shall complete the minimum training and educational requirements set forth in these rules.
 - 3. Each attorney appearing in a dependency matter shall complete and submit to the court, within 30 days of the effective date of these rules or within ten (10) ~~10~~ days following their appearance, whichever is later, a Declaration of Certification of

Attorney Competency (Sonoma County local form JC104).

4. A retained attorney may not appear on behalf of a party in a dependency proceeding without having submitted to the court a Declaration of Certification of Attorney Competency or a knowing and intelligent waiver by the party of such certification.
5. If a retained attorney maintains ~~his or her~~ **their** principal office outside this county, proof of certification of competency by the juvenile dependency court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile dependency proceeding in this county.

~~**B. Minimum Standards of Education and Training**~~

- ~~1. Prior to certification of competency, the attorney shall have either:
Participated in at least 36 hours of training and education in juvenile dependency law and practice, which training and education shall have included comprehensive information on WIC §§ 202, 213.5, 241.1, 300 et seq.; Family Code sections 7900 et seq. (Interstate Compact), and 7600 et seq. (Uniform Parentage Act); Education Code section 5000 et seq. (Special Education Programs); 8 United States Code (USC) section 1101 (Special Immigrant Status for Undocumented Dependent Children), 25 USC section 1901 et seq. (ICWA), 28 USC section 1738 (Parental Kidnapping Prevention Act), and 42 USC sections 620 et seq. and 670 et seq. (Adoption and Safe Families Act); the CRC, local rules of court, the rules of evidence as set forth in the California Evidence Code, and the applicable case law, as well as practical training on Judicial Council forms, motions, writs, mediation, family group conferencing, team decision making, domestic violence, substance abuse, child development, child abuse and neglect, family reunification and preservation, restraining orders, rights of de facto parents, and reasonable efforts,~~

~~or~~

~~At least six (6) months of experience within the last twelve (12) months in dependency proceedings in the State of California in which the attorney has had primary responsibility for representation of his or her clients in said proceedings. In determining whether the attorney has demonstrated competence, the court shall consider whether the attorney's performance has substantially complied with the requirements of these rules.~~

- ~~2. Education and training may include:~~

- a. ~~Observation of dependency proceedings;~~
 - b. ~~Self-study, including relevant documents, references, audio and video tapes of previously presented seminars and conferences;~~
 - c. ~~Attendance at seminars or conferences related to dependency law that are MCLE-certified, provided by professional organizations, or court-sponsored or approved;~~
 - d. ~~Supervision by appropriately trained and certified attorneys practicing in the area of dependency law.~~
3. ~~No more than 18 of the 36 hours of required training and education may be self-study or observation of dependency proceedings.~~

C. ~~Renewal of Attorney Competency Certification~~

~~Each attorney who practices before the juvenile dependency court shall complete within every one (1) year period at least twelve (12) hours of continuing education related to dependency proceedings.~~

1. ~~The attorney's continuing training or education shall be in the areas set forth in Sonoma County Local Rules, rule 10.12 B.~~
2. ~~Evidence of completion of the required number of hours of training or education shall be retained by the attorney and may include a copy of a certificate of attendance issued by a California MCLE provider or a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider. Evidence of attendance at a court-sponsored or approved program will also fulfill this requirement.~~
3. ~~In order to retain his or her certification to practice before the juvenile dependency court, each attorney or his or her supervisor shall file with the dependency court a declaration certifying that counsel has completed the required continuing education. The declaration, local mandatory form JC-104, must be filed on or before January 15 of each year.~~

D.B. Decertification

The court retains the authority to review the general conduct and performance of an attorney and to decertify such attorney for good cause at any time. The court may order decertification only after the attorney has been given notice of the intended action and an opportunity to be heard.

E. ~~New Attorneys~~

1. ~~Absent a knowing and intelligent waiver by the party represented, an attorney who has never practiced in dependency court must observe and/or assist in each~~

~~type of dependency hearing from detention through review of a permanent plan prior to representing a party in a dependency case;~~

- ~~2. An attorney should work and consult with a mentor during the first three months of representing parties in dependency court. A mentor is an attorney with no fewer than three years of experience in dependency law.~~

(Revised 1/1/2007; 1/1/2012, 7/1/2024)

10.13 STANDARDS OF REPRESENTATION (Dependency Proceedings)

All attorneys appearing in dependency proceedings shall meet the following minimum standards of representation in addition to those set forth in CRC 5.660:

- A. If the client is a child, the attorney or attorney's agent should have contact with the client prior to each hearing. The attorney or attorney's agent shall interview all children four (4) years of age or older in person unless it is impracticable. Whenever possible, the child shall be interviewed at the child's placement. The attorney or attorney's agent should also interview the child's caretaker, particularly when the child is under four (4) years of age.
- B. If the client is not the **minor or minors who are the subject of the proceeding** ~~child~~, the attorney or attorney's agent shall interview the client at least once prior to the jurisdictional hearing unless the client is unavailable. Thereafter, the attorney or the attorney's agent shall contact the client at least once prior to each hearing unless the client is unavailable.

(Revised 1/1/2007, 7/1/2024)

10.14 REPRESENTATION OF PARTIES OTHER THAN MINORS (Dependency Proceedings)

A. Detention Hearing or Initial Appearance

At the detention hearing or initial appearance, parents' counsel shall be prepared to do the following:

- 1. Advise the court whether the parents have any Native American heritage by completing and filing Judicial Council form Parental Notification of Indian Status (ICWA-020) (JV-130) with the clerk of the court; and
- 2. Assist the parents in completing and filing Judicial Council form Notification of Mailing Address (JV-140) with the clerk of the court.

B. Jurisdictional/Dispositional Hearings

1. All counsel shall advise the court regarding paternity issues [and file JV-505](#).
2. In all submitted jurisdictional hearings, counsel shall assist the parent in completing Judicial Council form Waiver of Rights (JV-190).

