



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO**

**Proposed Changes to
Local Rules and Local Fees**

Publication Date: September 6, 2016

Deadline for Comment: 4:00 p.m. October 21, 2016

Effective Date: January 1, 2017

LIST OF CHANGES FOR JANUARY 1, 2017 RULES

Summary of Changes

Location

- 2.1 – Removal of closed courthouse location.

Entry of Plea of Guilty or No Contest in Absentia

- 10.2 – Correct title of form. Add form number.

Telephonic Appearance: Civil Probate

- 11.1.b – Correct business name.
- 11.1.c – Correct business name.

Telephonic Appearance: Family Support

- 11.1.b – Correct title of form. Add hyperlink to form.

Telephonic Appearance: Criminal/Juvenile Delinquency/Traffic

- 11.1.b – Correct business name.

Telephonic Appearance: Juvenile Dependency

- 11.1.a – Correct title of form. Add hyperlink to form.
- 11.1.b.2 – Correct title of form. Add hyperlink to form.
- 11.1.c – Correct business name.
- 11.1.d – Correct business name. Correct title of form. Add hyperlink to form.

Telephonic Appearance: Family Law

- 11.1.a – Remove verbiage from title. Remove verbiage from sentence.
- 11.1.b – Correct business name.
- 11.1.c.2 – Correct business name.
- 11.1.d – Remove verbiage from title. Separate information into numbered paragraphs.
- 11.1.d.1 – Add heading title. Correct title of forms and update sentence verbiage.
- 11.1.d.2 – Add heading title.
- 11.1.d.2.a – Insert term definition and examples.
- 11.1.d.2.b – Add title of form and verbiage. Add hyperlink to form.
- 11.1.e – Remove verbiage.
- 11.1.f – Remove verbiage from title. Separate information into numbered paragraphs.
- 11.1.d.1 – Add heading title. Update form titles and sentence verbiage. Correct business name. Add hyperlink to forms.

Superior Court of California, County of Mendocino

Summary of Changes

Location

- 11.1.f.2 – Add heading title.
- 11.1.d.2.a – Insert term definition and examples.
- 11.1.d.2.a.i – Add title of form and verbiage. Add hyperlink to form.
- 11.1.d.2.a.ii – Add verbiage.
- 11.1.d.2.b – Add verbiage.
- 11.1.d.2.c – Add verbiage.

Facsimile Filing

- 11.2 – Remove verbiage.

Transportation of Prisoners to Juvenile or Family Law Hearings

- 11.3.a – Add title of form and verbiage. Add hyperlink to form.
- 11.3.b – Add hyperlink to form.

Appendix CH 11: Telephonic Appearance and Facsimile Rules

- Form #: MFL-146-local Updated form added.
- Form #: MFL-147-local Updated form added.
- Form #: MFL-148-local New form added.
- Form #: MFL-149-local New form added.
- Form #: MFL-122-local Updated form added.
- Form #: MFL-123-local New form added.
- Form #: MFL-150-local Updated form added.
- Form #: MFL-151-local Updated form added.

Chapter 15 – Family Law Rules

The California Superior Court, County of Mendocino Local Rule Chapter 15, Family Law Rules, is being reorganized and renumbered to improve the format and usability, effective January 1, 2017. Please use the conversion table included after the proposed changes to the Chapter 15 Appendix in order to match old rules to reorganized rules.

Appendix CH 15: Family Law Rules

- Form #: MCV-120-local Form deleted.
- Form #: MCV-121-local Form deleted.
- Form #: MFL-153-local Updated form added.
- Form #: MFL-149-local New form added.

Superior Court of California, County of Mendocino

Summary of Changes

Location

Form #: MMC-121-local Form deleted.

Form #: MFL-146-local Form added.

Form #: MFL-147-local Form added.

Form #: MFL-148-local New form added.

Form #: MFL-230-local New form added.

Request for Transcript of Confidential Proceedings

16.25 – New rule.

Appendix CH 16: Juvenile Rules

Form #: MJV-300-local New form added.

**CHAPTER 2 – ADMINISTRATION OF THE COURTS;
FAIRNESS; COURTROOM PROTOCOL**

2.1. Location

Sessions of the court shall be held in Ukiah, ~~Covelo~~, Fort Bragg, and Point Arena, California.

(Eff. 1/1/99; Amended eff. 7/1/04; Amended eff. 7/1/08; ~~As amended~~ eff. 1/1/2010; As amended 1/1/2017.)

2.2. Sessions of the Court

The sessions are established to provide the most efficient operation of the court for the benefit of the public and cost-savings. Counsel should be aware, however, that calendared matters or court sessions may change; if there is any question regarding scheduling of matters to be heard by the court, counsel should contact that particular court for further information.

(Eff. 1/1/99; As amended eff. 7/1/08.)

Former Rule 2.3 Holidays (Repealed)
(Eff. 1/1/99; Repealed eff. 7/1/08.)

2.3. Complaints re: Bias or Sexual Harassment

Court employees, attendants and officers of the court will not engage in any conduct or activity that produces or contributes to bias or sexual harassment in the court system.

Any person who observes or believes they have been subjected to bias or sexual harassment shall immediately report the incident to the Court's Human Resource Manager, who shall advise the Court Executive Officer. The Human Resource Manager or designee shall have the following duties and powers.

- a. Investigate any complaints promptly and thoroughly.
- b. Ensure that the complainant's rights are protected.
- c. When appropriate, consult with attorneys and/or members of the public.
- d. Maintain confidentiality, to the extent possible and unless disclosure is required by law, protect the confidentiality of the complainant, the person who is the subject of the complaint, and other interested persons.
- e. Provide the Court Executive Officer with a quarterly report on complaints received, if any.

Superior Court of California, County of Mendocino

- f. Make recommendations for policy or procedure changes, training, and any other means that will prevent and eliminate bias and/or sexual harassment in the court system.

(Eff. 1/1/99; Amended eff. 7/1/04; Renumbered as rule 2.3 and amended eff. 7/1/08.)

Former Rule 2.4 Presiding Judge and Assistant Presiding Judge (Repealed)

(Eff. 1/1/99; Amended eff. 1/1/03; Repealed eff. 7/1/08.)

2.4. Behavior in the Courtroom

- a. These rules have been adopted to foster orderly proceedings and respect for the Constitution of the United States, the Constitution of the State of California, the laws of this state, and the Superior Court.
- b. The rules set forth herein shall apply in all superior court proceedings unless a judicial officer orders otherwise in a particular circumstance. A judicial officer, upon appropriate application in a particular case, may waive the application of any particular rule or may impose additional rules applicable to such case.
- c. Each attorney and or party who appears in court should:
 - 1. “Maintain the respect due to the courts of justice and judicial officers.”
 - 2. Be polite and considerate toward opposing counsel, opposing parties, witnesses, and members of the court’s staff.
 - 3. Be familiar with the rules and guidelines set forth in this chapter as well as other applicable statutes and rules of conduct, ethics, and professionalism.
 - 4. Make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules, and make a reasonable attempt to see that such persons abide by these rules.
- d. Persons in the courtroom shall not:
 - 1. Talk to clerks when the court is in session, except conversation that may be necessary in relation to the matter at that moment before the court.
 - 2. Converse with anyone in a manner that is distracting to the proceedings then before the court.
 - 3. Eat, drink, chew gum or read newspapers.

Superior Court of California, County of Mendocino

4. Visibly or audibly display approval or disapproval, agreement or disagreement with any testimony, ruling or statement of the court, counsel, or a witness.

(Eff. as Rule 2.8 1/1/99; Renumbered to Rule 2.4, Title changed, and amended eff. 7/1/08.)

Former Rule 2.5 Duty to Prevent Bias (Repealed)

(Eff. 1/1/99; Amended eff. 7/1/04; Repealed eff. 7/1/08.)

2.5. Attire

All litigants, witnesses and spectators shall be required to dress and conduct themselves in a manner consistent with the traditional dignity of the superior court.

- a. Persons in the courtroom should dress in a manner that is not offensive or distracting to others of usual sensibilities. No person shall appear in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court: sunglasses, hats, shorts, tank tops, or any clothing that displays inappropriate words or pictures.
- b. Attorneys should be neatly and appropriately dressed in business attire for all court appearances. By way of example, and not by way of limitation, the court deems it inappropriate for any attorney to appear in court wearing jeans, or tennis shoes or for male attorneys to be in court without a jacket and tie.
- c. This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom, or to take such steps as he/she deems appropriate to enforce this rule.

(Eff. as Rule 2.9 1/1/99; Renumbered as Rule 2.5 and amended 7/1/08.)

Former Rule 2.6 Gender Neutral Language (Repealed)

(Eff. 1/1/99; Repealed eff. 7/1/08.)

2.6. Communications to Court or Jury

- a. Counsel shall instruct their staff, the parties they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with the court touching upon any subject of the pending litigation except on the record with all counsel or parties appearing in propria persona present.
- b. Counsel shall instruct the parties that they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with any juror or alternate juror.

Superior Court of California, County of Mendocino

- c. The court shall promptly disclose any violation of the rule set forth in paragraph (a) to all parties. If the court becomes aware of a violation of the rule set forth in paragraph (b), it shall promptly disclose such fact to the parties. In either event the court shall not make any such disclosure a part of the record of the case.

(Eff. as Rule 2.11 1/1/99; Renumbered as Rule 2.6 eff. 7/1/08.)

Former Rule 2.7 Complaints re: Bias Sexual Harassment (Renumbered)
(Eff. 7/1/08; Renumbered as Rule 2.3 eff. 7/1/08.)

2.7. Telephone, Cellular Phones, and Beepers

- a. No one other than a judicial officer or a member of the court’s staff shall use a courtroom telephone without the specific permission of the court.
- b. Cellular phones shall not be used within the courtroom at any time. All noise alert devices related to such cellular phones shall be turned off when in the courtroom.
- c. All beepers and other noise alert devices shall be turned off in the courtroom.

(Eff. as Rule 2.12 1/1/99; Renumbered as Rule 2.7 eff. 7/1/08.)

Former Rule 2.8 General Policy (Renumbered)
(Renumbered as Rule 2.8 eff. 7/1/08)

2.8. Addressing the Court

When addressing the trial judge in court, “Your Honor” is proper. When referring to the trial judge in the third person in court “The Court” is proper. When addressing the trial judge in court “Judge” or “Judge (Name)” is not proper.

(Eff. as Rule 2.14 1/1/99; Renumbered as Rule 2.8 eff. 7/1/08.)

Former Rule 2.9 Attire (Renumbered)
(Renumbered as Rule 2.5 eff. 7/1/08.)

Former Rule 2.10 General Courtroom Behavior (Renumbered)
(Renumbered as Rule 2.4 eff. 7/1/08.)

Former Rule 2.11 Communication to Court or Jury (Renumbered)
(Renumbered as Rule 2.6 eff. 7/1/08.)

Former Rule 2.12 Telephones, Cellular Phones, and Beepers (Renumbered)
(Renumbered as Rule 2.7 eff. 7/1/08.)

Superior Court of California, County of Mendocino

- Former Rule 2.13 Traversing the Well (Repealed)**
(Eff. 1/1/99; Amended eff. 1/1/03; Repealed eff.7/1/08.)
- Former Rule 2.14 Addressing the Court (Renumbered)**
(Renumbered as Rule 2.8 eff. 7/1/08.)
- Former Rule 2.15 Examination from Counsel Table (Repealed)**
(Eff. 1/1/99; Repealed eff. 7/1/08.)
- Former Rule 2.16 Approaching a Witness (Repealed)**
(Eff. 1/1/99; Repealed eff. 7/1/08.)
- Former Rule 2.17 Stand to Object and Argue (Repealed)**
(Eff. 1/1/99; Repealed eff. 7/1/08.)
- Former Rule 2.18 Objections (Repealed)**
(Eff. 1/1/99; Repealed eff. 7/1/08.)
- Former Rule 2.19 Smoking (Repealed)**
(Eff. 1/1/99; Repealed eff. 7/1/08.)

CHAPTER 10 – CRIMINAL RULES

Former Rule 10.1 Applicability of Chapter (Repealed)
(Eff. 1/1/99; Repealed eff. 7/1/08.)

10.1 Arraignment

At the time of the first arraignment the district attorney shall make available to the defense counsel a copy of the police report and any other discovery in their possession unless it has already been so provided.

(Eff. as 10.3 1/1/99; Renumbered as 10.1 eff. 7/1/08.)

Former Rule 10.2 Accusatory Pleadings (Repealed)
(Eff. 1/1/99; Amended eff. 7/1/05; Repealed eff. 7/1/08.)

10.2 Entry of Plea of Guilty or No Contest in Absentia

- a. At the time of entry of a plea of guilty or no contest to charges of violation of California Vehicle Code sections 23152, 23153 and 23103.5, counsel for the defendant appearing pursuant to Penal Code section 977(a) shall present to the court a form of Defendant’s Certification executed by both counsel and the defendant certifying that counsel is authorized to:
1. Enter the plea in the defendant’s absence.
 2. That any plea entered is intelligently, voluntarily, expressly and knowingly made by the defendant after advisement as to the consequences of the plea.
 3. That the defendant has personally and voluntarily placed answers in the boxes of the waiver of constitutional rights form.

The defendant’s certification shall be executed by both the defendant and counsel on a [Plea in Absentia, \(Local Form MCR-102\)](#)~~form of “Plea in Absentia”~~ to be provided by the Court.

The Court reserves the right to require a defendant charged with 23152, 23153 and 23103.5 of the California Vehicle Code to be personally present for arraignment, entry of plea and or sentencing.

(Eff. 7/1/08; As amended eff. 1/1/17.)

Former Rule 10.3 Arraignment (Renumbered)
(Eff. 1/1/99; Renumbered as 10.1 and amended eff. 7/1/08.)

10.3 Motions to Suppress Evidence

All motions to suppress evidence pursuant to Penal Code Section 1538.5, and all motions to dismiss pursuant to Penal Code Section 995 shall be calendared no later than five (5) court days before trial.

(Eff. as 10.4 1/1/99; Amended eff. 1/1/03; Renumbered as 10.3 and amended eff. 7/1/08.)

Former Rule 10.4 Motions to Suppress Evidence (Renumbered)

(Eff. 1/1/99; Renumbered as rule 10.3 and amended eff. 7/1/08.)

10.4 Discovery

Motions for discovery shall be focused upon specific items which remain in dispute after presentation of informal requests. ‘Boilerplate’ discovery motions are disfavored. Counsel shall meet and confer before the hearing of any discovery motion in a good faith effort to resolve or narrow the disputed issues.

(Eff. as rule 10.5 1/1/99; Renumbered as 10.3 and amended eff. 7/1/08.)

Former Rule 10.5 Discovery (Renumbered)

(Eff. as rule 10.4 1/1/99; Renumbered as 10.4 and amended eff. 7/1/08.)

10.5 Pre-Preliminary Hearing Conference

For all felony charges a pre-preliminary hearing conference date shall be set. At the conference all counsel who will participate in the preliminary hearing shall be present. Counsel are expected to have discussed the case among themselves and exchanged offers with a view toward resolving the matter prior to preliminary hearing. Should the case not settle at the pre-preliminary hearing conference, the prosecution shall provide the court with the name of the attorney who will conduct the preliminary hearing on behalf of the people and shall provide a reliable time estimate.

Both counsel for the people and for the defendant shall inform the court of any special needs, such as interpreters or appointment of counsel for witnesses, that are needed for the preliminary hearing, and the estimated time for the hearing.

(Eff. as rule 10.7 1/1/99; Renumbered as 10.5 eff. 7/1/08.)

Former Rule 10.6 Transcripts of Taped Statements (Repealed)

(Eff. 1/1/99; Repealed eff. 7/1/08.)

10.6 Preliminary Hearing as VOP Hearing

At the discretion of the court, and as permitted by law, the preliminary hearing shall also constitute a violation of probation hearing for any trailing probation matter.

(Eff. as 10.8 1/1/99; Renumbered eff. 7/1/08; As amended eff. 1/1/10.)