C. All Hearings

1. Parents' counsel shall assist the parents in completing and filing with the clerk an updated Judicial Council form Notification of Mailing Address ([JV-140](#)) (~~[JV-130](#)~~) reflecting any changes in address, and proof of service on all parties.
- ~~2. Whenever applicable, parents' counsel shall assist the parents in completing Sonoma County local form JC-101, Waiver of Rights.~~

(Revised 1/1/2007, [7/1/2024](#))

10.15 PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS
(Dependency Proceedings)

- A.** Any party to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of ~~his or her~~ [their](#) appointed attorney in a juvenile court proceeding as follows:
1. Complaints or questions shall initially be referred to that attorney's supervisor within the agency or law firm appointed to represent the client. If the issue remains unresolved or if there is no designated agency or law firm, the party may submit the written complaint directly to the court.
 2. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative, a foster parent, or CASA.
- B.** Within ten (10) days of the receipt of a written complaint, the court shall notify the attorney and/or the attorney's supervisor in writing of the complaint, shall provide the attorney and attorney's supervisor with a copy of the complaint, and shall give the attorney fifteen (15) days from the date of the notice to respond to the complaint in writing. The judicial officer will also inform the client or other person lodging the complaint, in writing, that the complaint has been received and that the attorney will be contacting the client or other person lodging the complaint to discuss resolution of the complaint.
- C.** After response has been filed by the attorney or the time for the submission of a response has passed, the court shall review the complaint and the response, if any,

to determine whether the attorney has acted contrary to state or local rules or policies or has acted incompetently. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

- D. The court shall notify the attorney and complaining party either in writing or by oral ruling at a closed hearing of its determination on the complaint. The court's determination will be final.
- E. If the court finds that the attorney acted contrary to the rules or policies of the court or incompetently, the court shall take appropriate action.

(Revised 1/1/2007)

10.16 REQUESTS TO WITHDRAW (Dependency Proceedings)

- A. Unless otherwise ordered by the court, a request to withdraw as attorney of record shall be in writing on Judicial Council forms MC051 and MC052 and served in compliance with CRC, rule 3.1362. The request must include the full name(s) of the child(ren), the case number(s), the full name of the client, the client's status in the case, (e.g., child, parent, guardian, de facto parent), the date and type of the next scheduled hearing. The request shall be noticed and calendared, if possible, for the same day and time as the next scheduled hearing.
- B. Counsel shall also submit the order to be relieved on Judicial Council form MC-053. Counsel is not relieved as attorney of record until the court's signed order has been served on the client and all parties, and proof of service of such order has been filed with the court.

(Revised 1/1/2007)

10.17 RELEASE OF INFORMATION RELATING TO JUVENILES

In all cases in which a person or agency seeks records held by law enforcement, including police reports regarding children who are the subject of juvenile court proceedings, the person or agency shall file a request utilizing the Police Report Request Form (Judicial Council Form JV-575)

This section does not apply to those persons and agencies designated by WIC § 827(a).

- A. **Juvenile Case Defined**

For the purposes of this rule, a juvenile case file includes the following documents or items in the possession of the Juvenile Court, Probation Department, Department of Human Services or Court Appointed Special Advocates Program:

1. All documents filed in a juvenile court delinquency or dependency case by any party or the court;
2. Reports to the court in a delinquency or dependency case prepared by probation officers, social workers, and CASAs;
3. Documents not filed with the court, but made available to probation officers, social workers of HSD, and CASAs in preparation of reports to the court for a delinquency or dependency case;
4. Documents relating to a child concerning whom a petition has been filed in a delinquency or dependency case, which are maintained in the office files of probation officers, social workers and CASAs;
5. Transcripts, records, or reports relating to matters prepared or released by the Juvenile Court, Probation Department, or HSD for a delinquency or dependency case; and
6. Documents, video or audiotapes, photographs, and exhibits admitted into evidence at juvenile court hearings for a delinquency or dependency case.

B. Documents Excluded from the Term “A Juvenile Case File”

Medical and psychiatric records, including Evidence Code section 730 evaluations and any child abuse reports, are strictly confidential and not available for inspection or copying except from the subject of the record or his/her attorney.

C. Inspection and Copying

The following persons may inspect and receive copies of juvenile case files without filing a petition pursuant to WIC § 827:

1. Court personnel;
2. The district attorney, a city attorney or city prosecutor authorized to prosecute criminal or juvenile cases under state law;
3. The minor who is the subject of the proceeding;
4. The minor’s parent or guardian;

5. The attorneys for the parties, judges, referees, other hearing officers, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor;
6. The county counsel, city attorney or any other attorney representing the petitioning agency in a dependency action;
7. Members of the child protective agencies as described in section 11165.9 of the Penal Code;
8. The State Department of Social Services;
9. Authorized staff who are employed by, or authorized staff of entities who are licensed by the State Department of Social Services; and
10. The Department of Justice.

D. Inspection

Other persons or entities as listed in WIC § 827 shall be entitled to inspect a juvenile case file but shall not be entitled to copy a juvenile case file.

Pursuant to WIC § 676(d), when a petition has been sustained for an offense listed in WIC § 676(a), the following information contained in the court file shall be available for public inspection: (a) the charging petition, (b) the minutes of the proceeding, and (c) the orders of the adjudication and orders of the disposition of the court.

E. Discovery of Juvenile Records

Except as provided above, persons who desire to inspect or copy a juvenile case file shall follow the procedures as outlined in WIC § 827 and CRC, rule 5.552. See Judicial Council Form JV570.

Juvenile case files may not be obtained or inspected by civil or criminal subpoena.

F. Access by CASA

A CASA may inspect and copy records pursuant to WIC § 107. Confidential records and information acquired by a CASA shall remain confidential and shall be disclosed only pursuant to a court order pursuant to WIC § 105. The CASA shall present his/her identification as a CASA to any such record holder in support

of his/her request for access to specific records. No consent from the parent or guardian is necessary for the CASA to have access to any records relating to the child.

G. Duplication Prohibited

Records received pursuant to these rules shall be kept confidential and shall not be duplicated or disclosed to third parties.

H. Release of Court Reports to Court-approved Mental Health Evaluators

Where the Court has ordered a mental health or psychological evaluation of a minor, the court approved evaluator shall be given a copy of the court report relating to the minor, unless the court makes a specific order to the contrary in the referral.

I. Release of Information Relating to Juveniles by Law Enforcement

Pursuant to the cases of *T.N.G. v. Superior Court* (1971) 4 Cal.3d 767 and *Westcott v. County of Yuba* (1980) 104 Cal.App.3d 103, this rule applies to all law enforcement agencies and officials in Sonoma County.

1. Identity of Juvenile

Arrest reports or other information in regard to the identity of individual juveniles under the age of eighteen (18) years who are the subject of juvenile court proceedings shall not be released to the press or other media or to any persons or public agency until a detention order has been made by the Juvenile Court or as otherwise provided by law.