Former Rule 10.7 Pre-Preliminary Hearing Conference (Renumbered)
(Eff. 1/1/99; Renumbered as rule 10.5 eff. 7/1/08)

10.7 Pretrial Motions

Unless otherwise ordered, all pretrial motions shall be noticed in writing with a date obtained from the court clerk. Counsel shall provide the clerk with a description of, and a reliable time estimate for, any anticipated motions. All papers pertaining to motions shall be served and filed in compliance with California Rules of Court, rule 4.111.

(Eff. 1/1/99 as 10.7; Amended eff. 7/1/04; Renumbered as Rule 10.9 eff. 01/1/07; Renumbered as rule 10.7 eff. 7/1/08; As amended eff. 1/1/10.)

Former Rule 10.8 Preliminary Hearing (Renumbered)
(Renumbered as rule 10.6 7/1/08.)

Former Rule 10.8 Pretrial Conference (Renumbered)
(Renumbered as rule 10.9 1/1/10.)

10.8 Request to Calendar

In order to place a matter on calendar, counsel or a party must provide five (5) court days written notice to the court and opposing counsel by filing a Request to Place Matter on Calendar with the court clerk's office, along with supporting documents. Any request to Place Matter on Calendar for emergency matters that need to be heard sooner than the five (5) day notice requirement requires a Declaration in Support of Order Shortening Time and an Order Shortening Time.

The only exceptions to the five (5) day rule are the following:

1. Motion to Continue (Penal Code Section 1050)
2. Filing of Conflict of Interest Papers
3. OR/Bail Motion
4. Motion for Consolidation

(Eff. 1/1/10.)

Former Rule 10.9 Trial Setting (Renumbered)
(Renumbered as rule 10.7 eff. 7/1/08.)

10.9 Pretrial Conference

At the time the defendant's not guilty plea is entered, the case shall be set for pretrial conference at the discretion of the court. Normally, pretrial conferences are set two (2) weeks before the trial date, and if not settled on that date, are continued one (1) week for further pretrial and readiness conference.

Before the conference, counsel shall confer among themselves, their clients and any alleged victims or law enforcement personnel in a good faith effort to achieve resolution of the case without trial.

At that conference counsel for the people and for the defendant will be expected to advise the court either that (a) the defendant desires to change his/her plea to one that is acceptable to the People, or that (b) there is no possibility of a disposition of the case without trial.

The conference will be attended by those lawyers who will try the case. If the case does not settle, counsel shall inform the court of the time estimate for trial and any special requirements that would affect the conduct of the trial.

(Eff. as rule 10.10 1/1/99; Renumbered as 10.8 then as 10.9 eff. 7/1/08.)

Former Rule 10.10 Pretrial Conference (Renumbered)
(Eff. as 10.10 1/1/99; Renumbered as rule 10.8 then as 10.9 eff. 7/1/08.)

Former Rule 10.10 Sentencing
(Eff. 1/1/99; Renumbered as rule 10.11 eff. 1/1/10.)

10.10 Motions in Limine

The Court will also set a date for motions in limine in the week before trial. Counsel for both sides who will be trying the case must be present, as well as the defendant(s). This hearing will constitute a further trial readiness conference. See California Rules of Court, rule 4.112. Counsel should be prepared to discuss any witness problems or scheduling issues. Any motions in limine must be in writing and filed and served at the earliest opportunity, but not later than the commencement of the hearing.

(Eff. 7/1/08.)

Former Rule 10.11 Trial Conduct (Repealed)
(Eff. 1/1/99; Repealed eff. 7/1/08.)

10.11 Sentencing

When a case is called for sentencing, defense counsel shall announce whether (a) defendant has received the probation report in a timely fashion; (b) defendant waives arraignment for sentence; and (c) there is any legal reason why judgment should not be pronounced.

Absent a showing of good cause, the court will not consider letters or other written submission which are not served on opposing counsel and lodged with the court, to be placed in the defendant's file by 2:30 p.m. on the day before the hearing.

A defendant should expect to be remanded to custody at the time set for sentencing where (a) defendant has failed to make or keep an appointment to be interviewed by the probation officer; or (b) the court imposes a prison sentence.

(Eff. 1/1/99; Renumbered as rule 10.12 eff. 7/1/04; Renumbered as rule 10.10 eff. 7/1/08.)

Former Rule 10.12 Sentencing (Renumbered)

(Eff. as rule 10.10 7/1/08; Renumbered as rule 10.11 eff. 1/1/10.)

CHAPTER 11 – TELEPHONIC APPEARANCE, FACSIMILE FILINGS, REQUESTS TO BE TRANSPORTED AND COURT COPIES

11.1 Telephonic Appearance

Civil/Probate

- a. **Case Type and Proceedings ~~which are~~ Permitted.** Unless otherwise ordered, parties may appear by telephone in cases defined in California Rule of Court 3.670(b) and in proceedings defined in California Rule of Court 3.670(c).
- b. **Request for Teleconferencing Services through Private Vendor.** In accordance with California Rule of Court 3.670(i), the Court has contracted with CourtCall, LLC to provide teleconferencing services for court appearances. Information as to the forms and fees for requesting telephonic appearances may be obtained directly from CourtCall, [LLC](#), at 1-888-88-COURT.
- c. **Notice by Party.** A party who chooses to appear by telephone will satisfy the requirements of California Rule of Court 3.670(g) for notice to the Court by timely providing ~~to CourtCall the~~ CourtCall Telephonic Appearance Request form ~~to CourtCall, LLC~~.

Family Support

- a. **Case Type and Proceedings ~~which are~~ Permitted.** Unless otherwise ordered, parties may appear by telephone in cases and proceedings defined in California Rule of Court 5.324(c).
- b. **Request for Teleconferencing Services.** Requests to appear by telephone must be submitted on Judicial Council form, [Request for Telephone Appearance \(Form FL-679\)](#), and in accordance with California Rule of Court 5.324 (e).

Criminal/ Juvenile Delinquency/Traffic

- a. **Requests for Teleconferencing Services.** Upon ex parte application with a showing of good cause, the Court may permit a party to appear by telephone at a hearing, conference, or proceeding.
- b. **Approved Requests for Teleconferencing Services.** Upon the granting of an ex parte application to appear by telephone, the party must contact CourtCall, LLC, to arrange teleconferencing services at least three (3) court days before the court appearance. The Court has contracted with CourtCall, LLC, to provide teleconferencing services. Information as to the forms and fees may be obtained directly from CourtCall, [LLC](#), at 1-888-88-COURT.

Juvenile Dependency

- a. **Request for Teleconferencing Services for Juvenile Dependency.** Requests to appear by telephone for a Juvenile Dependency matter must be submitted on [Request for Telephone Appearance \(Local Form MJV-150\)](#) at least 48 hours prior to the hearing.
- b. **Notice by Party for Teleconferencing Services for Juvenile Dependency.** A party requesting to appear by telephone must:
 1. Place the phrase “Telephone Appearance” below the title of all moving, opposing, or reply papers.
 2. Notify all other parties of the intent to appear by telephone at least **48 hours** before the hearing by serving a copy of [Request for Telephone Appearance \(Local Form MJV-150\)](#) ~~Local Form No. MJV-150~~ to all other parties.
- c. **Request for Teleconferencing Services through Private Vendor.** In accordance with California Rule of Court 3.670(i), the Court has contracted with Court Call, LLC, to provide teleconferencing services for court appearances. Information as to the forms and fees for requesting telephonic appearances may be obtained directly from CourtCall, [LLC](#), at 1-888-88-COURT.
- d. **Approved Request for Teleconferencing Services for Juvenile Dependency.** Upon the granting of a request to appear by telephone for a Juvenile Dependency matter, the party must contact CourtCall, LLC, to arrange these services at least 48 hours before the hearing. Information as to the forms and fees may be obtained directly from CourtCall, [LLC](#), at 1-888-88-COURT.
- e. **Waiver of Requirement.** For waiver of Requirement to use CourtCall, [LLC](#), see [Request for Telephone Appearance \(Local Form MJV-150\), section 5, Request for Telephone appearance \(Juvenile Dependency\)](#) in the appendix hereto.

Family Law

- a. **Case Type ~~Proceedings Permitted and Proceeding which are permitted.~~** Unless otherwise ordered, parties may appear by telephone for an Ex Parte Hearing or Non-Evidentiary Hearing. Upon request and with a showing of good cause, the Court may permit a party to appear by telephone for an Evidentiary Hearing or a ~~Child Custody~~ Mediation.
- b. **Requests for Teleconferencing Services for Ex Parte Hearings or Non-Evidentiary Hearings.** The Court has contracted with CourtCall, LLC, to provide teleconferencing services. Information as to the forms and fees may be obtained directly from CourtCall, [LLC](#), at 1-888-88-COURT.

c. **Notice by Party for Teleconferencing Services for Ex Parte Hearings or Non-Evidentiary Hearing.** A party choosing to appear by telephone must:

1. Place the phrase “Telephone Appearance” below the title of the moving, opposing, or reply papers.
2. Provide the required forms and fees to CourtCall, LLC, by 11:00 a.m. the day of the court hearing.

d. **Request for Teleconferencing Services for Evidentiary Hearings or ~~Child Custody~~ Mediation.**

1. **Evidentiary Hearings.** Requests to Appear by Telephone for an Evidentiary Hearing/~~Child Custody~~ (Local Form MFL-146) ~~Mediation and Proposed Orders~~ must be submitted ~~on Local Form No. MFL-146. An Order re: Request for Telephone Appearance for Evidentiary Hearing (Local Form. MFL-147)~~ ~~and~~ must be lodged at the time of the filing of the request to appear.

2. **Mediation.**

a. For good cause shown, a party may request the opportunity to appear for Mediation by telephone. Examples of “good cause” include: a party that resides out of state, a party or member of a party’s family has a serious health issue which makes travel to court difficult or impossible, serving in the military, or the party would suffer extreme financial hardship if required to appear in person.

b. Requests to appear for Mediation must be submitted on Request for Telephone Appearance for Family Law Mediation (Local Form MFL-148) at least fifteen (15) days prior to the hearing. An Order re: Request for Telephone Appearance for Family Law Mediation (Local Form MFL-149) must be lodged at the time of filing a request to appear.

e. **Notice by Party for Teleconferencing Services for Evidentiary Hearings ~~or~~ ~~Child Custody~~ Mediation.** A party choosing to appear by telephone must either:

1. Place the phrase “Telephone Appearance” below the title of the moving, opposing, or reply papers; **or**
2. Notify all other parties of the intent to appear by telephone at least three (3) court days before the hearing by oral or written notice.

f. **Approved Request for Teleconferencing Services for Evidentiary Hearings or ~~Child Custody~~ Mediation.**

1. Evidentiary Hearings. Upon the granting of a Request to Appear by Telephone for an Evidentiary Hearing ~~or Child Custody Mediation~~, the party must contact CourtCall, LLC, to arrange these services at least three (3) court days before the hearing. Information as to the forms and fees may be obtained directly from CourtCall, LLC, at 1-888-88-COURT.

2. Mediation.

a. A party approved for a telephone appearance for Mediation must:

i. Complete and return a Family Mediation Intake form (Local Form MFL 230) via fax, email, or mail at least five (5) days prior to the scheduled mediation.

ii. Contact CourtCall, LLC, at least three (3) days before the mediation to arrange services to appear in Family Court a designated time of the mediation. Information as to the forms and fees may be obtained directly from CourtCall, LLC, at 1-888-88-COURT.

b. The party will be referred to Mediation by the Family Court judicial officer. At the designated time, the party shall telephone the Family Court Conference Room at (707) 463-4794 to attend the Family Mediation Orientation.

c. Upon completion of the Family Mediation Orientation, the party shall be given the telephone number and a designated time by the Family Court Mediator to telephone the mediation office for mediation services. The party must ensure that a private, secure telephone line is available for the duration of the mediation and take all reasonable steps to maintain the confidentiality of all communications which occur during the mediation.

(Eff. 1/1/99; Amended eff. 1/1/03; Amended eff. 7/1/08; Amended eff. 7/1/09; Amended eff. 1/1/10; ~~As amended eff. 1/1/11;~~ As amended eff. 1/1/17.)

11.2 Facsimile Filing

Facsimile produced documents, excluding Tribal Court Protective Orders, may not be transmitted for filing directly to any fax machine owned or operated by the Court or the Clerk's Office. In order to be filed with the Court, all facsimile produced documents must be presented for filing at the filing window in accordance with California Rule of Court, ~~rules~~ 2.300, 2.301, 2.302, 2.303 and 2.305.

Superior Court of California, County of Mendocino

Tribal Court Protective Orders that are entitled to be registered under Family Code §6404 may be filed by facsimile directly with the Clerk's Office in accordance with California Rule of Court, ~~rule~~ 5.386 and ~~California Rule of Court, rules~~ 2.300, 2.301, 2.302, 2.303, 2.304, and 2.305. To obtain the appropriate fax number, parties should call the ~~court~~ Clerk's Office at (707) 468-2003 or visit the Court's website at www.mendocino.courts.ca.gov.

(Eff. 1/1/99; Amended eff. 7/1/04; Amended eff. 7/1/08; Amended eff. 1/1/10; Amended eff. 1/1/12; ~~As amended~~ 7/1/16; As amended 1/1/17.)

11.3. Transportation of Prisoners to Juvenile or Family Law Hearings

- a. Except as provided for by law, when the parental or marital rights of any inmate of the Mendocino County Jail are subject to adjudication, the inmate may request to be transported to court by submitting a Request to be Transported (Local Form MMC-122).
- b. Persons incarcerated in State Prison, CRC, or the Division of Juvenile Justice, whose parental rights are subject to adjudication, may request to be transported to court by submitting an [Order for Prisoner's Appearance at Hearing Affecting Prisoner's Parental Rights and Waiver of Appearance \(Judicial Council Form JV-450\)](#).

(Eff. 7/1/09; ~~As amended~~ eff. 1/1/10; As amended 1/1/17.)

11.4. Provision of "Court Copies" for Specified Court Hearings

- a. **Motions.** Litigants filing any motion or order to show cause ("OSC") for a Civil, Criminal, Family Law or Juvenile hearing shall, at the time of filing the original moving papers, lodge one additional "court copy" for use by the judicial officer assigned to hear the matter. Any litigant opposing a motion or OSC shall also be required to lodge a "court copy" at the time of filing the original reply, if any.
- b. **Appellant Motions and Briefs.** Appellants and Respondents shall file an original and three "court copies" of any motion or brief in the Appellate Department.
- c. **Exceptions:**
 1. Motions which do not include a memorandum of points and authorities;
 2. Any motion for which the points and authorities in support of or in opposition to the motion does not exceed two pages in length;
 3. Ex Parte Hearings.

Superior Court of California, County of Mendocino

(Eff. 7/1/09; As amended eff. 1/1/10.)

CHAPTER 11

APPENDIX

TELEPHONIC APPEARANCE AND
FACSIMILE FILING RULES

<u>ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS)</u> <u>TELEPHONE NO.:</u> <u>ATTORNEY FOR (Name):</u>	<u>FOR COURT USE ONLY</u>
<u>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO</u> <input type="checkbox"/> UKIAH Courthouse, State and Perkins Streets 100 North State Street, Ukiah, CA 95482-0337 <input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street, Fort Bragg, CA 95437	
<u>PETITIONER:</u> <u>RESPONDENT:</u> <u>OTHER PARENT/CLAIMANT:</u>	<u>CASE NUMBER:</u>
<u>REQUEST FOR TELEPHONIC APPEARANCE FOR EVIDENTIARY HEARING – Family Law</u> <u>(This notice must be filed with the court at least five (5) court days before the appearance.)</u>	<u>HEARING DATE:</u> <u>TIME:</u> <u>DEPT.:</u>

Do not file this form for a Case Management Conference appearance; you do not need approval to appear telephonically for a Case Management Conference. Per Local Rule 11.1, please contact CourtCall, LLC, directly at 1-888-88-COURT.

1. I, (name): _____
am the petitioner/plaintiff respondent/defendant other parent _____
2. I ask the court to allow me my witness(es), per the attached list, to appear by telephone on my scheduled court date of _____
3. I have the following type of court hearing: Request for Order Court Trial Review Other: _____ on the following issues: _____
4. I would like the court to consider the following information in making it's decision whether to allow a telephonic appearance (check all that apply):
 - a. I, or my witness, live or work outside of the state of California in (specify location): _____
 - b. I, or my witness, live in _____ County in California, which is _____ miles from the above courthouse where the hearing is set.
 - c. I, or my witness, am disabled.
 - d. I, or my witness, can not afford to travel to Ukiah or do not have reliable transportation.
 - e. I, or my witness, will be incarcerated or confined in (specify): _____
 - f. Other: _____
5. I agree to be responsible for the costs and arrangements of this telephonic appearance. I understand if my request is approved, I must set up my telephonic appearance through, and pay all costs to, CourtCall, LLC, (an independent company), or obtain a signed order for a *Fee Waiver* prior to my hearing date.

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address) _____ TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO _____ ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME:	
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____	CASE NUMBER: _____ Hearing Date: Time: _____ Department:
REQUEST FOR TELEPHONE APPEARANCE FOR EVIDENTIARY HEARING/CHILD CUSTODY MEDIATION (Family Law)	

(MFL-146-Local rev. 7/28/16)

I, (name): am the

i. petitioner respondent attorney for (name): in this case.

b. I ask the court to allow me to appear telephonically at the above hearing.

3. I have given notice by:

Placing the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers; **or**

I have notified all other parties of the intent to appear by telephone at least three (3) court days before the hearing.

a. Oral Notice was given on (date):

at (time): a.m./p.m.

b. Written Notice was given on (date):

at (if by fax, time): a.m./p.m.

ADVISEMENT REGARDING TELEPHONE APPEARANCE

a. I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn upon request by the court clerk, holding up my right hand and agreeing under penalty of perjury under the laws of the State of California to tell the truth and nothing but the truth.

b. I understand that upon the granting of my Request for Telephone Appearance for Evidentiary Hearing/Child Custody Mediation, I must contact CourtCall, LLC to arrange teleconferencing services at my own expense. The Court has contracted with CourtCall, LLC to provide teleconferencing services. Information as to the forms and fees may be obtained directly from CourtCall at 1-888-88-COURT.

I understand that if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents filed and any testimony given for this hearing.

c. I understand that the court may decide at any time to require my personal appearance and continue my hearing.

I have read the Advisement Regarding Telephone Appearance section of this form and I understand that the terms apply to me.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Signed:

(Adopted for Mandatory use eff. 1/1/10 Form #MFL-146-Local)

<u>ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS)</u> <u>TELEPHONE NO.:</u> <u>ATTORNEY FOR (Name):</u>	<u>FOR COURT USE ONLY</u>
<u>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO</u> <input type="checkbox"/> <u>UKIAH Courthouse, State and Perkins Streets</u> <u>100 North State Street, Ukiah, CA 95482-0337</u> <input type="checkbox"/> <u>TEN MILE Branch Court</u> <u>700 South Franklin Street, Fort Bragg, CA 95437</u>	
<u>PETITIONER:</u> <u>RESPONDENT:</u> <u>OTHER PARENT/CLAIMANT:</u>	<u>CASE NUMBER:</u>
<u>ORDER re: REQUEST FOR TELEPHONIC APPEARANCE</u> <u>FOR COURT HEARING – Family Law</u>	<u>HEARING DATE:</u> <u>TIME:</u> <u>DEP'T.:</u>

Request for telephonic appearance for a court hearing filed by petitioner/plaintiff respondent/defendant other parent
 _____ is:

GRANTED pursuant to the following terms:

- Party is responsible for all costs and arrangements of the telephonic appearance which must be arranged through CourtCall, LLC, (an independent company).
- If the matter involves child custody and visitation, Party understands that the matter will be referred to mediation before a hearing is set and that Party must file a separate *Request for Telephonic Appearance for Family Law Mediation* (local form MFL-148) for review and approval by the Family Court Mediator for telephonic participation in mediation. Party understands that receiving approval for a telephonic appearance for their court hearing does not mean that approval has been granted for telephonic participation in the mediation session.

DENIED – reason(s) as stated:

Date: _____

 Judge of the Superior Court of Mendocino County

e. _____ (MFL-147-Local rev. 7/28/16) I, (name): _____ am the

SUPERIOR COURT OF CALIFORNIA

~~COUNTY OF MENDOCINO~~

<input type="checkbox"/> Ukiah Main Courthouse 100 North State Street Ukiah, CA 95482	<input type="checkbox"/> Ten Mile Branch 700 South Franklin Street Fort Bragg, CA 95437
Plaintiff/Petitioner:	
Defendant/Respondent:	
ORDER RE: REQUEST FOR TELEPHONE APPEARANCE FOR EVIDENTIARY HEARING/CHILD CUSTODY MEDIATION	Case No.:

~~IT IS HEREBY ORDERED THAT:~~

The request pursuant to Local Rule of Court 11.1 filed by _____ in the above entitled matter on ~~<Month, date, year>~~, is hereby:

~~() GRANTED~~ as to the Hearing date: ~~<type in date>~~.

~~() DENIED~~ as untimely.

~~() DENIED OTHER:~~

Date: _____

~~<TYPE IN JUDGE'S NAME>~~,
Judge of Superior Court

(Adopted for Mandatory use eff. 1/1/10-Form #MFL-147-Local)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: _____ FAX NO. (Optional) _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
REQUEST TO BE TRANSPORTED PURSUANT TO PENAL CODE 2625	HEARING DATE: TIME: DEP'T.:

To the Superior Court of California, County of Mendocino:

I, _____ am a party in the above entitled case. I am currently
(name and identification number) _____
(name)
incarcerated at _____ and my inmate identification number is

(name of institution)
_____. I am requesting to be transported to Department _____ for a
Department _____ for a hearing that is scheduled on _____
at _____ a.m./p.m. for the purpose of _____

_____.

Date: _____

 Requesting Party's Signature

(MMC-122-Local rev. 07/28/16)

(Adopted for Mandatory use eff. 7/1/09-Form #MMC-122-local)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
In the matter of: _____ <div style="text-align: center;">Child(ren)</div>	CASE NUMBER: _____ Hearing Date: _____ Time: _____ Department: _____
REQUEST FOR TELEPHONE APPEARANCE (Juvenile Dependency)	

1. I, (name): _____ am the
 - parent other (specify): _____
 - attorney for (name): _____ in this case.
2. I ask the court to allow _____ to appear telephonically at the above hearing.
3. I have given all parties **48 hours notice** by:
 - Placing the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers; or
 - Serving all other parties with this request
4. I understand that upon the granting of my Request for Telephone Appearance - (Juvenile Dependency) I must contact CourtCall, LLC, to arrange teleconferencing services at my own expense. The Court has contracted with CourtCall, LLC to provide teleconferencing services. Information as to the forms and fees may be obtained directly from CourtCall, LLC at 1-888-88-COURT
5. I request the Court waive the requirement to use CourtCall, LLC, and any fees associated with my request to appear telephonically due to the following:
 - _____ receives public benefits
 - The gross monthly household income (before deductions for taxes) of _____ is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,128.13 <u>1,215.63</u>	3	\$1,907.30 <u>2,061.46</u>	5	\$2,686.46 <u>2,907.30</u>
2	\$1,517.71 <u>1,638.55</u>	4	\$2,296.88 <u>2,484.38</u>	6	\$3,076.05 <u>3,330.21</u>

**** If**

more than 6 people at home, add \$389.59 for each extra person.

- Based on information and belief, _____ does not have enough income to pay for his/her household's basic needs and telephonic appearance fees.
- _____ is a Tribal Representative and through County Counsel has requested a waiver of the telephonic appearance fees.
- is a minor

I declare under penalty of perjury under the laws of California that the information I have provided on this form and all attachments is true and correct except as to matters stated on information and belief and as to those matters I believe them to be true.

Date: _____

Print your name here

Sign here

ADVISEMENT REGARDING TELEPHONE APPEARANCE

~~(OPTIONAL—ATTORNEY DISCRETION)~~

1. I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn upon request by the court clerk, holding up my right hand and agreeing under penalty of perjury under the laws of the State of California to tell the truth and nothing but the truth.
2. I understand that if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents filed and any testimony given for this hearing.
3. I understand that the court may decide at any time to require my personal appearance and continue my hearing.

I have read the Advisement Regarding Telephone Appearance section of this form and I understand that the terms apply to me.

Date: _____ Signed: _____

(Adopted for Mandatory use effective 1/1/11 Form # MJV-150-local)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO**

<input type="checkbox"/> Ukiah Main Courthouse 100 North State Street Ukiah, CA 95482	<input type="checkbox"/> Ten Mile Branch 700 South Franklin Street Fort Bragg, CA 95437
In the matter of: <div style="text-align: center;">Child(ren)</div>	
ORDER re: REQUEST FOR TELEPHONE APPEARANCE (Juvenile Dependency)	Case No.:

IT IS HEREBY ORDERED THAT:

Pursuant to Local Rule of Court 11.1, this *Request for Telephone Appearance (Juvenile Dependency)*, filed by _____, on _____, in the above entitle matter is hereby:

- GRANTED** as to Hearing date: _____
- CourtCall, LLC, fees may be waived in accordance with CourtCall, LLC, -policies.
- CourtCall, LLC, fees are not waived.
- DENIED** as untimely.
- DENIED:** _____

Dated _____

Judge of Superior Court

(MJV-151-Local rev. 7/28/16)

(Adopted for Mandatory use eff. 1/1/11-Form #MJV-151--local)

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) TELEPHONE NO.: ATTORNEY FOR (Name):	<u>FOR COURT USE ONLY</u>
<u>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO</u> <input type="checkbox"/> UKIAH Courthouse, State and Perkins Streets 100 North State Street, Ukiah, CA 95482-0337 <input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street, Fort Bragg, CA 95437	
PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
<p style="text-align: center;"><u>REQUEST FOR TELEPHONIC APPEARANCE FOR FAMILY LAW MEDIATION</u></p> <p><u>(This notice must be filed with the court at least fifteen (15) court days before the appearance)</u></p>	HEARING DATE: TIME: DEP'T.:

Do not file this form for a court appearance; for a court appearance, you will need to file a separate request (form number MFL-146).

1. I, (name): _____

am the petitioner/plaintiff respondent/defendant other parent

2. I ask the court to allow me to appear by telephone on my scheduled mediation date of _____

3. I would like the Family Law Mediator to consider the following information in making it's decision whether to allow a telephonic appearance (check all that apply):

- a. I, or my witness, live or work outside of the state of California in (specify location): _____
- b. I live in _____ County in California, which is _____ miles from the above courthouse where the mediation is set.
- c. I am disabled.
- d. I can not afford to travel to Ukiah or do not have reliable transportation.
- e. I will be incarcerated or confined in (specify): _____
- f. I am in the military and am currently stationed at (specify location): _____
- g. Other: _____

4. I understand that the Family Law Mediator may need to contact me to discuss my application for telephonic participation in mediation.

- a. My contact information is (provide phone number): _____
- b. The best dates and times to reach me are at: _____

5. If my request for telephone appearance for mediation is approved:

- a. I understand that mediation sessions are typically three (3) hours and that I must be available for the duration of the session.
- b. I understand that it is preferable that I have access to a land line telephone for the duration of the mediation session as mediation may be terminated if cellular phone reception is problematic.
- c. I am responsible for all costs and arrangements of the telephonic appearance.
- d. I must ensure that I have the use of a private area for the duration of the mediation session.
- e. I understand that no other individuals, including children, may be present for the duration of the mediation session.
- f. I understand that the *Family Mediation Intake* form (local form MFL-230) must be filled out and returned to the Family Law Mediator, either by fax or by mail, at least five (5) days in advance of the mediation session.

Family Mediation Intake form: http://www.mendocino.courts.ca.gov/forms_and_filing/forms/MFL-230.pdf
 Fax Number: (707) 463-6874
 Mail to: Carol Park, Family Law Mediator, 100 North State Street, Ukiah, CA 95482

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE)

| *(Adopted for Mandatory use eff. 1/1/10-Form #MFL-148-Local)*

<u>ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS)</u> <u>TELEPHONE NO.:</u> <u>ATTORNEY FOR (Name):</u>	<u>FOR COURT USE ONLY</u>
<u>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO</u> <input type="checkbox"/> <u>UKIAH Courthouse, State and Perkins Streets</u> <u>100 North State Street, Ukiah, CA 95482-0337</u> <input type="checkbox"/> <u>TEN MILE Branch Court</u> <u>700 South Franklin Street, Fort Bragg, CA 95437</u>	
<u>PETITIONER:</u> <u>RESPONDENT:</u> <u>OTHER PARENT/CLAIMANT:</u>	<u>CASE NUMBER:</u>
<u>ORDER re: REQUEST FOR TELEPHONIC APPEARANCE</u> <u>FOR FAMILY LAW MEDIATION</u>	<u>HEARING DATE:</u> <u>TIME:</u> <u>DEP'T.:</u>

Request for telephonic appearance filed by petitioner respondent other parent _____ is:

DENIED – reason(s) as stated: _____

- GRANTED** pursuant to the following terms:
- a. Mediation sessions are typically three (3) hours. Party must be available for the duration of session.
 - b. It is preferable to have access to a land line telephone for the duration of the mediation session as mediation may be terminated if cellular phone reception is problematic.
 - c. Party is responsible for all costs and arrangements of the telephonic appearance.
 - d. Party must ensure that they have the use of a private area for the duration of the mediation session.
 - e. No other individuals, including children, may be present for the duration of mediation session.
 - f. Party must fill out and return the *Family Mediation Intake* form (local form MFL-230) to the Family Mediator, either by fax or by mail, at least five (5) days in advance of the mediation session.
Family Mediation Intake form: <http://www.mendocino.courts.ca.gov/forms/MFL-230.pdf>
Fax Number: (707) 463-6874
Mail to: Carol Park, Family Mediator, 100 North State Street, Ukiah, CA 95482

Step-by-Step Procedure for Approved Telephone Mediation

- 1) Contact CourtCall, LLC, and (-1-888-88-COURT) least three (3) court days before the hearing to arrange to appear in Family Court at the designated time of the hearing. The Family Court judicial officer will refer you to Family Mediation.
- 2) At the time assigned by the Family Mediator, telephone the Family Court Conference Room at (707) 463-4794 to attend Family Mediation Orientation.
- 3) Upon completion of Family Mediation Orientation the Family Court Mediator shall give you a designated time and number to telephone into the mediation office to begin your mediation session.
 - a. Once mediation begins, the Family Court Mediator will be meeting with each party separately at least once. However, you may be asked to hang up and telephone back into your mediation session several times during the session.
- 4) Once a Parenting Plan is agreed upon, the Family Court Mediator will type up the Plan and will require both parties to sign the Plan. You will be instructed to follow certain steps to submit your signature on the Plan. Without your signature the Parenting Plan cannot become a court order. You will need to complete the instructions to submit your signed document within two (2) court days of the conclusion of your mediation session.

Date: _____

 Family Mediator, Superior Court of California, County of Mendocino

(Adopted for Mandatory use eff. 1/1/10-Form #MFL-149-Local)

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) TELEPHONE NO.: ATTORNEY FOR (Name):	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO <input type="checkbox"/> UKIAH Courthouse, State and Perkins Streets 100 North State Street, Ukiah, CA 95482-0337 <input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street, Fort Bragg, CA 95437	
PETITIONER: RESPONDENT:	CASE NUMBER:
ORDER RE: PRISONER TRANSPORT PURSUANT TO PENAL CODE 2625	HEARING DATE: TIME: DEP'T.:

To the Director / Sheriff / Warden of: _____
(name of institution)

An order having been made this day, by me, that _____,
(name of prisoner)
 be produced in this court as a party in the above entitled matter.