2. Information Regarding Incident

- a. Police reports or information in regard to the incident, with exceptions noted, may be released to:
 - i. The minor, if self-represented in a juvenile court proceeding, or to his/her attorney pursuant to these rules;
 - ii. The District Attorney of Sonoma County;
 - iii. The law enforcement agency of the minor's residence;
- b. Other law enforcement agencies who require it for crime investigation or reporting purposes;
- c. The Sonoma County Probation Department;
- d. Court personnel;
- e. The Sonoma County Department of Human Services, Division of Family and Children's Services;

- f. The parents or legal guardian of the minor, unless there is a reference to another minor in the reports (In that situation, the request must be approved by the juvenile court.);
 - g. The school attended by the minor;
 - h. Victims of juvenile crime (They may be given the names and addresses of the persons mentioned in the report, without reference to the status of any minor. The release of further information must be approved by the juvenile court.);
 - i. Hospitals, schools, camps, Job Corps or placement agencies which require the information for the placement, treatment or rehabilitation of the minor;
 - j. The persons entitled thereto under Vehicle Code §§20008-20012;
 - k. Any coroner or medical examiner;
 - l. The name of a minor 14 years of age or older taken into custody for the commission of a serious felony as defined by subdivision (c) of Penal Code section 1192.7, and the offenses allegedly committed may be released at the request of any interested party if a hearing has commenced that is based upon a petition that alleges that the minor is a person with the description of Section 602.
3. **Commission of a Felony**
If at disposition the minor was found by the court to have committed a felony, the arresting agency may send the usual information to the CII, FBI or other police agencies within California, but to no other persons or agencies (except as otherwise authorized herein).
4. **Contents of Reports**
This rule does not prohibit release of information by law enforcement agencies about crimes or the contents of arrest reports, except insofar as they disclose the identity of the juvenile who is subject of juvenile court proceedings.
5. **Coroner's Reports**
This rule does not apply to coroner's reports.

J. Inter-Agency Exchange of Information

1. This rule addresses the exchange of information between Family Court Services, Probation Department, Department of Human Services, Case Management Council, minor's counsel and the Court Investigator in juvenile delinquency, juvenile dependency, child custody, conservatorship, guardianship, and criminal proceedings. The disclosure of information concerning children and their parents by any of these agencies is generally prohibited by law. Nevertheless, a limited exchange of information about children or parents between these agencies in

certain circumstances will serve the best interests of the child who is before the court. The court hereby finds that the best interests of children and victims appearing in court, the public interest in avoiding duplication of effort by the courts and by the investigative agencies serving the juvenile and family courts and the value of having relevant information gathered by a court agency outweighs the confidentiality interests reflected in PC § 11167 and 11167.5 and WIC §§ 827 and 10850 et seq., Family Code sections 1818, and Probate Code section 1513, and therefore good cause exists for this rule.

2. The representatives of the above-listed agencies who are investigating or supervising cases involving children may orally disclose information to each other as follows:
 - a. Whether the child before the court, his/her parents, guardians, or caretakers are or have been the subject of a child custody, delinquency, dependency criminal or probate investigation, the findings and status of that investigation the recommendations made or anticipated to be made to the court by the agencies listed above, and the progress while under court supervision including compliance with court orders, and any court orders in existence with respect to the child, parents, guardians, or caretakers.
 - b. Any statement made by the child or the child's parents, guardians, or caretakers which might bear upon the issue of the child's best interests in the pending case.
 - c. Each agency may include this information in court reports and keep such information in their case files.
 - d. All of the above listed agencies may provide written documents to each other. These documents may include but are not limited to relevant portions of investigation notes, progress notes and summaries, and court reports containing information described in (a) and (b) above. However, child abuse and neglect reports described by PC § 11167.5 (Suspected Child Abuse Report form #S-8572), information disclosing the identity of a reporting party, or court-ordered psychological evaluations will not be exchanged between the agencies absent a court order. Copies of HSD or Juvenile Probation Department documents used by the above-listed agencies will not be made available to the public without a court order.
3. Any disclosure authorized by this rule shall be subject to the following conditions: The agency receiving the request shall first establish to its satisfaction that the inquiring party is in fact a member of an agency designated above; all information shall be provided orally; if an agency desires written documentation, it shall make written application for a court order releasing that documentation; the information gathered shall be used exclusively in the investigation being conducted and the subsequent court proceedings, and shall not be repeated to anyone not a party to

those proceedings without court order.

4. Nothing in this rule is intended to limit any disclosure of information by any agency which is otherwise required or permitted by law or by other court orders.
5. The release of information by Family Court Services is subject to limitations imposed by state and local rules.
(Rev. 1/1/2007; 7/1/2009)

10.18 LOCAL RULES RELATING TO CHILD ADVOCATES

A. The CASA Program

The Juvenile Court may appoint a CASA to represent the interests of dependent or justice children. The CASA program must operate under the guidelines set forth in WIC § 100 et seq.; WIC § 356.5; and CRC, rule 5.655.

The CASA program shall report regularly to the Presiding Judge of the Juvenile Court with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocate Association and the California State Guidelines for child advocates.

B. Sworn Officer of the Court

A CASA is an officer of the court and is bound by these rules. Each CASA shall be sworn in by a Superior Court Judge/Commissioner before beginning his/her duties.

C. Termination of CASA

The CASA serves at the pleasure of the court, and the appointment of the CASA may be terminated by the court. Any party or the Director of the CASA program may file a motion for termination of the appointment of a CASA. The court will determine whether there shall be a hearing on such a petition.

Any CASA with a grievance concerning termination may petition the court for a hearing. Such petition shall include facts indicating that the CASA has exhausted all remedies available to him or her within the CASA program. The court will determine whether there shall be a hearing on such a petition.

D. CASA's Functions

In general, a CASA's functions are as follows:

1. To provide independent, factual information to the court regarding the cases to which he or she is appointed;
2. To represent the best interests of the children involved, and consider the best interests of the family in the cases to which he or she is appointed;
3. At the request of the judicial officer, to monitor cases to which he or she has been appointed to assure that the court's orders have been fulfilled.

E. Specific Duties

The court shall, in its initial order of appointment, and subsequent orders as appropriate, specifically delineate the CASA's duties in each case, which may include independently investigating the circumstances of the case, interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, considering visitation rights for relatives, and reporting back directly to the court as indicated. If no specific duties are outlined by court order, the CASA shall discharge his/her obligation to the child and the court in accordance with the general duties set forth in these rules, WIC § 102, and CRC, rule 5.655.

F. Procedures in Juvenile Justice Cases

A request for appointment of a CASA in a delinquency case may be made orally or in writing in open court or ex parte by the probation officer or any party to the case, or by the court on its own motion. If the court grants the request, it shall order that the case be referred to CASA for screening.