You are commanded to deliver _____
(name of prisoner)
 on _____, at _____ a.m./p.m. to Department ____ for the purpose of

 _____.

Your request to be transported on _____ is hereby **DENIED**.
(date)

Date: _____

 Judge of the Superior Court of California, County of Mendocino

(Adopted for Mandatory use eff. 7/1/09-Form #MMC-123-local)

CHAPTER 15 – FAMILY LAW RULES

15.1. Scope

Family Law matters include all matters related to the Family Law Act, Uniform Parentage Act, the Domestic Violence Prevention Act, the Uniform Child Custody Jurisdiction Act, and the Domestic Partnership Act.

Guardianship proceedings under the Probate Code will be treated as Family Law matters subject to the rules set forth in this chapter.

Title IV-D actions heard by the Child Support Commissioner will be treated as Family Law matters subject to the rules set forth in this chapter.

(Eff. 1/1/17).

15.2. Assistance for Self-Represented Litigants

It is the policy of the Superior Court of California, County of Mendocino, to refer self-represented litigants to the following resources for assistance with Family Law matters:

- a. **Family Law Facilitator.** The Family Law Facilitator shall perform all duties prescribed or permitted by the Family Law Facilitator Act, Family Code section 10000 *et seq.* The Facilitator shall be available during office hours and during Case Management Conferences to offer assistance to self-represented litigants. Please see the court website for the Facilitator's office hours:
www.mendocino.courts.ca.gov/divisions/family/family-flf.asp
- b. **Self Help Legal Access Center (SHLA).** Staff in the Self Help Legal Access Center are also available to assist self-represented litigants with Family Law matters. Please see the court's website for the SHLA office hours:
www.mendocino.courts.ca.gov/self_help/SHLA.asp

(Eff. 1/1/17).

15.3. Family Law Case Management

In compliance with CA Rules of Court 5.83, the Superior Court of California, County of Mendocino, will actively manage dissolution, legal separation, nullity, and parentage cases in order to reduce unnecessary delay and expense, encourage reasonable preparation, and facilitate early settlement.

- a. **Scheduling of Family Law Case Management Conferences.** At the time of filing a petition for dissolution, legal separation, nullity, or parentage, an initial Family Law Case Management Conference will be scheduled by the clerk within 180 days. The clerk will deliver a Notice of Family Law Case Management

Superior Court of California, County of Mendocino

Conference (Local Form MFL-250) to the petitioner at the file that the petition is file.

Family Law Case Management Conferences are heard on the third Friday of each month at 2:00 p.m. in the Ukiah Courthouse.

Family Law Case Management Conferences are heard on the first and third Friday of each month at 9:30 am in the Ten Mile (Ft. Bragg) courthouse.

- b. **Petitioner Must Promptly Serve Notice of Family Law Case Management Conference.** A copy of the Notice of Family Law Case Management Conference must be served on the responding party, together with the summons and petition, and proof of service thereof shall be filed promptly with the court. The summons, petition, and notice of case management conference should be served within 60 days of case initiation (CA Rule of Court 5.83(c)(4)(A)).
- c. **Family Law Case Status Reports.** Each party must file and serve a [Family Law Case Status Report \(Local Form MFL-251\)](#) at least five (5) days prior to the Family Law Case Management Conference.
- d. **Appearance at Family Law Case Management Conference.** Either the party or, if represented, the party's attorney, should appear at the Family Law Case Management Conference. At each conference, the court will review the status of the case, discovery issues, settlement options, alternative dispute resolution, and unresolved issues. The court may make any orders at the Family Law Case Management Conference which it deems necessary, consistent with Family Code 2450-2451 or Family Code 2032(d).

(Eff. 1/1/17).

15.4. Requests for Orders (RFOs)

- a. **Calendaring Request for Orders for Hearing.** Request for Orders regarding custody and visitation of children, child support, spousal support, property control, and other issues shall initially be calendared for hearing on the Family Law law and motion calendar. Matters heard on the 9:30 a.m. law and motion calendar shall be limited to a maximum of 30 minutes. If the parties or through counsel believe that the matter will exceed 30 minutes, the matter may be continued by stipulation for an evidentiary hearing or may remain on the law and motion calendar for the purpose of setting and/or requesting temporary orders prior to the evidentiary hearing.
- b. **Meet and Confer Requirement.** Prior to the hearing on any Request for Order, the parties and, if represented, the parties' counsel, shall have met and conferred in a good faith effort to resolve all issues. All relevant documents shall be exchanged prior to or at the meet and confer session in the absence of good cause

Superior Court of California, County of Mendocino

to the contrary. A failure to meet and confer may result in the matter being dropped from the calendar or continued in order to allow the parties to meet and confer. Failure to meet and confer in good faith will be considered by the court in connection with any request for award of attorney's fees or sanctions pursuant to Family Code 271.

- c. **Unserved Request for Order.** If a Request for Order has not been timely served, the moving party should submit an application for [Reissuance of the Request for Order \(Judicial Council Form FL-306\)](#). The court will not hear a Request for Order unless 1) a proof of service demonstrating timely service has been filed by the moving party; or 2) the opposing party personally appears and waives any defect in service on the record in open court. Even when the opposing party appears, however, the court will not hear a Request for Order unless a valid proof of service of summons and petition has been filed.

d. **Evidence Required for Hearings Involving Financial Issues.**

1. **Income and Expense Declaration.** A current [Judicial Council Income and Expense Declaration \(FL-150\)](#) must be filed with both the moving and responsive papers for any hearing involving financial issues, including support and attorney fees and costs. An Income and Expense Declaration is current if it has been completed within three months of the hearing and providing no facts have changed. Supplemental, updated, or responsive Income and Expense Declarations must be served at least five (5) court days before the hearing. All portions of the form must be completed. Insertion of the word "unknown" does not constitute compliance with this rule. The gross income of all persons living with the party must be provided on the Income and Expense Declaration. All cash, funds on deposit, stocks, bonds, and other easily sold assets must be fully disclosed.

To verify current income, parties must serve copies of the following documents with their Income and Expense Declaration if they are not otherwise required to be attached to the Income and Expense Declaration. Documents that are required by this rule to be served with the Income and Expense Declaration may be lodged with the court at the time of the hearing.

- a. **For salaried employees:** The prior calendar year W-2 and all pay stubs for the last two (2) months showing all forms of year-to-date earned income.
- b. **For self-employed individuals, including independent contractors:** A schedule reflecting all compensation received year-to-date and the last two (2) filed IRS 1040 Schedule C or C-EZ; profit-and-loss statements and balance sheets for the two (2) prior calendar years and the current year-to-date.

Superior Court of California, County of Mendocino

- c. **For employees who are shareholders in a closely-held corporation:** The prior calendar year W-2; all pay stubs for the last two (2) months showing all forms of year-to-date income; all IRS K-1s for two (2) prior years; the last filed IRS Schedule E (Part II); profit and loss statements and balance sheets for the two (2) prior calendar years and the current year-to-date.
 - d. **For partnership income:** A schedule reflecting all compensation received year-to-date, all IRS K-1s for the two (2) prior years; the last filed IRS Schedule E (Part II); profit and loss statements and the balance sheets for the two (2) prior calendar years and the current year-to-date.
 - e. **For rental income:** The last filed IRS Schedule E (Part I); summaries of all rental receipts, deposits, disbursements, and expenses for the prior calendar year and for all periods year-to-date.
 - f. **For dividend income, interest income, trust income, or other earned income:** The prior calendar year IRS 1099s; the last filed IRS Schedule B; an itemized summary of all funds on deposit, shares of stock, bonds, or other income-producing assets owned, and the rate of return currently being paid thereon; and any income derived there from during the prior calendar year, and year-to-date.
2. **Disclosure of Income Tax Returns.** Parties shall bring a copy of their most recent federal tax return to the hearing. In addition, when child, family, or spousal support is requested, a party may require the opposing party to provide copies of both state and federal income tax returns pursuant to Family Code section 3552. A request for tax returns must be made no later than 10:00 a.m. five (5) court days before the hearing. Copies of the tax returns including all schedules, W-2s, 1099s, and K-1s must be provided to the requesting party or counsel the earlier of five (5) court days after the request or 10:00 a.m. two (2) court days before the hearing. Tax returns served pursuant to this rule must not be filed with the court except as provided in Family Code section 3552.
3. **Child and Temporary Spousal Support Guidelines.** The court uses the DissoMaster™ computer program to calculate guideline child support (except in Department of Child Support Services enforcement actions) and temporary spousal support. In calculating temporary spousal support, the court uses the “Santa Clara” formula as contained with the DissoMaster™ computer program.

4. **Deviations from Guideline Child Support or Temporary Spousal Support.** Unless otherwise allowed by the court, if a party contends that the amount of support as calculated under the guideline formula is inappropriate, that party must file a declaration stating the amount of support alleged to be proper and the factual and legal bases justifying a deviation from guideline support. In its discretion, for good cause shown, the court may deviate from the amount of guideline support resulting from the computer calculation.
 5. **Request for Attorney Fees.**
 - a. Attorney Declaration. Any request for attorney fees or costs in excess of \$2,000 must be accompanied by a factual declaration completed by the attorney. The declaration must state the attorney's hourly rate, the amount of fees due and payable, how fees requested were or will be spent, and identification of a source for payment of the fees. The declaration shall further state such facts as may be relevant to the court's determination of the reasonableness of the fees.
 - b. Bifurcation Re: Fees and Costs. Where counsel requests fees pursuant to Family Code section 271, the court will defer any decision until all other issues have been determined and will not receive an attorney's declaration relating thereto until commencing consideration of the attorney fee issue.
 6. **Request for Expert Fees.** Any request for expert fees must be accompanied by a factual declaration completed by the expert. The declaration must state the expert's hourly rate, the scope of the expert's task, and an estimate of the number of hours required to complete the task.
 7. **Request for Modification of Prior Support Orders.** The supporting declaration submitted in support of any request for modification of a prior child or spousal support order must include specific facts demonstrating a change of circumstances.
- e. **Continuances.**
1. **Stipulated Continuances.** After the Request for Order has been served, three (3) continuances (not counting continuances necessitated by the court due to overbookings for mediation or the lack of an interpreter) may be obtained by stipulation upon payment of the continuance fee.
 2. **Continuances for Good Cause.** Other than as allowed in paragraph (E)(1), continuances must be obtained by appearance and order of the court upon good cause shown. Continuances of "special set" matters are

Superior Court of California, County of Mendocino

discouraged. If the matter has settled, the parties must either appear in court and announce the settlement on the record or provide the court with a written settlement agreement or stipulation at, or prior to, the hearing. In the absence of a settlement or good cause shown, a “special set” matter generally will not be continued, but will be dropped from calendar without prejudice.

f. **Hearings on Request for Orders.**

1. **Personal or Telephone Appearance Required.** A party, or his or her attorney, must personally appear at the hearing on a Request for Order or appear by telephone in accordance with Local Rule 11.1. If a party or attorney cannot appear as the result of illness, extreme economic hardship, or other good cause, that party, or his or her attorney, must immediately contact the other party and make all reasonable efforts to continue the hearing. In the absence of a settlement or an agreement to continue the hearing, the party who is unable to appear must file a declaration detailing the communication or attempted communication with the other party and request a continuance.
2. **Late Appearance.** If for any reason an attorney or party is unable to be present at the time the matter is called for hearing, he or she must immediately notify the clerk and the opposing party, by telephone, of the reasons for and the extent of the delay,
3. **Failure to Appear.** Failure of the moving party, or his or her attorney, to appear without notice to the responding party will in most cases result in the matter being dropped from the calendar. However, if a party who has filed a response to a Request for Order re custody and visitation appears and asks to go forward, the court may either continue the matter and award attorney’s fees to the responding party, or may enter an order on the pleading and testimony of the responding party. If the responding party fails to appear without notice to the moving party, the court will either continue the matter and award attorney’s fees or may enter an order on the pleadings and testimony of the moving party.

- g. **Submission of Order after Hearing.** The prevailing party shall submit and Order after Hearing in compliance with CA Rule of Court 3.1312 unless the court orders otherwise. If there is a disagreement between the parties concerning the accuracy of the proposed Order after Hearing, either party may calendar the matter to compel the entry of the order. In the court’s discretion, attorney’s fees may be awarded if opposition to entry of the proposed order is not meritorious.

(Eff. 1/1/17).

15.5. Ex Parte Applications

Ex parte applications shall not be used as a means to avoid calendaring a Request for Order. Applications for ex parte non-emergency relief must clearly state the factual and legal basis for proceeding.

- a. **Filing/Scheduling.** Ex parte applications involving family law or guardianship matters must be filed at the civil division filing counter by 11:00 a.m. in order to be placed on the 1:15 p.m. ex parte calendar. No drop box filing is allowed for ex parte applications.
- b. **Notice**
 1. **Duty to Provide.** Parties shall comply with applicable laws regarding the notice of ex parte requests, including all requirements for a declaration setting forth that notice to the other party has been given or, alternatively, the reason notice has not been given.
 2. **Timing.** Absent a showing of exceptional circumstances, a party seeking an ex parte order shall notify all parties, or their attorneys if represented, no later than 10:00 a.m. the court day before the application is filed with the court.
 3. **Manner.** Notice of the application shall be given by the means most likely to result in actual notice: telephone, e-mail, text message, personal delivery, and/or facsimile transmission. Service by mail is allowed only when other forms of notice are not possible. If notice by mail is used, the notice must be mailed to allow for delivery by the court day before the application is filed with the court.
 4. **Service of Moving Papers.** Parties appearing at the ex parte hearing shall serve the ex parte application or any written opposition on all other appearing parties at the first reasonable opportunity, no later than the time of the appearance.
- c. **Supporting Declarations**
 1. **General Requirements.** Declarations in support of the application must be based on the declarant's personal knowledge and must comply with CA Rule of Court 5.151(d). The declaration must, in itself, be adequate and supported by admissible evidence to warrant the relief requested. It cannot contain hearsay statements of persons other than the declarant, and it cannot be augmented by oral statements to the court. There is an absolute duty to disclose the fact that a requested ex parte order will result in a change in the status quo.

Superior Court of California, County of Mendocino

2. **Custody and Visitation Orders.** The court will not grant ex parte orders changing the status quo of visitation and/or custody of the child unless there is a very strong factual showing of immediate harm to the child or immediate risk that the child will be removed from the state of California (Family Code 3064, CA Rule of Court 5.15(b)(1)). In the absence of a sufficient factual showing pursuant to Family Code 3064 and CA Rules of Court 5.151, custody and visitation matters must be properly set on the appropriate family law calendar and noticed for hearing with both parties present and afforded the opportunity to be heard.
3. **Temporary Restraining Orders.** Declarations submitted to the court with a request for an ex parte temporary restraining order must specifically include the date(s) of the incidents, a detailed statement of facts, and a description of the specific harm caused or threatened, which supports the request for extraordinary relief. Conclusions, feelings, wishes, or fears will not adequately support an ex parte order.
4. **Exclusive Use of Vehicles.** No ex parte order will be granted giving one party the exclusive use of a vehicle unless the declaration demonstrates that the opposing party has suitable transportation available or requires no such transportation, or for other good cause shown.
5. **Exclusive Use of Residence.** No ex parte order will be granted removing a party from a residence except in cases of domestic violence where the moving party's declaration sets forth facts required by Family Code section 6321, or for other good cause shown.

(Eff. 1/1/17).

15.6. Child Custody and Visitation

a. Mediation

1. **Personal Appearance by Parties Generally Required.** In all proceedings involving a contested issue regarding custody or visitation of a child, the parties shall attend mediation prior to a hearing or trial. Failure to attend a scheduled mediation without good cause may result in sanctions against the party who fails to attend. Sanctions may include, but are not limited to, monetary sanctions, denial of relief sought, dismissal of Request for Order, entry of substantive orders, or contempt.
2. **Telephone Appearance for Mediation.**
 - a. For good cause shown, a party may request the opportunity to appear for mediation by telephone. Examples of "good cause" include: a party resides out of state, a party or a member of a

Superior Court of California, County of Mendocino

party's family has a serious health issue which makes travel to court difficult or impossible, serving in the military, or the party would suffer extreme financial hardship if required to appear in person.