1. When the court grants the request for appointment of a CASA, CASA shall prepare and present to the court an order appointing the CASA.
2. Any party to the proceeding may petition the court for a hearing to reconsider the appointment.
3. CASA may petition the court to set the minor's case for a review hearing.
4. CASA reports shall be submitted to the court three (3) court days prior to the hearing for which it is prepared. CASA reports shall be copied and distributed by the CASA program to the court, District Attorney, Juvenile Probation, and the minor's attorney (or the minor's parents if unrepresented) at least two (2) court days prior to the hearing.

G. Procedures in Dependency Cases

1. A request for appointment of a CASA in a dependency case may be made orally or in writing in open court or ex parte by the social worker or any party to the case or by the court on its own motion. Unless there is opposition, the referral shall be forwarded to the CASA office for screening and assignment.
2. When an appropriate CASA has been identified, that person's name shall be submitted to the court for appointment. CASA administration shall prepare and present to the court an order appointing a CASA.
3. Any party to the case may petition the court for a hearing to reconsider the appointment.
4. A CASA report shall be submitted to the court at least three (3) court days prior to the hearing for which it is prepared. CASA reports shall be copied and distributed by the CASA program to the court, County Counsel, HSD and counsel for the parent(s) and minor(s) at least two (2) court days prior to the hearing.

H. Release of Information to CASA

Upon referral to CASA or upon appointment of a CASA, the judicial officer shall sign an order presented by CASA administration granting the CASA the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the court. See also Sonoma County Local Rules, rule 10.17.

I. Access to Records

A CASA may inspect and copy records pursuant to WIC § 107. Confidential records and information acquired by a CASA shall remain confidential and shall be disclosed only pursuant to a court order pursuant to WIC § 105.

The CASA shall present his/her identification as a CASA to any such record holder in support of his/her request for access to specific records. No consent from the parent(s) or guardians(s) is necessary for the CASA to have access to any records relating to the child. See also Sonoma County local rule 10.17. F.

Pursuant to WIC § 107(b), a CASA may not have access to records of a nonminor dependent without the written and informed consent of the nonminor dependent.

J. Report of Child Abuse

A CASA is a mandated child abuse reporter with respect to the case to which he/she is appointed.

K. Communication

There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the CASA, social worker, child's attorney, attorneys for parents or guardians, foster parents and any therapist for the child.

L. Right to Timely Notice

In any motion concerning the child for whom a CASA has been appointed, the moving party shall provide the CASA timely notice.

M. Calendar Priority

In light of the fact that CASAs are rendering a volunteer service to children and the court, matters on which they appear should be granted priority on the court's calendar whenever possible.

N. Visitation Throughout Dependency

A CASA shall visit the child regularly until the child is secure in a permanent placement. Thereafter, the CASA shall monitor the case as appropriate until dependency is dismissed.

O. Family Law Advocacy

Should the Juvenile Court dismiss dependency and create family law orders pursuant to WIC § 362.4, the CASA's appointment may be continued in the family law proceeding, in which case the Juvenile Court order shall set forth the nature, extent and duration of the CASA's duties in the family law proceeding.

P. Right to Appear

A CASA shall have the right to be present and be heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that he/she may be called to testify at some point in the proceedings.

(Revised 1/1/2007)

10.19 MEDICAL ISSUES

A. Medical Assessment and Treatment of Temporarily Detained Minors

In order that minors detained in the Sonoma County Probation Department and Department of Human Services temporary holding facilities, i.e. Juvenile Hall, rehabilitation facilities, Valley of the Moon Children's Home, emergency satellite homes, and alternative shelter programs, receive necessary care of their physical and mental health, and do not endanger the health and welfare of other persons in these facilities, the Sonoma County medical clinics are hereby authorized to provide the following services to all such juveniles, which services follow the "Statement of Pediatrics, Health Care for Children and Adolescents in Detention Centers, Jails, Lock-ups, and other Court-Sponsored Residential Facilities":

1. A comprehensive health assessment and physical examination;
2. Any clinical laboratory tests and limited, non-intrusive diagnostic tests such as X-rays and CT scans, the medical provider determines are necessary for the evaluation of the juvenile's health status;
3. Upon consent of the minor and the minor's counsel, screening for venereal disease. Contraceptive devices may be furnished to any minor upon the minor's request;
4. Any standard childhood immunization necessary to bring a minor's immunization up to date, and, if immunization records are unavailable, any immunizations recommended by the American Academy of Pediatrics for that child's age. However, no immunizations shall be administered before: (1) making a reasonable attempt to obtain parental or legal guardian consent; (2) checking the county immunization registry; (3) contacting the child's physician; and (4) if the child is of school age, contacting the child's school for immunization records. If a parent or legal guardian objects to the child receiving immunizations, then no immunizations shall be administered without a court order. Further, if no parent or legal guardian is available to give consent, no immunization may be given until the above conditions have been met and seven days have elapsed since the child's detention;
5. Any routine medical care required based on the results of the comprehensive health assessment, and any routine medical care required for the care of illnesses and injury, including the use of standard X-rays, stitches for cuts and casts for broken bones. Routine medical care as referred to above includes:
 - a. First aid care for conditions which require immediate assistance from a person trained in basic first aid as defined by the American Red Cross or its equivalent;

- b. Clinic care for ambulatory juveniles with health care complaints who are evaluated and treated at sick call or by special appointment; and
 - c. Inpatient bed care for illness or injury which requires limited observation and/or management and does not require admission to a licensed hospital. Routine medical care does not include blood transfusions or inpatient care for illness or diagnosis which requires optimal observation and/or management in a licensed hospital;
- 6. A mental health status evaluation and necessary mental health services except no placement in an inpatient psychiatric facility shall occur absent compliance with WIC §§ 319.1, 635.1 and 5150, et seq;
 - 7. A dental assessment, including X-rays when appropriate, and any routine dental treatment required based on the results of the dental assessment;
 - 8. HSD social workers are authorized to sign necessary documentation and consent forms, including school medical consent forms, for the provision of medical services described in this section.

B. Authorization for Use of Psychotropic Drugs

- 1. The administration of psychotropic drugs to minors who are wards or dependent children shall only occur upon the authorization of a duly licensed psychiatrist, the Medical Director of Juvenile Institutions or the Director's designated physician and the court after notice to the minor's attorney, parents/guardian and/or their attorney.
- 2. In dependency cases, any request for psychotropic drugs must be made on Judicial Council form Application and Order for Authorization to Administer Psychotropic Medication-Juvenile JV-220. Absent an emergency, no request shall be presented to the judicial officer until one (1) business day after the request has been made available by the HSD for review by County Counsel. This requirement is in addition to the specific requirements governing psychotropic medications in CRC, rule 5.640.
- 3. **Initiation or Changes in Medication**
The court finds that immediate and special mental health intervention may be necessary for disturbed, psychotic, depressed or suicidal minors who are impacted by the unusual life situations and the stress of institutional placements. Accordingly, the administering psychiatrist shall have the discretion to initiate the use of psychotropic drugs for a 14-day period while attempting to obtain parental or guardian consent or court authorization if after weighing the risks and benefits of such medication, the psychiatrist concludes there is no significant risk of irreversible side effects.