- b. At least 15 days prior to the scheduled mediation, the party who wishes to appear by telephone shall file and serve a [Request to Appear by Telephone \(Local Form MFL-148\)](#). A reliable phone number must be included on the form. The mediator may grant or deny the request for a telephone appearance in his or her discretion. If denied by the mediator, the requesting party may request that the court approve his or her request to appear by telephone. The court's decision on this issue is final.
- c. A party approved for a telephone appearance must:
 - i. Complete and return the [Family Mediation Intake Form \(MFL-230\)](#) by fax, email, or mail at least 5 (five) days prior to the scheduled mediation;
 - ii. Ensure that a private, secure telephone line is available for the duration of the mediation and take all reasonable steps to maintain the confidentiality of all communications which occur during the mediation.

- 3. **Non-Recommendation Confidential Mediation.** Mediation sessions are confidential. The mediator conducting a confidential mediation will not make a report or recommendation regarding the child except as follows:
 - a. **Child at Risk:** As a mandated reporter, the mediator will make a report to Child Welfare Services if the mediator believes that a child is at risk of abuse or neglect.
 - b. **Threats of Death or Bodily Injury:** The mediator is required to report threats of death or great bodily harm made to a party, any other person, or to the mediator.
 - c. Without disclosing details from the mediation, the mediator may recommend that the court consider appointing counsel to represent the child or children or appoint a child custody evaluator.
- 4. **Children May Not Participate in Mediation Without Prior Authorization.** A child who is of sufficient age to express a meaningful preference (Family Code 3042) may participate in mediation with the consent of all parties and the prior authorization of the mediator. Parties shall not bring a child to court with the expectation that the child will be

Superior Court of California, County of Mendocino

allowed to participate in mediation prior to obtaining the consent of the other party and the consent of the mediator.

5. **Mediator May Not be a Witness.** The mediator may not be called as a witness at any court hearing regarding any matter discussed during confidential mediation.
 6. **Parties Do Not Reach Agreement.** If the parties do not reach agreement on some or all of the issues presented, the mediator will schedule a court hearing date and notify the parties, their attorneys, and the court.
 7. **Ex Parte Communication.** Except as provided in Family Code 216, there shall be no ex parte communication between the attorney for any party (including minor's counsel) and the mediator, except to schedule appointments. No attorney or party shall provide the mediator with documents relevant to the case without first giving copies to the other parties or attorneys.
 8. **Interpreters.** The court shall attempt to obtain the services of a certified interpreter for mediation if such is required by one or more of the parties. In the event that a certified interpreter is not available, a neutral person fluent in English and the party's native language may interpret for the party in mediation after signing a confidentiality agreement. In no case may a child of the parties serve as an interpreter.
 9. **Mediation Complaints.** A party or attorney who wishes to lodge a complaint about a mediator shall complete [a Client Complaint Form \(Local Form MFL-270\)](#), and deliver it to the Court Executive Officer at the earliest opportunity. The Court Executive Officer or his or her designee ("investigator") shall conduct an investigation of the complaint which shall include consultation with the mediator. Within 15 days of receiving the complaint, the investigator shall decide whether to replace the mediator who is the subject of the complaint. The complainant shall be informed in writing of the investigator's decision, which shall be final.
- b. **Parenting Apart Workshop.** In an action for dissolution of marriage or legal separation involving children, and in any action to determine paternity or any action for modification of custody and visitation, each parent is required to attend the Parenting Apart Workshop.

The petitioner should complete and submit the [Parenting Apart Registration Form](#) to attend the workshop in conjunction with the filing of his or her initial papers. The respondent should sign up to attend the workshop as soon as practicable after being served with the papers. Parents shall not attend the same session or class.

Superior Court of California, County of Mendocino

Each parent shall contact the agency designated by the court to obtain an appointment for a parent's workshop, attend the workshop and pay all fees associated therewith. The court will require proof of satisfactory completion of the workshop. The completion or the failure to complete the workshop will be a factor that will be considered by the court in any further custody/visitation hearings.

c. **Appointment of Counsel for the Child**

1. **Generally.** In any Family Law proceeding as defined by Local Rule 15.1, the court may, if it finds it would be in the best interest of the child, appoint counsel to represent the interests of the child. (Fam. Code § 3151)
2. **Compensation.** When the court appoints counsel to represent a child, counsel shall receive a reasonable sum for compensation and expenses. Compensation and expenses shall be determined by the court and paid by the parents in such proportion as the court deems just, or by the county pursuant to Family Code section 3153. Counsel shall utilize the billing procedures set forth in Local Rule 19.8(a), (d).
3. **Complaints.** A parent's complaint about the conduct of or procedures employed by court appointed counsel for a child must be made in writing to the Family Law judge. A copy of the complaint must be provided to all parties. The court must determine what action, if any, to take, including whether the complaint should be referred to the appropriate professional licensing board. The court will explain its decision in a written ruling or on the record in open court. If a child complains about his or her court-appointed attorney, the court may, in its discretion, follow the procedures set forth above or hold a confidential hearing akin to a Marsden hearing provided that a confidential verbatim transcript of said hearing is prepared.

d. **Child Custody Evaluations**

1. **Applicable Law.** This Local Rule of Court is designed to implement Family Code 3111, Evidence Code 730, and California Rules of Court 5.225 and 5.230
2. **Challenge for Cause.** The court shall not permit a peremptory challenge of any court ordered evaluator. Any challenge for cause must be presented by noticed motion to the court at the earliest opportunity.
3. **Withdrawal by the Evaluator.** Any court ordered evaluator may petition the Court for permission to withdraw from any particular case with notice of said request to be given to all parties of record.

Superior Court of California, County of Mendocino

4. **Complaints.** If a party, or his or her attorney, has a complaint regarding a court ordered child custody evaluator, he or she should bring the complaint to the attention of the court at the earliest possible opportunity using any means authorized by law. If the complaint is raised outside of a court hearing, the other party shall receive notice of the complaint prior to, or at the same time the complaint is filed with the court. The court may hold a hearing on the complaint or take other action as appropriate.
 5. **Ex Parte Contacts with Evaluator.** No party or attorney for a party shall initiate contact with a court appointed evaluator, orally or in writing, to discuss the merits of the case without giving the other party notice and an opportunity to be present and/or to receive a copy of the written communication. In accordance with Family Code section 216 and California Rules of Court 5.235, the judge shall not have ex parte communication with the court appointed evaluator, the parties, or their attorneys regarding the case without written permission from the parties or their attorneys.
 6. **Citing Authority and Purpose of Evaluation.** Upon ordering an evaluation, the Court shall specify under what code section the evaluator has been appointed and the purpose and scope of the evaluation. The Court shall further specify whether the evaluation shall be a “full evaluation” or shall be “limited” in scope.
 7. **Evaluator’s Education and Training.** Any court ordered evaluator shall adhere to the uniform standards of practice and the educational and training standards for court ordered custody evaluations contained in California Rules of Court 5.225 and 5.230, as well as Family Code sections 1815, 1816, 3111, and 3118. All evaluators must file the Declaration of Child Custody Evaluator Regarding Qualifications form with the Court upon receiving the appointment and prior to the commencing of the evaluation process.
- e. **Child’s Participation in Custody Proceedings**
1. **Applicable Law.** This rule is intended to implement Family Code 3042 and CA Rule of Court 5.250. If any portion of this Local Rule is found to be in conflict with state law, the provisions of the statute or Rule of Court will control.
 2. **Court to Determine Nature of Child’s Participation Prior to Custody Proceeding.** Family Code 3042 and CA Rule of Court 5.250 give the court broad discretion to determine whether participation in a custody proceeding is in a child’s best interest and, if so, how the child’s input should be received. Accordingly:

Superior Court of California, County of Mendocino

- a. No party or attorney, including court-appointed counsel for a child, shall bring a child to court with the expectation that the child will participate in a custody proceeding *unless* the court has previously entered an oral or written order authorizing the child's participation.
- b. A party, attorney for a party, evaluator, investigator or mediator who has information that a child wishes to address the court shall inform the court and all other parties at the earliest opportunity using one of the methods described in subsection (c).

3. Procedure for Obtaining Court Order Re Child's Participation in Custody Proceeding

- a. A party or attorney may request a court order regarding a child's participation in a custody proceeding by any of the following methods:
 - i. If the child is at least 14 years of age:
 - a. The child, or if the child is represented, the child's attorney, may ask the judge orally, in open court, or in writing, for an opportunity to address the court regarding custody and visitation issues. If the request is in writing and has not been served on all parties, the court shall ensure that the written request is served on the parties or their attorney[s], and that the parties have an opportunity to respond before ruling on the child's request.
 - b. The parties may submit a stipulation signed by all parties or their attorney[s], including the child or court-appointed counsel for the child, setting forth the method by which the child will participate in the custody proceeding and requesting that the court adopt the stipulation as the court order. The court may, in its discretion, set a hearing to determine if the stipulation is in the child's best interest (CA Rule of Court 2.50(c)(2)).
 - ii. If the child is under 14 years of age:
 - a. The parties may submit a stipulation signed by all parties or their attorney[s], including, if applicable, court-appointed counsel for the child, setting forth the method by which a child will participate in the

Superior Court of California, County of Mendocino

custody proceeding and requesting that the court adopt the stipulation as the court order. The court may, in its discretion, set a hearing to determine if the stipulation is in the child's best interest.

- b. A party or his/her attorney may file a noticed Request for Order or an *ex parte* application for a court order determining whether a child may participate in a custody proceeding and the method of such participation.
 - c. At the time a custody matter is set for a trial or an evidentiary hearing, any party or his/her attorney of record may make an oral motion that a child participate in the trial or evidentiary hearing. The court may, in its discretion, take any of the following actions in response to the oral motion: (A) After considering argument by all parties, issue an oral ruling on the motion; (B) Continue the matter for hearing; (C) Appoint counsel for the child and continue the matter for hearing; or (D) Take such other steps as the court deems proper.
- b. An evaluator, investigator, or mediator who has information that a child wishes to address the court shall promptly inform the court and all parties or their attorney[s] using any method reasonably calculated to provide such notice. Upon receiving information from an evaluator, investigator or mediator that a child wishes to address the court, the court may, in its discretion: (A) Set the matter for hearing; (B) Appoint counsel for the child, or (C) Take such other steps as the court deems proper.

4. Evidentiary Issues

- a. If the court decides that a child may be called as a witness in a custody proceeding, the court shall consider and rule upon the issues set forth in CA Rule of Court 2.50(d)(3)-(6).
- b. If the parties stipulate or the court orders that a child's input may be received by way of a child interview as set forth in CA Rule of Court 2.50(d)(1)(E)), said stipulation and order shall provide that the court may receive in evidence a written summary of the child interview or hear the testimony of the professional who conducted the child interview, including statements made by the child during the interview. Except as set forth herein, all other objections to the written summary or testimony are preserved.

(Eff. 1/1/17).

15.7. Default or Uncontested Judgments

- a. **By Affidavit or Declaration.** To obtain a Judgment of Dissolution or Legal Separation by Declaration (non-appearance) pursuant to Family Code section 2336, the following completed forms must be submitted to the clerk:
1. Declaration for Default or Uncontested Dissolution, signed by one of the parties. In the absence of an agreement between the parties, the relief sought in the declaration must agree with relief sought in the petition. If either party is receiving public assistance, that fact shall be stated.
 2. Current Income and Expense Declaration if (1) support is to be ordered, (2) there are minor children and child support is not reserved, or (3) the marriage has existed for ten (10) years or more, unless parties have otherwise agreed in a Marital Settlement Agreement or stipulation.
 3. Request to Enter Default or Appearance, Stipulation and Waiver, whichever applies.
 4. Original and two (2) copies of Judgment.
 5. Original and two (2) copies of Notice of Entry of Judgment.
 6. Two (2) pre-addressed, stamped envelopes with proper postage for the parties, with the return address of Superior Court of California, County of Mendocino.
- b. **Acknowledgment of Receipt of Proof of Service.** No default will be entered without filing a Proof of Service of Summons with the clerk. Unless the court orders otherwise, a default will not be entered based on a Notice and Acknowledgment of Receipt signed by a person other than the party to whom it is directed.
- c. **Child Support, Spousal Support, or Attorney Fees Awards.** No award of child support, spousal support, or attorney fees will be granted unless there is either an attached written agreement between the parties settling those issues, or there is sufficient information on which the court may base an order, including a fully completed and executed Income and Expense Declaration (with information on both parties where available and a support calculation, if applicable. If either party is receiving public assistance, the signature of an attorney in the Department of Child Support Services consenting to the child support provision must be affixed to the judgment. The judgment shall contain a provision for medical support pursuant to Family Code sections 3750-3753.

- d. **Community and/or Separate Property and Debts.** No division of community property (assets or debts) or confirmation of separate property will be ordered unless there is either an attached written agreement between the parties settling those issues, or there is a completed Property Declaration attached to and served with the Request to Enter Default.
- e. **Custody and Visitation.** Where the judgment is taken by default and either supervised visitation or denial of visitation is requested, unless a written agreement of the parties concerning custody and visitation is submitted with the judgment, a factual declaration under penalty of perjury shall be submitted with the judgment. The declaration shall be mailed to the defaulting party with the Request to Enter Default, and proof of mailing shall be filed with the court. The declaration shall include the following:
 - 1. **Where a party is seeking to deny visitation between the child and the defaulting party:** The specific reasons visitation should be denied; the date upon the last visitation between the child and the defaulting party occurred; and a statement that the whereabouts of the defaulting party is unknown, or, if known, the defaulting party's address.
 - 2. **Where a party is seeking supervised visitation between a child and the defaulting party:** The reasons such visitation should be supervised; when and where supervised visitation should occur; the name and address of the person or agency who/which will perform the supervision; and the method by which the supervisor is to be compensated.
 - 3. **Other information:** The date upon which the parties separated, the identity of the primary caretaker of the child during the last six (6) months, and the extent of contact between the child and the non-caretaker parent during that time.
- f. If the court, in its discretion, requires additional information in order to enter a default or uncontested judgment, the party or parties shall be noticed of date and time to appear.

(Eff. 1/1/17).

15.8. Family Law Trials

- a. **Trial Setting.** At any time after a response to the petition has been filed, either party may request that a trial date be set by filing a [Request for Trial – Family Law \(Local Form MFL-143\)](#), or by orally requesting a trial date at any Family Law Case Management Conference.

Superior Court of California, County of Mendocino

- b. **Mandatory Settlement Conference.** All Family Law trials estimated to take more than one day shall be set for a mandatory settlement conference with either a judicial officer or a family law attorney serving as a settlement conference official. Any other family law matter may be set for a mandatory settlement conference at the request of the parties or in the discretion of the court. Mandatory settlement conferences shall be conducted in compliance with Local Rule 15.9.
- c. **Parties to Exchange Information and Trial Briefs Prior to Trial.** The parties shall exchange evidentiary documents, motions in limine, trial briefs and other documents expected to be used at trial in accordance with the rules governing civil trials set forth in Local Rules 5.1 through 5.6.
- d. **Continuances.** Continuances of Family Law trials shall be governed by Local Rule 15.4(e).

15.9. Mandatory Settlement Conferences

- a. **Discovery.** Discovery must be completed no later than five (5) court days prior to the settlement conference, except upon order of the court for good cause shown.
- b. **Settlement Conference Statements.**
 - 1. **Time for Lodging and Service.** At least five (5) calendar days before the settlement conference, each party must prepare, lodge with the court, and service on the other party, a Settlement Conference Statement as set forth below. If service is by mail, an additional five (5) calendar days' notice is required.
 - 2. **Contents.**
 - a. **Income and Expenses.** In all cases where support or attorney fees is in issue, a current Judicial Council Income and Expense Declaration shall be prepared, signed, and dated. In addition, all income and other financial information as required by Local Rule 15.4(D) shall be attached.
 - b. **Assets and Liabilities.** In all cases where property issues (characterization, division, and/or valuation) are unresolved, each party must prepare a comprehensive inventory of all assets (real and personal) and liabilities claimed by the community property and/or community debt. This inventory can either be typed on applicable Judicial Council forms, or may be prepared in any form which contains substantially the same information as set forth on the Judicial Council forms.

Superior Court of California, County of Mendocino

The parties must attach to their Settlement Conference Statements copies of the completed inventory assets and liabilities forms indicating their claim to values and proposal for division of property.

In all cases where the characterization of real or personal property of the parties (whether community or separate) or reimbursement for contributions to the community from a separate property source is in issue, the parties must set forth all of the facts upon which their claims are based and cite appropriate legal authorities for each of those claims.

- c. **Contentions about Child and Spousal Support.** Both parties shall specify their contentions as to the amount of child support and amount and duration of spousal support. Include calculations showing guideline child support. If any child is a recipient of public assistance, and the Department of Child Support Services is the assignee of the support, the statement shall show that the Department of Child Support Services has been notified of the time and date of the Settlement Conference and has been provided copies of all pertinent, current financial documents (*i.e.* Income and Expense Declarations, support calculations, etc.).
- d. **Contentions about Attorney Fees, Accountant Fees, Expert Fees, and Costs.** Both parties shall include in their statement their position regarding requests for attorney and accountant fees, other expert fees, and court costs. Where appropriate, such requests shall be supported by adequate documentation.

(Eff. 1/1/17).

CHAPTER 15

APPENDIX

FAMILY LAW RULES

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: _____ FAX NO. (Optional) _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER: _____
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	<input type="checkbox"/> Request for Trial <input type="checkbox"/> Counter Request
REQUEST FOR TRIAL – Family Law <input type="checkbox"/> Dissolution <input type="checkbox"/> Nullity <input type="checkbox"/> Legal Separation <input type="checkbox"/> Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Family Law: _____	

1. How long will your trial take (estimate)? _____ Hours/Days (circle one)

2. Check the Issues on which you and the other party disagree or need orders:

<input type="checkbox"/> Child Support	<input type="checkbox"/> Spousal Support	<input type="checkbox"/> Arrearages
<input type="checkbox"/> Property Characterization	<input type="checkbox"/> Property Valuation	<input type="checkbox"/> Property Valuation Date
<input type="checkbox"/> Property Division	<input type="checkbox"/> Reimbursement	<input type="checkbox"/> Date of Separation
<input type="checkbox"/> Attorney's Fees & Costs	<input type="checkbox"/> Other: _____	

3. **Discovery** (getting information about/from the other party) that still needs to be done:
 Has discovery been finished? Yes No Not required/requested in this case
 If no, what discovery still needs to be done? Interrogatories Depositions Document Production
 How long do you think it will take both parties to finish discovery:

4. **Mandatory Declarations of Disclosure** (Dissolution, Legal Separation and Nullity cases only):
 Petitioner has served Respondent with Preliminary Final Declarations of Disclosure
 Respondent has served Petitioner with Preliminary Final Declarations of Disclosure
 If financial disclosures have not been exchanged/served, do you need a deadline? Yes No

5. Do you want a **Trial on separate issues** (a separate trial for each issue that the parties disagree on)?

 Yes No

 If yes, what issues: _____

6. Have you and the other party and/or your attorneys met to discuss settlement? Yes No

7. Is the **Department of Child Support Services** involved on the issue of child support? Yes No

 If yes, which county? _____ **FSB** Number: _____

 Court case number (if different from this case): _____

8. I am not available on the following dates (specify dates and reason for unavailability):

Date: _____

Attorney Petitioner Respondent Other

I served a copy of the At Issue Memorandum/Request for Trial in a sealed envelope as follows:

a.) Mailed from (City): _____ (State): _____

b.) On (date): _____

c.) To (name and address of the person served): _____

Server's Information:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of Registration: Registration Number: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

(Type or print name)

(Signature of Declarant)

(Adopted for Mandatory use effective 7/1/09- Form #-MFL-143-local)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO**

<input type="checkbox"/> Ukiah Main Courthouse 100 North State Street Ukiah, CA 95482	<input type="checkbox"/> Ten Mile Branch 700 South Franklin Street Fort Bragg, CA 95437
<p style="text-align: center;">Protected Party</p>	
EX PARTE REQUEST TO DISMISS RESTRAINING ORDER(S)	Case No.:

COMES NOW _____, **the PROTECTED PARTY**, and requests that the restraining order(s) currently in effect in the above entitled action be dismissed.

— Dated:

 Signature of Protected Party

(Adopted for Mandatory use effective 1/1/11 Form # MCV 120 local)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO <input type="checkbox"/> UKIAH Courthouse, State and Perkins Streets 100 North State Street, Ukiah, CA 95482-0337 <input type="checkbox"/> TEN MILE Branch 700 South Franklin Street, Fort Bragg, CA 95437	<i>For Court Use Only</i>
Petitioner/Plaintiff: Respondent/Defendant:	
MANDATORY SETTLEMENT CONFERENCE STATEMENT	CASE NUMBER:

I, _____, am the Petitioner / Respondent / Attorney for Petitioner / Attorney for Respondent in the above entitled matter. Pursuant to Local Rule of Court 15.8, the following information/documents have been prepared and/or filed with the court in preparation of the mandatory Settlement Conference currently set for hearing on _____ at _____ a.m. p.m.

Check all that apply (documents not filed with the court should be attached):

- ~~Income and Expense Declaration (form FL-150)~~ **Financial Information (documentation required by Local Rule 15.4(E)):**
- filed with the court on _____
- Declaration re: Property (form FL-160):
- attached filed with the court on _____
- Declaration re: Spousal Support (attachment form FL-343):
- attached filed with the court on _____ as attachment to _____
- Declaration re: Child Support (attachment form FL-342):
- attached filed with the court on _____ as attachment to _____
- DCSS involved: Family Support case number is _____
- Declaration re: Visitation as applicable (Parenting Plan or attachment form FL-341):
- attached filed with the court on _____ as attachment to _____
- Declaration re: Attorney Fees:
- filed with the court on _____
- Proposal for Resolution: attached _____

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: _____

Signature

MFL-153-Local rev. 1/1/17

(Adopted for Optional use eff. 1/1/12-Form #MFL-153-local)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, Address, Phone No.) Attorney for:	FOR COURT USE ONLY
<input type="checkbox"/> UKIAH BRANCH, 100 NORTH STATE STREET, UKIAH, CA 95482 <input type="checkbox"/> TEN MILE BRANCH, 700 SOUTH FRANKLIN STREET, FORT BRAGG, CA 95437	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
DECLARATION re: NOTICE upon EX PARTE APPLICATION for ORDERS	Case Number _____ Hearing Date: _____ Time: _____ Dep't.: _____

In most cases, you must notify all parties that you are requesting a court order. This is called "notice". Regardless of how you notice the other side that you are requesting a court order, copies of the documents that you have filed with the court, excluding those for a restraining order, MUST be served on the other party as soon as is reasonably practicable, but in no event later than the time of the hearing set. (Local Rules 8.5; 13.15; 14.4; 15.4)

I, the undersigned, declare:

- 1) I am the (choose one):
- attorney for the Petitioner/Plaintiff
 attorney for the Respondent/Defendant
 attorney for the Child(ren)
 self represented Petitioner/Plaintiff
 self represented Respondent/Defendant

2) Pursuant to CRC 3.1203 and 3.1204, I have informed _____ of this ex parte request for _____ and that s/he will _____
(name of person you notified)
(type of relief sought)
 have to appear before the court on the above listed date and time if s/he objects to this ex parte request.

- 3) Notice was given by (check all that apply):
- Telephone Notification** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ at _____ a.m. / p.m.
(date) (time)
- Personal Delivery** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ at _____ a.m. / p.m.
(date) (time)
- First Class Mail** (copy of ex parte application mailed at least 5 days before the ex parte appearance): _____ at _____ a.m. / p.m.
(date) (time)
- at _____
(address)
- Fax Delivery** (copy of ex parte application faxed no later than 10:00 a.m. the court day before the ex parte appearance): _____ at _____ a.m. / p.m. at _____ (attach proof showing fax was received).
(date) (time) (fax number)
- If notice was provided later than 10:00 a.m. the court day before the ex parte appearance, explain why:**

- 4) I received the following response to the above notice:
- See attached written response.
 Oral response received: _____

- 5) I have not given notice of this request for ex parte orders because:
- Notice would frustrate the purpose of the orders sought (explain below or in an attachment).
 Great or irreparable injury will result to me before orders can be issued and/or I fear for my safety (explain below or in an attachment).
 A good faith effort was made to notify the opposing party but notice was unable to be given (explain notice attempts below).
 The opposing party agrees to the orders requested.
 No significant burden or inconvenience to the opposing party will result from the orders requested (explain below or in an attachment).
 Other (explain): _____

I declare under penalty of perjury that the foregoing is true and correct.

Date: _____ Signed: _____

6) **Family Mediation:** Have the parties gone to Family Mediation *(for cases involving child custody and/or visitation)*?

- No
- Yes
- Not applicable

7) **Parenting Apart Workshop:** Have the parties attended/completed the Parenting Apart Workshop *(for cases involving child custody and/or visitation)*?

Petitioner:

- No
- Yes – date completed: _____
- Not applicable

Respondent:

- No
- Yes – date completed: _____
- Not applicable

8) **Exchange of Information** *(for Dissolution or Legal Separation only):*

Were the Preliminary Declarations of Disclosure (Judicial Council form FL-141) served?

Petitioner: No Yes

Respondent: No Yes

9) **Case Progress** *(check all applicable boxes):*

- The case is moving along fine.
- I do not know what to do next.
- I need more time to work out an agreement.
- I need more time because of financial issues (i.e. selling house, bankruptcy, etc.).
- I need more time because of my health or the other person’s health.
- Other reason(s) for not moving forward with this matter: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____
Petitioner

Date: _____
Respondent

(Adopted for Mandatory use eff. 7/1/13 – Form #MFL:-251-local)

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) TELEPHONE NO.: ATTORNEY FOR (Name):	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO <input type="checkbox"/> UKIAH Courthouse, State and Perkins Streets 100 North State Street, Ukiah, CA 95482-0337 <input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street, Fort Bragg, CA 95437	
PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
REQUEST FOR TELEPHONE APPEARANCE FOR EVIDENTIARY HEARING – Family Law (This notice must be filed with the court at least five (5) court days before the appearance.)	HEARING DATE: TIME: DEPT.:

Do not file this form for a Case Management Conference appearance; you do not need approval to appear telephonically for a Case Management Conference. Per Local Rule 11.1, please contact CourtCall, LLC, directly at 1-888-88-COURT.

1-6. I, (name): _____
am the petitioner/plaintiff respondent/defendant other parent _____

2-7. I ask the court to allow me my witness(es), per the attached list, to appear by telephone on my scheduled court date of _____

3-8. I have the following type of court hearing: Request for Order Court Trial Review Other: _____ on the following issues: _____

4-9. I would like the court to consider the following information in making it's decision whether to allow a telephonic appearance (check all that apply):

- a. I, or my witness, live or work outside of the state of California in (specify location): _____
- b. I, or my witness, live in _____ County in California, which is _____ miles from the above courthouse where the hearing is set.
- c. I, or my witness, am disabled.
- d. I, or my witness, can not afford to travel to Ukiah or do not have reliable transportation.
- e. I, or my witness, will be incarcerated or confined in (specify): _____
- f. Other: _____

5-10. I agree to be responsible for the costs and arrangements of this telephonic appearance. I understand if my request is approved, I must set up my telephonic appearance through, and pay all costs to, CourtCall, LLC, (an independent company), or obtain a signed order for a *Fee Waiver* prior to my hearing date.

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

(Adopted for Mandatory use effective 1/1/10-Form #MFL-146-Local)

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS)</p> <p>TELEPHONE NO.:</p> <p>ATTORNEY FOR (Name):</p>	<p><i>FOR COURT USE ONLY</i></p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO</p> <p><input type="checkbox"/> UKIAH Courthouse, State and Perkins Streets 100 North State Street, Ukiah, CA 95482-0337</p> <p><input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street, Fort Bragg, CA 95437</p>	
<p>PETITIONER:</p> <p>RESPONDENT:</p> <p>OTHER PARENT/CLAIMANT:</p>	<p>CASE NUMBER:</p>
<p><u>ORDER re: REQUEST FOR TELEPHONIC APPEARANCE FOR COURT HEARING – Family Law</u></p>	<p>HEARING DATE:</p> <p>TIME:</p> <p>DEP'T.:</p>

Request for telephonic appearance for a court hearing filed by petitioner/plaintiff respondent/defendant other parent

_____ is:

GRANTED pursuant to the following terms:

- Party is responsible for all costs and arrangements of the telephonic appearance which must be arranged through CourtCall (an independent company).
- If the matter involves child custody and visitation, Party understands that the matter will be referred to mediation before a hearing is set and that Party must file a separate *Request for Telephonic Appearance for Family Law Mediation* (local form MFL-148) for review and approval by the Family Court Mediator for telephonic participation in mediation. Party understands that receiving approval for a telephonic appearance for their court hearing does not mean that approval has been granted for telephonic participation in the mediation session.

DENIED – reason(s) as stated:

Date: _____

 Judge of the Superior Court of California, County of Mendocino

(Adopted for Mandatory use eff. 1/1/10-Form #MFL-147-Local)

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) TELEPHONE NO.: ATTORNEY FOR (Name):	<i>FOR COURT USE ONLY</i>
<u>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO</u> <input type="checkbox"/> UKIAH Courthouse, State and Perkins Streets 100 North State Street, Ukiah, CA 95482-0337 <input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street, Fort Bragg, CA 95437	
PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
<u>REQUEST FOR TELEPHONIC APPEARANCE FOR FAMILY LAW MEDIATION</u> (This notice must be filed with the court at least fifteen (15) court days before the appearance)	HEARING DATE: TIME: DEP'T.:

Do not file this form for a court appearance; for a court appearance, you will need to file a separate request (form number MFL-146).

6. I, (name): _____

am the petitioner/plaintiff respondent/defendant other parent

7. I ask the court to allow me to appear by telephone on my scheduled mediation date of _____

8. I would like the Family Law Mediator to consider the following information in making it's decision whether to allow a telephonic appearance

(check all that apply):

- a. I, or my witness, live or work outside of the state of California in (specify location): _____
- b. I live in _____ County in California, which is _____ miles from the above courthouse where the mediation is set.
- c. I am disabled.
- d. I can not afford to travel to Ukiah or do not have reliable transportation.
- e. I will be incarcerated or confined in (specify): _____
- f. I am in the military and am currently stationed at (specify location): _____
- g. Other: _____

9. I understand that the Family Law Mediator may need to contact me to discuss my application for telephonic participation in mediation.

- c. My contact information is (provide phone number): _____
- d. The best dates and times to reach me are at: _____

10. If my request for telephonic appearance for mediation is approved:

- g. I understand that mediation sessions are typically three (3) hours and that I must be available for the duration of the session.
- h. I understand that it is preferable that I have access to a land line telephone for the duration of the mediation session as mediation may be terminated if cellular phone reception is problematic.
- i. I am responsible for all costs and arrangements of the telephonic appearance.
- j. I must ensure that I have the use of a private area for the duration of the mediation session.
- k. I understand that no other individuals, including children, may be present for the duration of the mediation session.
- l. I understand that the *Family Mediation Intake* form (local form MFL-230) must be filled out and returned to the Family Law Mediator, either by fax or by mail, at least five (5) days in advance of the mediation session.

Family Mediation Intake form: http://www.mendocino.courts.ca.gov/forms_and_filing/forms/MFL-230.pdf
 Fax Number: (707) 463-6874
 Mail to: Carol Park, Family Law Mediator, 100 North State Street, Ukiah, CA 95482

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

 (TYPE OR PRINT NAME) (SIGNATURE)

(Adopted for Mandatory use eff. 1/1/10-Form #MFL-148-Local)

DATE TODAY _____

FAMILY MEDIATION INTAKE

THE INFORMATION REQUESTED IS FOR MEDIATION PERSONNEL ONLY AND IS SUBJECT TO RULES OF CONFIDENTIALITY. PLEASE FILL OUT ALL ITEMS THOROUGHLY. THANK YOU.