If the administering psychiatrist, probation officer or social worker learns that the parent, guardian or attorney for the child objects to the utilization of such drugs, the matter shall be set for hearing before a Juvenile Court judicial officer on an expedited basis.

4. Continuation of Previously-Prescribed Medication

If the minor has already been prescribed psychotropic drugs, the attending physician may continue the use of those previously-prescribed drugs at the physician's discretion. However, there shall be no increases in dosage without authorization pursuant to WIC § 369.5 and CRC, rule 5.640. The parents or guardian do not have the authority to withhold consent for increases/decreases in dosage if the child has been removed from their custody and control.

5. Continuation of Medication Upon Change in Placement

Whenever a dependent child or ward of the court, or minor in placement at the Juvenile Hall or Valley of the Moon Children's Home, is moved to a new placement or to a facility pursuant to WIC § 5000, et seq., and the child is prescribed medication, the medical or other supervisor at the new placement may continue to administer that medication under supervision of the medical staff or the child's physician. No further order of the court is required and the child's medication is not to be abruptly discontinued for lack of such an order.

6. This rule does not override any inherent authority a physician may have to provide treatment and care in emergency situations (Cal. Code Regs. Title 9, section 853)

C. At the time of admission to the temporary holding facility, all reasonable efforts should be made to obtain the consent of the parent(s) or legal guardian for non-routine medical care while the juvenile is temporarily detained or placed out-of-home. In the event signed consent cannot be obtained, the medical clinic shall request a court order for any non-routine health care.

D. This rule applies to dependency children in court-ordered placement as well as children who are the subject of a WIC § 300 petition who are temporarily placed with relatives or non-relative extended family members.

(Revised 1/1/2007)

10.20 REQUESTS FOR MODIFICATION (Dependency Proceedings)

Requests for modification will be addressed pursuant to procedures set forth in WIC §§ 387, and 388, and CRC, rules 5.560(d), 5.565 and 5.570.

A. **Notice Regarding Change in Placement**

In order to ensure that proper notice is received by parents or guardians, attorneys for parents and minor's counsel of any change in a child's placement after the original dispositional hearing:

1. Non-emergency situations:
 - a. If the county of placement remains the same, HSD shall give notice at least five (5) business days prior to the change in placement.
 - b. Prior to removal of a child from one county to another, HSD shall provide notice at least ten (10) business days unless emergency circumstances prevent such notice.
2. Emergency situations:

HSD shall give notice immediately upon determination that a move is necessary.
3. Notice may be given orally or in writing

B. **WIC § 388 Petitions**

This procedure relates to the notification process required before the filing of a JV-180 petition requesting modification, the procedure for approving undisputed JV-180 petitions, and the procedure for the court's consideration of disputed JV-180 petitions. These procedures are as follows:

1. ~~At least one week before~~ **Before** the JV-180 is submitted to the court, ~~or upon a showing of good cause, such shorter time as the court may order,~~ the moving party must **email fax** a draft of the proposed JV-180 with supporting documentation to all counsel, parties unrepresented by counsel, and the social worker. (May be mailed if ~~a fax number~~ **an e-mail address** is unavailable).
2. ~~At least seven (7) calendar days after~~ **After** the draft JV-180 has been served as described above, the moving party may submit the original (and one copy) of the petition to the court. Paragraph 8 must be fully completed, including a clear statement of the date(s) of service of the draft copy. The moving party **does not need to need not** complete Paragraph 10 of the JV-180.

3. When the original JV-180 is submitted, the moving party will serve all parties with a complete copy of the JV-180 being submitted and notice of the submission of the JV-180 to the court.
4. If the request is agreed to by all parties, the court may grant the petition without a hearing. (Calif. Rules of Court, rule 5.570(d)) After the court grants the request, the court will file the JV-180 and an endorsed filed copy of the order will be returned to the moving party for service on all other parties. The moving party must subsequently file an appropriate proof of service documenting its service of the order granting the requested modification.
5. If the request is disputed, the court will mark the original as “received”.
 - a. Within two (2) court days of receipt of the petition, the court will make an initial determination whether the petition meets the threshold to warrant a hearing. In order to warrant a hearing, the moving party must show: 1) changed circumstances or new evidence; and, 2) that the best interests of the child may be promoted by the proposed modification.
 - b. If the court determines that the petition does not merit a hearing: 1) the court will deny the petition on its face (Calif. Rules of Court, rule 5.570), file the petition, and fax its ruling to the moving party, and 2) the moving party will serve the denial on all parties by fax within two (2) court days of receipt and submit an appropriate proof of service to the court. (May be mailed if a fax number is unavailable.)
6. If the Court determines the petition appears to merit a hearing:
 - a. The Court will set the matter as the last item on the court’s calendar on Wednesday or Thursday afternoon in at least two (2) weeks but not more than three (3) weeks to allow for opposition to the setting;
 - b. The Court will serve notice of the hearing on all parties;
 - c. Any party opposing the setting of the petition for hearing will serve by fax and submit its opposition to the court no later than three (3) court days before the initial setting. (May be mailed if ~~a fax number~~ an email address is unavailable.)
 - d. At the initial appearance, a short oral argument regarding granting the petition will be entertained by the court. Following argument, the court will either set the matter for trial or deny the petition on the record. The petition and order will be filed at this time.

(Revised 1/1/2007; 7/1/2012, 7/1/2024)

10.21 ACCESS TO MINORS IN DEPENDENCY PROCEEDINGS

After filing of the petition in a dependency proceeding, no party or attorney, other than the social worker, in a dependency proceeding shall:

- A. Interview the minor about the events relating to the allegations in the petition(s) without permission of the minor's attorney or court order;
- B. Cause the minor to undergo a physical, medical, or mental health examination or evaluation without court approval.

(Revised 1/1/2007)

10.22 MEDIATION IN DEPENDENCY PROCEEDINGS

- A. Dependency cases may be referred to mediation at any stage of the proceedings as deemed appropriate by a judicial officer hearing dependency cases and as resources for mediation are available. The parties are to cooperate with the process if referred.
- B. Calendaring and Referral**
 - 1. The Court will, at the time of calendaring, attempt to identify all the individuals whose participation in mediation may be helpful in resolving the case so that their participation may be either ordered or invited as appropriate.
 - 2. The Court will complete Sonoma County local form Family Court Services Mediation Referral Order (JUV 102.1 or JUV 102.2) at the time of calendaring and will identify the participants and issues referred to mediation.
 - 3. The Court will make the juvenile dependency file available to Family Court Services or other authorized mediator or mediation program.
 - 4. Dependency mediation in Sonoma County is a confidential and non-recommending process operating in compliance with WIC § 350, CRC, rule 5.518 and Chapter 2, sections 1115 through 1128 of the Evidence Code with the following exceptions to confidentiality: Sonoma County dependency mediators have a duty when confronted with serious threats of violence against reasonably identifiable victims to make reasonable efforts to communicate such threats to the victim or victims and to a law enforcement agency.

(Revised 1/1/2007)

10.23 SETTLEMENT CONFERENCES IN DEPENDENCY PROCEEDINGS

Settlement conferences may ~~shall~~ be held prior to ~~every~~ contested dependency hearing unless expressly determined to be unnecessary by the judicial officer setting the contested hearing.

~~The trial attorneys and all parties~~ Trial attorneys, their clients, and any other person necessary to effectuate a settlement of the issues, other than the minor, shall be present at the settlement conference, unless expressly excused by the court. At the settlement conference the parties ~~and/or~~ their attorneys shall make a good faith effort to resolve all unresolved issues. ~~discuss the issues to be tried and any areas of agreement.~~

(Eff. 1/1/14, Revised 7/1/2024)

10.24 GUARDIANS AD LITEM (Dependency Proceedings)

- A. In all proceedings, the guardian ad litem shall be given the same notice as any party.

~~Appointment of Guardians Ad Litem~~

- ~~1. The court shall appoint a guardian ad litem to represent any incompetent parent or guardian whose child or ward is before the juvenile court pursuant to a dependency petition (WIC § 300 et seq.). The determination of incompetency may be made by the court at any time in the proceedings based upon evidence received from any interested party.~~
- ~~2. The parent or guardian must be present and the court must explain the proceedings to the parent or guardian in plain language. If the court finds by a preponderance of the evidence that the parent or guardian does not understand the nature or consequences of the proceeding, or that the parent or guardian cannot assist their attorney in the preparation of their case, the court shall appoint a guardian ad litem.~~

- B. The guardian ad litem shall have the same access to all records relating to the case as would any party.

~~Notice to Guardians Ad Litem, Access to Records, and Duty to Appear~~

- ~~1. In all proceedings, the guardian ad litem shall be given the same notice as any party.~~

~~2. The guardian ad litem shall have the same access to all records relating to the case as would any party.~~

~~3. The guardian ad litem has a duty to appear at all hearings.~~

(Revised 1/1/2007, 7/1/2024)

10.25 VISITATION (Dependency Proceedings)

A. Between Detention and Disposition

Visitation for any child taken into temporary custody pursuant to WIC § 300 et seq., will be provided according to the following guidelines:

1. The first visit with his/her parent(s) or guardian(s) shall occur within five (5) calendar days of the date the child was taken into temporary custody. Visitation thereafter shall be as frequent as possible consistent with the best interests of the child.
2. Absent unusual circumstances, the following guidelines shall be considered:
 - a. Newborns to five years old: Six (6) hours of visitation with their parent(s) or guardian(s) per week. No visit shall exceed two (2) hours per day.
 - b. Six year olds to eighteen year olds: Three (3) hours of visitation with their parent(s) or guardian(s) per week.
3. Any request for the Court to consider visitation issues shall be made at the detention hearing or with two (2) court days' notice prior to the jurisdiction hearing.

B. Post-Disposition

1. When an out-of-home placement is made, the frequency of contact between the parent and child shall be outlined in the case plan pursuant to Welfare and Institutions Code Section 16501.1(g)(5)(A). The frequency of contact shall reflect the overall case goals and other principles outlined in 16501.1.
2. The Court will entertain argument regarding visitation at subsequent review hearings only if notice of the visitation issue has been given to all parties at least two (2) court days prior to the review hearing.

(Revised 1/1/2007, 7/1/2024)

10.26 TRIAL HOME VISITS (Dependency Proceedings)

- A. HSD shall obtain a court order prior to starting a trial home visit. ~~No later than the time the request is presented to the court and at least three (3) court days before the trial home visit is to begin, HSD shall give notice to all counsel and self-represented parties of the request.~~ No later than the time the request is presented to the Court and at least three (3) court days before the trial home visit is to begin, HSD shall give notice of the request to all counsel and self-represented parties. The request shall include the date the trial home visit is to begin. Said notice shall not be less than three (3) court days before the trial home visit is to begin.
- B. A trial home visit shall not commence prior to the passage of three (3) court days after notice of the date the visit is scheduled to begin unless agreed to by all parties and approved by the court.
- C. All parties shall have the opportunity during the ensuing three (3) court days to object to the start of the trial home visit. If no objection is received, the court will review the proposed order for approval. With the court's approval, the trial home visit may begin the day following the three (3) court day period.
- D. If any party objects, said objection shall be made orally or in writing ex-parte to the court by 4:00 p.m. of the third court day, with oral notification of the objection to the social worker and all other parties. Upon receipt of any party's objection to the trial home visit, the clerk of the court shall set the matter on the next Master Calendar for setting a hearing. The objecting party shall give oral or written notice of the scheduled hearing to all other parties.
- E. The minor(s) shall remain in the current placement or other appropriate foster care pending the hearing. In no event shall the minor(s) be placed with the party(ies) who are the subject of the trial home visit until the court has ruled on the matter.
- F. If the court has previously approved a trial home visit, the social worker shall obtain a 90 day review date from the juvenile dependency clerk and notify all parties of the commencement of the trial home visit and review hearing date.

(Revised 1/1/2007, 7/1/2024)

10.27 ~~EXIT CUSTODY ORDERS~~ TERMINATING JURISDICTION (Dependency Proceedings)

- A. At least thirty (30) days prior to a review hearing at which dismissal will be recommended, the social worker shall notify the parents' attorneys, unrepresented parties, and counsel for the child that the HSD will be recommending dismissal of

the action and that an exit custody order will be required. The worker will provide counsel and self-represented parties with information regarding visitation and case status to assist in formulating a custody order.