NAME: _____ BIRTHDATE: _____

**ADDRESS: _____ CITY: _____ STATE: _____

ZIP CODE: _____ HOME PHONE: _____ WORK/CELL PHONE _____

MAILING ADDRESS IF DIFFERENT _____

ATTORNEY: _____ PLACE OF EMPLOYMENT _____

***If your home address is confidential, due to a restraining order, leave blank and talk to your Mediator.*

HAVE YOU BEEN IN MEDIATION PREVIOUSLY? YES NO

ARE YOU A VETERAN OR ACTIVE DUTY MILITARY? YES NO

DID YOU SERVE IN A COMBAT ZONE? YES NO

CHILDREN OF THE MARRIAGE OR RELATIONSHIP

CHILDREN IN OUR HOME NOT OF THIS MARRIAGE/RELATIONSHIP

NAME BIRTHDATE AGE NAME BIRTHDATE AGE

DOES ANY CHILD HAVE SPECIAL NEEDS? If so, please place a star next to their name and describe on the back of this sheet.

DATE OF MARRIAGE DATE OF SEPARATION NON-MARRIAGE

Do you have a domestic violence restraining order or criminal protective order against the other parent?
Effective Date Expiration Date

At the start of every mediation appointment the parties will each meet with the Mediator separately. If you have experienced domestic violence you have the option of meeting separately throughout your mediation experience for all Mediation sessions. Please discuss this with your Mediator.

RIGHT TO A SUPPORT PERSON: If the Court issued a PROTECTIVE ORDER, a support person shall be permitted to accompany the protected party during the orientation and all mediation sessions. It is the function of a support person to provide moral and emotional support. The support person is not present as a legal adviser and shall not give legal advice or participate in the discussion.

*HAVE YOU ATTENDED THE PARENTING APART WORKSHOP? DATE
If scheduled, when?

COMMENTS WELCOME ON REVERSE SIDE

Superior Court of California, County of Mendocino, Family Court Services
Supplemental Questionnaire (Confidential)

EACH PARENT MUST ANSWER HIS/HER OWN QUESTIONNAIRE SEPARATELY

The law requires that these questions be raised.

	<u>YES</u>	<u>NO</u>
1. <u>Have you ever participated in a custody case about any children in another county or state?</u>	_____	_____
2. <u>Do you have any concerns about the child(ren)'s emotional and/or physical safety with the other parent?</u>	_____	_____
3. <u>Has Child Protective Services been involved with the family regarding allegations of abuse or neglect to the child(ren)?</u>	_____	_____
4. <u>Has an attorney/Guardian ad Litem been appointed to represent the child(ren)?</u>	_____	_____
5. <u>Have you ever feared that you would not have access to your child(ren)?</u>	_____	_____
6. <u>Has there ever been medical treatment or hospitalization of immediate family members for psychiatric disorders?</u>	_____	_____
7. <u>Do you have any concerns regarding the use of alcohol and/or drugs by immediate family members?</u>	_____	_____
8. <u>Have there ever been any physical confrontations between you and the other parent?</u>	_____	_____
9. <u>Have you ever been abusive to the other parent or been restrained by a restraining order?</u>	_____	_____
10. <u>Has the other parent been violent or abusive to you?</u> <i>If yes, how many times? _____</i>	_____	_____
11. <u>When was the most recent violence or abuse? (Date): _____</u> <u>Please describe the violence or abuse:</u> _____ _____ <u>Were the child(ren) there?</u>	_____	_____
12. <u>When was the 2nd most recent violence or abuse? (Date): _____</u> <u>Please describe the violence or abuse:</u> _____ _____ <u>Were the child(ren) there?</u>	_____	_____

13. When was the worst violence or abuse? (Date): _____

Please describe the violence or abuse: _____

Were the child(ren) there?

14. Are you worried that the other parent might be violent or abusive to you again?

15. Have there ever been any threats or implications about the use of weapons against either parents or child(ren)?

16. Have you ever asked for a restraining order against the other parent?

If yes, in which county and state? _____

17. Has the other parent ever been abusive to **another family member**?

18. Has the other parent ever been abusive to a family pet or another animal?

19. Has the other parent ever been involved in a criminal domestic violence case?

If yes, in what state and county? _____

20. Do you have any other concerns about your own emotional and/or physical safety with the other parent?

21. Are you in any way afraid to meet with the other parent in mediation?

22. Do you feel that you were an equal partner in your relationship?

23. Do you feel you are ready to be working with the other parent to develop a parenting plan?

If no, please state briefly why not: _____

24. Do you have any fears about answering these questions?

If yes, please state briefly why: _____

You will have an opportunity to discuss your responses to the above questions when you meet individually with the Mediator.

(Adopted for Optional use eff. 7/1/09-Form # MFL-230 -local)

FAMILY COURT SERVICES
CLIENT COMPLAINT FORM
*(Family Mediation, Guardianship Investigation,
Conservatorship Investigation,
Family Law Facilitator)*

Family Court Services staff are committed to helping you make the best decisions regarding your children, family members, and adults in your care. We hope you are satisfied with the services you receive. In the event you are not, you may use the enclosed form to inform us of your complaints. Be sure to notify us of your complaint as early as possible. Your complaint will be responded to promptly.

1. Use of the attached form is the proper way to express your complaint about the way in which Family Court Services handled your Family or Probate Court matters.

2. Upon receipt of your complaint, the Family Court Services Director will:
 - Review your complaint.
 - Talk with the staff who have been involved with your case.
 - Determine whether your complaint is a matter that Family and Probate Court Services can address or a legal matter only the Courts can address.
 - Contact you within ten (10) working days confirming receipt of your complaint, investigate the matter, and contact you in writing within thirty (30) days with the results of the investigation.

You are encouraged to first speak directly with the individuals involved in your complaint in order to try and work things out. Many complaints about mediation, investigation, and facilitation services are a result of misunderstanding or miscommunication. Many of these misunderstandings can be worked out through direct, honest discussion.

To file a complaint please answer the questions on the attached form. Complete the form and return it to: Family Court Services Director, Carol Park, 100 N. State Street, Ukiah, California, 95482. If your complaint is about the Director or Mediator, please address your complaint to the Court Executive Officer at the same address. Your complaint will be reviewed thoroughly and someone will get back to you within ten working days to confirm receipt of the complaint and to describe the next steps.

CLIENT COMPLAINT FORM

Please complete the following items to help us better understand your complaint. This form will not be placed in your Family Court Services or Probate Court Services file or in your court case file.

Name: _____

Address: _____

P.O. Box: _____

City: _____ State: _____ Zip Code: _____

Daytime phone: _____

Case Number: _____

Do you have an attorney? Yes No

This complaint is about: Family Mediator
 Family Law Facilitator
 Guardianship Investigator
 Conservatorship Investigator
 Secretary
 Family Court Services Director

If an individual(s) is the source of your concern, please provide the name(s) below, if known:

When did the action about which you are concerned happen?

Within the last month
 Within the last three months
 Within the last year
 More than one year ago

What is your complaint? Please be specific:

What would you like to have done as a result of this complaint?

Is your mediation or investigation in progress at this time?

_____ Yes _____ No

What other information do you think is important for us to know?

Signature

Date

(Unsigned or anonymous complaints cannot be accepted.)

(Adopted for Optional use eff. 1/1/17-Form # MFL-270-local)

Chapter 15 Reorganization

(from new number to former number)

New Rule Number	Old Rule Number	Rule Title
15.1	15.1.a	<u>Scope Hearings</u>
15.2	New; based on 15.10	<u>Assistance for Self-Represented Litigants</u>
15.2.a	New; based on 15.10	<u>Family Law Facilitator</u>
15.2.b	New; based on 15.10	<u>Self Help Legal Access Center (SHLA)</u>
15.3	15.15	Family Law Case Management—Dissolution, Legal Separation, Nullity, Parentage
15.3.a	15.15.a 15.15.f	<u>Scheduling of Family Law Case Management Conference</u>
15.3.b	15.15.b	<u>Petitioner Must Properly Serve Notice of Family Law Case Management Conference</u>
15.3.c	15.15.d	<u>Family Law Case Status Reports</u>
15.3.d	15.15.e	<u>Appearance at Family Law Case Management Conference</u>
15.4	New	<u>Requests for Orders (RFOs)</u>
15.4.a	Combined 15.2.a 15.2.b 15.2.b.1 15.2.b.2	Calendaring Request for Orders for Hearing Law and Motion Limited to a Maximum of Thirty (30) Minutes Matters Exceeding Thirty (30) Minutes
15.4.b	Combined 15.1.b.1 15.1.b.2 15.8.d.1 15.8.d.2	Meet and Confer Requirement Request Good Faith Effort to Resolve Sanctions for Non-Compliance
15.4.c	New	<u>Unserved Request for Order</u>
15.4.d	New Title	<u>Evidence Required for Hearings Involving Financial Issues</u>
15.4.d.1	15.1.c	<u>Income and Expense Declaration</u>
15.4.d.1.a	15.1.c.1	<u>For salaried employees</u>
15.4.d.1.b	15.1.c.3	<u>For self-employed individuals, including independent contractors</u>
15.4.d.1.c	New	<u>For employees who are shareholders in a closely held corporation</u>
15.4.d.1.d	New	<u>For partnership income</u>
15.4.d.1.e	New	<u>For rental income</u>
15.4.d.1.f	New	<u>For dividend income, interest income, trust income, or other earned income</u>
15.4.d.2	15.1.c.2	<u>Disclosure of Income Tax Returns</u>
15.4.d.3	15.3.a	Child and Temporary Spousal Support Guidelines; Visitation Costs

Superior Court of California, County of Mendocino

New Rule Number	Old Rule Number	Rule Title
15.4.d.4	15.3.b.1	<u>Deviation from Guideline Child Support or Temporary Spousal Support</u>
15.4.d.5	15.7	<u>Request for Attorney's Fees and Cost Award Request</u>
15.4.d.5.a	Divided 15.7	<u>Attorney Declaration</u>
15.4.d.5.b	Divided 15.7	<u>Bifurcation re Fees and Costs</u>
15.4.d.6	15.5.g.3	<u>Request for Expert Fees</u>
15.4.d.7	New	<u>Request for Modifications of Prior Support Orders</u>
15.4.e	15.11	<u>Continuances-Miscellaneous Rules</u>
15.4.e.1	15.11.a	<u>Stipulated Continuances—Hearing or Trial</u>
15.4.e.2	New	<u>Continuances for Good Cause</u>
15.4.f	New	<u>Hearings on Requests for Orders</u>
15.4.f.1	New	<u>Personal or Telephone Appearance Required</u>
15.4.f.2	New	<u>Late Appearance</u>
15.4.f.3	New	<u>Failure to Appear</u>
15.4.g	New	<u>Submission of Order after Hearing</u>
15.5	15.4	<u>Ex Parte Applications</u>
15.5.a	Combined 15.4.a 15.4.d 15.4.e	<u>Filing/Scheduling of Ex Parte Application</u> <u>Time of Ex Parte Hearing</u> <u>Filing of Ex Parte Applications</u>
15.5.b	15.4.f	<u>Notice of Ex Parte Application and Hearing</u>
15.5.b.1	Combined 15.4.a.1 15.4.a.2 15.4.a.3	<u>Duty to Provide Application for Ex Parte Order; Declaration</u>
15.5.b.2	New	<u>Timing</u>
15.5.b.3	New	<u>Manner Notice of Ex Parte Application and Hearing</u>
15.5.b.4	15.4.f.2	<u>Service of Moving Papers Notice of Ex Parte Application and Hearing</u>
15.5.c	New Title	<u>Supporting Declarations</u>
15.5.c.1	15.4.a	<u>General Requirements Application for Ex Parte Order; Declaration</u>
15.5.c.2	15.4.c	<u>Custody and Visitation Orders</u> Order Changing Custody of Minor
15.5.c.3	15.4.g	<u>Ex Parte Request for Dismissal of Temporary Restraining Orders</u>
15.5.c.4	New	<u>Exclusive Use of Vehicles</u>
15.5.c.5	15.4.b	<u>Exclusive Use of Residence</u> Order Excluding from Home
15.6	New Title	<u>Child Custody and Visitation</u>
15.6.a	15.13	<u>Family Court Mediation</u>
15.6.a.1	15.13.2	<u>Personal Appearance by Parties Generally Required</u>
15.6.a.2	New	<u>Telephone Appearance for Mediation</u>
15.6.a.2.a	New	
15.6.a.2.b	New	

Superior Court of California, County of Mendocino

New Rule Number	Old Rule Number	Rule Title
15.6.a.2.c	New	
15.6.a.2.c.i	New	
15.6.a.2.c.ii	New	
15.6.a.3	New	<u>Non-Recommendng Confidential Mediation</u>
15.6.a.3.a	New	<u>Child at Risk</u>
15.6.a.3.b	New	<u>Threats of Death or Bodily Injury</u>
15.6.a.3.c	New	
15.6.a.4	15.13.3	<u>Children May Not Participate in Mediation Without Prior Authorization</u>
15.6.a.5	New	<u>Mediator May Not be a Witness</u>
15.6.a.6	New	<u>Parties Do Not Reach Agreement</u>
15.6.a.7	New	<u>Ex Parte Communication</u>
15.6.a.8	New	<u>Interpreters</u>
15.6.a.9	New	<u>Mediation Complaints</u>
15.6.b	15.6	Parent’s-Parenting Apart Workshop Required when Children Involved in Action
15.6.c	15.12	Court Appointed-Appointment of Counsel for the Children
15.6.c.1	15.12.a	Generally Compliance with California Law
15.6.c.2	Combined 15.12.b.1 15.12.b.2	Compensation Payment of Court Appointed Counsel
15.6.c.3	15.12.c	Complaints about Court Appointed Counsel
15.6.d	15.5	Child Custody Evaluations
15.6.d.1	New	<u>Applicable Law</u>
15.6.d.2	15.5.a	Challenge for Cause
15.6.d.3	15.5.b	Withdrawal by the Evaluator
15.6.d.4	Combined 15.5.c.1 15.5.c.2	Complaints Private Practice Evaluators Court Employees
15.6.d.5	15.5.d	Ex Parte Contacts with Evaluator
15.6.d.6	15.5.e	Citing Authority and Purpose of Evaluation
15.6.d.7	15.5.f	Evaluator’s Education and Training
15.6.e	15.14	Child’s Participation in Custody Proceedings
15.6.e.1	15.14.a	Applicable Law
15.6.e.2	15.14.b	Court to Determine Nature of Child’s Participation Prior to Custody Proceeding
15.6.e.2.a	15.14.b.1	
15.6.e.2.b	15.14.b.2	
15.6.e.3	15.14.c	Procedure for Obtaining Court Order re: Child’s Participation in Custody Proceeding
15.6.e.3.a	15.14.c.1	
15.6.e.3.a.i	15.14.c.1.A	If the Child is at least 14 years of age
15.6.e.3.a.i.a	15.14.c.1.A.ii	
15.6.e.3.a.i.b	15.14.c.1.A.iii	

Superior Court of California, County of Mendocino

New Rule Number	Old Rule Number	Rule Title
15.6.e.3.a.ii	15.14.c.1.B	If the Child is under age <u>14 years of age</u>
15.6.e.3.a.ii.a	15.14.c.1.B.i	
15.6.e.3.a.ii.b	15.14.c.1.B.ii	
15.6.e.3.a.ii.c	15.14.c.1.B.iii	
15.6.e.3.b	15.14.c.2	
15.6.e.4	15.14.d	Evidentiary Issues
15.6.e.4.a	15.14.d.1	
15.6.e.4.b	15.14.d.2	
15.7	New	<u>Default or Uncontested Judgments</u>
15.7.a	New	<u>By Affidavit or Declaration</u>
15.7.a.1	New	
15.7.a.2	New	
15.7.a.3	New	
15.7.a.4	New	
15.7.a.5	New	
15.7.a.6	New	
15.7.b	New	<u>Acknowledgment of Receipt of Proof of Service</u>
15.7.c	New	<u>Child Support, Spousal Support, or Attorney Fees Awards</u>
15.7.d	New	<u>Community and/or Separate Property and Debts</u>
15.7.e	New	<u>Custody and Visitation</u>
15.7.e.1	New	<u>Where a party is seeking to deny visitation between the child and the defaulting party</u>
15.7.e.2	New	<u>Where a party is seeking supervised visitation between a child and the defaulting party</u>
15.7.e.3	New	<u>Other information</u>
15.7.f	New	
15.8	15.9	Family Law Trials Setting and Rules
15.8.a	15.9.a	<u>Trial Setting</u>
15.8.b	15.8.a	Mandatory Settlement Conference
15.8.c	15.8.b	<u>Parties to Exchange Information and Trial Briefs Prior to Trial</u>
15.8.d	New	<u>Continuances</u>
15.9	15.8	Mandatory Settlement Conferences Prior to Dissolution Trial
15.9.a	15.8.b	<u>Discovery</u>
15.9.b	New	<u>Settlement Conference Statements</u>
15.9.b.1	15.8.b	<u>Time for Lodging and Service</u>
15.9.b.2	New	<u>Contents</u>
15.9.b.2.a	New	<u>Income and Expenses</u>
15.9.b.2.b	New	<u>Assets and Liabilities</u>
15.9.b.2.c	New	<u>Contentions about Child and Spousal Support</u>
15.9.b.2.d	New	<u>Contentions about Attorney Fees, Accountant Fees, Expert Fees, and Costs</u>