- B. At least three (3) weeks prior to the review hearing, counsel for the parents, or the parents ~~where-were~~ self-represented, and counsel for the child are encouraged to meet and confer to negotiate an exit custody order. It is not necessary ~~that for~~ an HSD representative ~~to~~ appear at the conference if the minor is represented by counsel. If agreement is reached, it is parents' counsel's joint responsibility to prepare and submit to the court and serve on all parties a proposed order on Judicial Council form Custody Order- Juvenile JV-200 at least three (3) court days prior to the review hearing.
- C. If the terms of the exit custody order are in dispute, counsel and the parents are encouraged to meet in an informal settlement conference and/or mediation prior to the review hearing. A mediation date can be reserved by contacting Family Court Services at (707) 521-6800.
- D. To confirm a mediation date, the parties must submit Sonoma County local form Family Court Services Mediation Referral Order (JUV-102.1 or JUV-102.2) for court approval. The submitting party will serve the order on Family Court Services, HSD, and all counsel and self-represented litigants.
- E. If the parties are not able to reach agreement prior to the review hearing, at the hearing, the matter shall be set on the first available master calendar following the previously reserved mediation date. A settlement conference generally will not be required if there has been a settlement conference or Family Court Services mediation session regarding the exit custody orders.
- F. The parties' willingness and ability to work together for the benefit of the child(ren) will be one factor the court considers in making custody orders following any contested hearing on the issue.

(Revised 1/1/2007, [7/1/2024](#))

10.28 15-DAY REPORTS (Dependency Proceedings)

- A. The 15-day reviews required to be submitted to the court by HSD pursuant to WIC § 367 and CRC, rule 5.695(I) shall be filed on the 15th day after disposition. The filed report shall contain a detailed summary of the efforts put forth by the social worker to place the minor. The second report filed with the court on the 30th day after disposition shall contain the following:
 - 1. A listing of all prospective placements contacted;

2. The date of submission of each application for admission to the respective placement facilities;
 3. The results, if any, of each application and the dates of receipt of notification of said results;
 4. The names of any further placements to which applications are contemplated and the prospective date that the application(s) will be made;
 5. A report of personal contact with the minor to apprise him or her of the progress of the placement process and the minor's statement regarding the impact of the delay on the minor;
 6. Any specific incidents of physical or mental health- related problems or behavioral issues encountered by the minor while awaiting placement.
- B.** This pattern shall continue ~~each~~ every 15 days. The listed requirements shall be part of the 60-, 90-, 120-day, etc., report documenting activities during the preceding 30-day interval.

(Revised 1/1/2007)

10.29 BONDING STUDY (Dependency Proceedings)

- A.** Any party to a dependency case may request that the court consider the appointment of an expert to prepare a bonding study for the court and/or the requesting party.
- B.** Unless otherwise agreed to, a ~~A~~ request for a bonding study must be made in writing and must be filed with the court no later than thirty (30) calendar days following the court's order terminating/bypassing reunification services and setting a hearing pursuant to section WIC § 366.26. The request must demonstrate that there is good cause for ordering a bonding study, which shall include at a minimum the following:
 1. A declaration by the requesting party setting forth the factual basis of the alleged bond between parent and child(ren), including the specifics of the parent's record regarding visitation over the previous six months; and
 2. A declaration by a service provider or professional demonstrating personal knowledge of and stating facts that indicate there is a bond between the parent(s) and the child(ren), as well as the declarant's knowledge of the nature and extent of the contact between the parent and child(ren) during the previous six months. In the alternative, the attorney for the requesting party or the self-represented requesting party may submit a declaration regarding his/her unsuccessful efforts to obtain a declaration from a professional and attach/summarize visitation notes

that in the attorney's or party's view demonstrate consistent visitation and the existence of a bond between the parent(s) and child(ren).

- C. If a prima facie showing is made, the matter will be set for a hearing in not less than twenty (20) days, to allow time for the filing of any opposition. Once a court date is assigned, the papers are to be served on all parties by the moving party.
- D. If any party opposes the request for a bonding study or wishes to request an expansion of the study to include an evaluation of the bond between the child(ren) and the current caregiver(s) and/or between the children themselves, responsive pleadings must be filed with the court and served on all parties at least three (3) court days before the date of hearing.
- E. A party may also request a bonding study when there is a change in a previously designated permanent plan to a plan of adoption. The party has thirty (30) calendar days from receipt of the notice changing the permanent plan to file the request for the study.
- F. Any request for a bonding study will disclose the evaluator requested by the party or provide good cause as to why the evaluator is not named.

(Revised 1/1/2007, 7/1/2024)

10.30 PRISONER TRANSPORT ORDERS (Dependency Proceedings)

It is the responsibility of an incarcerated parent's counsel to be in contact with ~~their~~ ~~his or her~~ client at the earliest opportunity prior to each hearing and to advise the parent of ~~their~~ ~~his or her~~ rights and prior to each hearing at which the client has a right to appear, 1.) it is the responsibility of the attorney to arrange for the transportation of the client to appear at the hearings and/or 2.) obtain a waiver from the client. For a client who is in custody in the Sonoma County Jail, including the North County Detention Facility, counsel shall follow the procedure set forth in the section below. For a client who is in custody out of county, in state prison or declared mentally incompetent as set forth in Penal Code section 2625, counsel shall utilize Judicial Council form Order for Prisoner's Appearance at Hearing Affecting Prisoners Parental Rights JV-450 and follow the procedure set forth below.

A. For Parents in Custody in the Sonoma County Jail

Five (5) days prior to the scheduled hearing, confirm with the juvenile court clerk that notice has been given to the Sheriff's Department that the parent needs to be transported.

B. For Parents in Custody Out of County or in State Prison

1. At least, three (3) weeks prior to the scheduled hearing date, submit to the court Judicial Council form Order for Prisoner's Appearance at Hearing Affecting Prisoners Parental Rights (JV-450), and Declaration in Support of the Order (PC § 2625, subd. (d)).

The Declaration and Judicial Council form JV-450 shall contain the following:

- a. An identification of the specific type of hearing at which the incarcerated parent-party's attendance is requested; and
 - b. A recitation of facts that demonstrate good cause for the attendance of the incarcerated parent-party, unless the hearing is a dispositional hearing or a hearing to terminate parental rights.
2. Once the clerk's office has obtained the JV-450 and JV-451, the clerk will receive-stamp the back of the JV451 and route both the JV-450 and JV-451 to Department Five.
 3. If JV-450 is signed by the Court, the order will be filed-stamped. The clerk's office will create proofs of service for both forms, scan the forms, and make six copies. The clerk will certify copies of the order, one for the warden, one for the prisoner, and three for the sheriff's office. One copy will be returned to the attorney who submitted the order. The copy for the sheriff will be placed in the receiving basket in the criminal department. The clerk will serve both the certified copy of the JV450 and an uncertified copy of the JV451 to both the warden and the prisoner via US mail.

- ~~2. When counsel obtains the certified copies of the order and the endorsed filed copy of the declaration, counsel must then present four certified copies of the order to the Criminal Division of the Sonoma County Superior Court, with the request that three (3) certified copies be date/time stamped and placed in the Transport Order box, and that the other copy be date/time stamped and returned to counsel for his/her files. The fifth certified copy shall be served on the facility where the parent is incarcerated.~~

~~C. Orders to Produce Incarcerated Parties in Dependency Cases~~

~~The requesting party shall complete a proof of service indicating delivery of three (3) certified copies of the order to the Criminal Division of the Superior Court (for the Transport Order box), the facility where the parent is incarcerated and all parties, and file the proof of service with the juvenile court.~~

D.C. Waiver of Attendance

If the parent does not wish to attend the hearing, the proper waiver form must be completed and filed with the court. It is parent's counsel's responsibility to obtain the waiver from the parent and/or facility and file it prior to the hearing.

(Revised 1/1/2007, [7/1/2024](#))

10.31 REQUESTS FOR TRANSCRIPTS

A party requesting a reporter's transcript shall apply in writing to the judicial officer who heard the matter in question [using local form 200A](#).

(Eff. 1/1/2014, [Revised 7/1/2024](#))

10.32 ACCESS TO COURTROOM BY NON-PARTIES

Unless specifically permitted by statute, juvenile court proceedings are confidential and shall not be open to the general public.

The court encourages interested persons including trainees and students to attend juvenile proceedings in order to better understand the workings of the juvenile court. The court retains the discretion to determine in each case whether any such interested party may attend court sessions.

The court or its agent shall remind each such non-party that the names of parties and/or identifying information from any case are confidential and shall not be repeated to anyone outside the court. Any such person may be required to sign an acknowledgment and agreement relating to their observation of court proceedings.

(Eff. 1/1/2014)

10.33 NOTICE AND REQUEST TO ATTEND COURT PROCEEDINGS (Delinquency Proceedings)

- A. Confidential Proceedings: In all non-WIC § 676(a) delinquency cases, permission to attend the court proceedings is ~~is~~ [at](#) the discretion of the judicial officer presiding over the matter. A written request seeking permission to attend confidential proceedings must be filed with the juvenile clerk.

- B.** The request must be filed with the juvenile clerk by (a) 10:00 a.m. the day of the hearing for cases that are calendared for the afternoon session; or (b) 4:00 p.m. the business day before the hearing for cases that are calendared for the morning session.

(Eff. 1/1/2014, Revised 7/1/2024)

10.34 REQUEST FOR COMPUTER ACCESS TO JUVENILE CASE MANAGEMENT SYSTEM

In an effort to maintain confidentiality requirements with regard to juvenile matters, access to juvenile case information via the automated case management system will be limited. Requests for computer access to the Juvenile Case Management System by criminal justice and law enforcement agencies are to be submitted to the Presiding Judge of the Juvenile Court for approval, with a copy submitted to the juvenile court division manager.

(Eff. 1/1/2014, Revised 1/1/2022)

10.35 USE OF CAMERAS OR RECORDING EQUIPMENT (Dependency Proceedings)

Pursuant to CRC, rule 1.150(e)(6)(B), the judicial officer presiding over any dependency matter shall not have discretion to permit cameras or recording equipment in the dependency courtroom.

(Revised 1/1/2007)

10.36 FOREIGN CONSULATES (Dependency Proceedings)

Whenever there is reason to believe that a child appearing before the juvenile court is a foreign national, HSD may orally disclose to the foreign consulate the following information about each child and parent: address, telephone number, date of birth and the reason the child was brought into protective custody.

(Revised 1/1/2007)

10.37 APPEARANCE BY TELEPHONE (Dependency Proceedings)

- A. General Provisions**

A party in a dependency proceeding may request permission to appear by telephone in any hearing or conference. The court shall ensure that the appearance of one or more of the parties by telephone does not result in prejudice to the parties appearing in person. The court will disfavor any request for a parent who is physically able to appear in court and lives within the State of California.

B. Requests

A request for appearance by telephone shall be made by letter or other ex parte application at least five (5) court days before the hearing. The request shall be submitted to the court with copies served on all parties.

C. Opposition

Opposition to the request for appearance by telephone may be made to the court at least three (3) court days before the hearing with copies served on all parties.

D. Court Order and Ruling

The court will rule on the request for telephone appearance at least two (2) court days before the hearing and issue a written order that will be served on all parties.

(Effective 1/1/2007)

10.38 COURT APPOINTED COUNSEL COMPENSATION (602 and 300)

Court appointed counsel shall be compensated by the court:

In appropriate cases extraordinary costs and expenses, including expert witness fees and investigation costs, shall be allowed provided that prior approval is obtained from the judicial officer. Ex parte petitions may be made in camera if authorized by law. Normal overhead costs are not considered allowable expenses for reimbursement. These include telephone costs, office copying costs, certified mail, etc.

10.39 DUAL STATUS JURISDICTION

Pursuant to WIC § 241.1, Sonoma County is a Dual Status Jurisdiction. Refer to the written protocol between the Sonoma County Probation Department and the Sonoma County Human Services Department for details.

(Effective 1/1/2022)

10.40 COMPETENCY PROTOCOL

The Juvenile Justice Court will follow the written Juvenile Competency Protocol in dealing with competency issues. This protocol is consistent with and supplements the requirements of WIC § 709 and CRC 5.645. In the event of modifications to WIC § 709 and CRC 5.645, the Statute and Rule of Court shall control.

(Effective 1/1/2022)

RULE 17 RULES APPLICABLE TO FILING AND GENERAL PROCEDURE

17.23 LIMITATIONS ON ELECTRONIC FILINGS

Notwithstanding any other provision of law or these rules, the following items may not be electronically filed:

A. Civil:

- ~~1. Records and cases under seal;~~
- ~~2. Bench Warrants;~~
4. Subpoenaed documents;
5. Labor Commissioner deposit of cash or check; and
6. Payments for Bonds and Undertakings; and
- ~~5. Undertakings.~~

B. Probate:

1. Affidavit re: Real Property of Small Value;
2. Bonds;
3. Financial Documents submitted by Private Professional Conservator;
4. Subpoenaed documents;
5. Undertakings; and
6. Will/Codicils – originals for filing or safekeeping.

C. Family Law:

1. Declaration for Default for Uncontested Judgment, Judgment, and Notice of Entry of Judgment.

(Adopted 1/1/2020; Rev. 7/1/2022, 1/1/2024)