Chapter 15 Reorganization

(from former number to new number)

Old Rule Number	New Rule Number	Rule Title
15.1	Repealed	Scope Law and Motion
15.1.a	15.1	Hearings
15.1.b	15.4.b	Meet and Confer Requests
15.1.b.1	15.4.b	
15.1.b.2	15.4.b	
15.1.c	15.4.d.1	Income and Expense Declaration
15.1.c.1	15.4.d.1.a	<u>For salaried employees</u>
15.1.c.2	15.4.d.2	<u>Disclosure of Income Tax Returns</u>
15.1.c.3	15.4.d.1.b	<u>For self-employed individuals, including independent contractors</u>
15.2	15.4	Time Limits on Law and Motion Matters: Order to Show Cause Evidentiary Hearings
15.2.a	15.4.a	Calendaring Request for Orders for Hearing Law and Motion Limited to a Maximum of Thirty (30) Minutes
15.2.b	15.4.a	<u>Calendaring Request for Orders for Hearing Matters Exceeding Thirty (30) Minutes</u>
15.2.b.1	15.4.a	<u>Meet and Confer Requirement</u>
15.2.b.2	15.4.a	<u>Meet and Confer Requirement</u>
15.3	15.4.d.3	Child and Spousal Support; Visitation Costs
15.3.a	15.4.d.3	Child Temporary Spousal Support Guidelines Santa Clara Model
15.3.b	15.4.d.3	Costs of Visitation – Travel Expenses
15.3.b.1	15.4.d.3	<u>Deviations from Guideline Child Support or Temporary Spousal Support.</u>
15.3.b.2	15.4.d.3	
15.4	Repealed	Ex Parte Applications and Orders
15.4.a	Divided into 15.5.a 15.5.c.1	<u>Filing/Scheduling Application for Ex Parte Order; Declaration General Requirements</u>
15.4.a.1	15.5.b.1	<u>Notice</u>
15.4.a.2	15.5.b.1	<u>Notice</u>
15.4.a.3	15.5.b.1	<u>Notice</u>
15.4.b	15.5.c.5	Exclusive Use of Residence Order Excluding from Home
15.4.c	15.5.c.2	<u>Custody and Visitation Orders</u> Order Changing Custody of Minor
15.4.d	15.5.a	Time of Ex Parte Hearing
15.4.e	15.5.a	Filing of Ex Parte Applications
15.4.f	15.5.b	Notice of Ex Parte Applications and Hearings
15.4.f.1	15.5.b	<u>Notice</u>
15.4.f.2	15.5.b.4	<u>Notice</u>
15.4.g	15.5.c.3	<u>Temporary Restraining Orders</u> Ex Parte Request for Dismissal of Restraining Order

Superior Court of California, County of Mendocino

Old Rule Number	New Rule Number	Rule Title
15.5	15.6.d	Child Custody Evaluations
15.5.a	15.6.c.2	Challenge for Cause
15.5.b	15.6.d.3	Withdrawal by the Evaluators
15.5.c	15.6.d.4	Complaints
15.5.c.1	15.6.d.4	Private Practice Evaluators
15.5.c.2	15.6.d.4	Court Employees
15.5.d	15.6.d.5	Ex Parte Contacts with Evaluator
15.5.e	15.6.d.6	Citing Authority and Purpose of Evaluation
15.5.f	15.6.d.7	Evaluator's Education and Training
15.5.g	Repealed	Cost of Evaluation
15.5.g.1	Repealed	
15.5.g.2	Repealed	
15.5.g.3	15.4.d.6	<u>Request for Expert Fees</u>
15.6	15.6.b	Parenting Apart Workshop <u>Parent's Workshop Required when Children Involved in Action</u>
15.7	Divided into 15.4.d.5 15.4.d.5.a 15.4.d.5.b	Attorney's Fees and Costs Award Request
15.8	15.9	Mandatory Settlement Conferences <u>Prior to Dissolution Trial</u>
15.8.a	15.8.b	<u>Discovery</u>
15.8.b	15.9.a	<u>Settlement Conference Statements</u>
15.8.c	15.8.c	<u>Time for Lodging and Service and Place of Settlement Conference</u>
15.8.d	15.4.b	Conduct of the Settlement Conference
15.8.d.1	15.4.b	<u>Meet and Confer Requirement</u> Good Faith Effort to Resolve
15.8.d.2	15.4.b	<u>Meet and Confer Requirement</u> Sanctions for Non-Compliance
15.8.e	Repealed	Pretrial Conference
15.9	15.8	Family Law Trials <u>Setting and Rules</u>
15.9.a	15.8.a	<u>Trial Setting</u>
15.9.b	15.8.c	<u>Parties to Exchange Information and Trial Briefs Prior to Trial</u> Exchange of Documentary Evidence to be Used at Trial
15.9.c	15.8.c	Trial Brief and Motion in Limine
15.10	15.2 based on	Family Law Facilitator
15.10.a	15.2 based on	<u>Family Law Facilitator Policy</u>
15.10.b	15.2 based on	Services
15.10.c	15.2 based on	Additional Services for Litigants and Clerk
15.10.c.1	15.2 based on	
15.10.c.2	15.2 based on	
15.10.c.3	15.2 based on	
15.10.c.4	15.2 based on	
15.10.c.5	15.2 based on	
15.10.c.6	15.2 based on	
15.10.d	15.2 based on	Additional Services to the Court and Community

Superior Court of California, County of Mendocino

Old Rule Number	New Rule Number	Rule Title
15.10.d.1	15.2 based on	
15.10.d.2	15.2 based on	
15.11	15.4.e	Miscellaneous Rules
15.11.a	15.4.e.1	Stipulated Continuances – Hearing or Trial
15.12	15.6.c	Appointment of Counsel for the Child Court Appointed Counsel for Children
15.12.a	15.6.c.1	Generally Compliance with California Law
15.12.b	15.6.c.2	Compensation Payment of Court Appointed Counsel
15.12.b.1	15.6.c.2	<u>Compensation</u>
15.12.b.2	15.6.c.2	<u>Compensation</u>
15.12.c	15.6.c.3	Complaints about Court Appointed Counsel
15.13	15.6.a	Family Court Mediations
15.13.1	Repealed	<u>Non-Recommendation Confidential Mediation</u>
15.13.2	15.6.a.1	<u>Personal Appearance by Parties Generally Required</u>
15.13.3	15.6.a.4	<u>Children May Not Participate in Mediation Without Prior Authorization</u>
15.14	15.6.e	Children’s Participation in Custody Proceedings
15.14.a	15.6.e.1	Applicable Law
15.14.b	15.6.e.2	Court to Determine Nature of Child’s Participation Prior to Custody Proceedings
15.14.b.1	15.6.e.2.a	
15.14.b.2	15.6.e.2.b	
15.14.c	15.6.e.3	Procedure for Obtaining Court Order Re Child’s Participation in Custody Proceedings
15.14.c.1	15.6.e.3.a	
15.14.c.1.A	15.6.e.3.a.i	If the child is at least 14 years of age
15.14.c.1.A.i	Repealed	
15.14.c.1.A.ii	15.6.e.3.a.i.a	
15.14.c.1.A.iii	15.6.e.3.a.i.b	
15.14.c.1.B	15.6.e.3.a.ii	If the child is under age 14
15.14.c.1.B.i	15.6.e.3.a.ii.a	
15.14.c.1.B.ii	15.6.e.3.a.ii.b	
15.14.c.1.B.iii	15.6.e.3.a.ii.c	
15.14.c.2	15.6.e.3.b	
15.14.d	15.6.e.4	Evidentiary Issues
15.14.d.1	15.6.e.4.a	
15.14.d.2	15.6.e.4.b	
15.15	15.3	Family Law Case Management – Dissolution, Legal Separation, Nullity, Parentage
15.15.a	15.3.a	<u>Scheduling of Family Law Case Management Conferences</u>
15.15.b	15.3.b	<u>Petitioner Must Promptly Serve Notice of Family Law Case Management Conference</u>
15.15.c	Repealed	
15.15.d	15.3.c	<u>Family Law Case Status Reports</u>

Superior Court of California, County of Mendocino

Old Rule Number	New Rule Number	Rule Title
15.15.e	15.3.d	<u>Appearance at Family Law Case Management Conference</u>
15.15.f	15.3.a	

CHAPTER 16 – JUVENILE COURT RULES

These local rules are intended to supplement State statutes which are principally found in the Welfare and Institutions Code. In addition, they supplement the California Rules of Court relating to juvenile court matters (see Cal. Rules of Court, rules 5.501-5.830) (*Eff. as rules 1400 – 1497 1/1/99; Amended eff. 7/1/05; Renumbered and amended eff. 1/1/07.*)

To the extent that any of these rules conflict with either State statute or California Rules of Court, the local rule is of no legal effect.

These rules cover juvenile court law, but not juvenile traffic hearings or traffic hearing appeals.

For the authority for the creation of these rules see California Rules of Court, rule 5.501.

These rules adopt the rule of construction and the severability of clauses in California Rules of Court, rule 5.501.

16.1 Judicial Administration

There shall be one presiding judge of the juvenile court. The presiding judge shall be selected by the presiding judge of the Superior Court.

(Eff. 1/1/99.)

16.2 Noticed Motions and Requests to Place Matter on Calendar

No noticed motion shall be accepted by the clerk for filing unless it is accompanied by a proof of service.

No request to place a matter on calendar, except a request to set a detention hearing, will be accepted by the clerk or placed on calendar, unless the request is submitted in writing not less than 48 hours prior to the requested hearing date. Any request submitted less than 48 hours prior to the requested hearing date, other than a request for a detention hearing, shall be accompanied by an order shortening time.

(Eff. 1/1/99; As amended eff. 7/1/04.)

16.3 Pre-hearing Discovery

- a. **Timely Disclosure of Informal Discovery.** Pre-hearing discovery shall be conducted informally. Except as protected by privilege, all relevant material shall be disclosed in a timely fashion to all parties to the litigation, In re Jose Z. (1970) 3 Cal.3d 797, California Rules of Court, rule 3.850.
- b. Pre-hearing discovery in delinquency matters shall be conducted in accordance with Penal Code 1054 et seq. & CRC 5.546.

Superior Court of California, County of Mendocino

- c. **Discovery Motions.** Only after all informal means have been exhausted may a party petition the court for discovery. Any noticed motion shall state the relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information. The motion shall be served on all parties at least five (5) judicial days before the hearing date. The date for the hearing shall be obtained from the clerk of the department hearing juvenile matters. Any responsive papers shall be filed and served two (2) judicial days prior to the hearing.
- d. **Civil Discovery.** There shall be no depositions, interrogatories, subpoenas of juvenile records or other similar types of civil discovery without approval of a judge of the juvenile court upon noticed motion.
- e. **Requests for Transcripts.** Requests for transcripts in any In any juvenile case must be submitted on Request for Special Transcript and Order (Form MJV-300-local) and in accordance with Local Rule a party requesting a reporter's transcript shall apply in writing to the judicial officer who heard the matter in question.16.25

(Eff. as rule 1620 1/1/99; Amended eff. 7/1/04; Renumbered eff. 1/1/07; ~~As amended~~ 1/1/07; Renumbered to 3.850 1/1/10; As amended 1/1/17.)

16.4 Ex Parte Orders

- a. **Application for Ex Parte Order; Declaration.** An ex parte order will be issued only if the application is accompanied by a declaration adequate to support its issuance. Ordinarily, an ex parte order will not be issued unless one of the following conditions exist:
 - 1. Notice was given to all counsel, social workers, probation officers, child advocates, and parents who are not represented by counsel so that party might oppose the application;
 - 2. It clearly appears in the declaration that giving notice would frustrate the purpose of the proposed order;
 - 3. The applicant or the child would suffer an irreparable injury before the other parties could be heard in opposition; or,
 - 4. It appears by declaration that no significant burden or inconvenience will result to the adverse parties.
- b. The party requesting the ex parte order may apply to the clerk in the juvenile department where the matter would normally be heard for a time to submit the request.

- c. The party requesting the ex parte orders must inform the judge that notice has been given by submitting a [“Declaration Re Notice of Ex Parte Application” for Orders \(Form #MMC-121-local\)](#). The Declaration shall state the names of the persons to whom notice was given, the manner of giving notice, that the persons were given a copy of the application or notice of its content, and the time that the matter would be submitted to the court, and if notice was not given to any person entitled thereto, the reason that such notice was not given. The original declaration and accompanying Application for Order must be submitted to the court clerk in the juvenile department where the matter would normally be heard.

(Eff. 1/1/99; As amended eff. 7/1/07.)

16.5 Attendance at Hearings (Cal. Rules of Court, rule 1610)

- a. Unless excused by the court, each party and attorney shall attend each scheduled juvenile court hearing.
- b. All children are entitled to attend court hearings. Every child four years or older shall be told of his or her right to attend court hearings by his or her attorney and his or her probation officer/social worker. If the child is present, the judicial officer hearing the case may view and speak with the child.

(Eff. 1/1/99; As amended eff. 7/1/05.)

16.6 Pretrial Conference (No Statute) (No Court Rule)

Pretrial Conferences shall be held prior to every contested hearing, unless expressly deemed unnecessary by the judicial officer setting the contested hearing. Settlement of the case will be discussed at the pretrial conference.

(Eff. 1/1/199; As amended eff. 7/1/04.)

16.7 Access to Courtroom by Non-Parties (Welfare and Institutions Code, sections 345, 346, 676)

Unless specifically permitted by statute, juvenile court proceedings are confidential and shall not be open to the general public.

The court encourages interested persons 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 shall remain in the courtroom.

The court or its agent shall remind each such nonparty that the name(s) of parties or identifying information from any case are confidential and should not be repeated to anyone outside of the court.

(Eff. 1/1/99; As amended eff. 7/1/04.)

Former Rule 16.8 Release of Information Relating to Juveniles (Welfare and Institutions sections 827, 828; Cal. Rules of Court, rule 5.552) (Repealed)

(Eff. 1/1/99; Subdivision (f) eff. 1/1/99; Rule 16.8 (b)(1) and (b)(2) repealed eff. 7/1/04; Title Amended eff. 7/1/04; Subdivision. (e) amended eff. 7/1/04; Amended eff. 7/1/05; Repealed eff. 1/1/10.)

16.8 Informal Exchange of Juvenile Records (Renumbered)

- a. For the purpose of this rule, “juvenile records” include those records described in CA Rule of Court 5.552, and all records maintained by the juvenile division of the Mendocino County Probation Department (“Probation”) and the Child Protective Services division of the Mendocino County Department of Social Services (“CPS”), even if the Departments’ contacts with a child or the child’s family are informal and juvenile court proceedings are not instituted. (*T.N.G. vs. Superior Court* (1971) 4C.3d 767, 780-781)
- b. Except as provided in subsection (C) all requests for inspection and disclosure of juvenile records shall be governed by the procedures set forth in W&I 827, CA Rules of Court 5.552, and Local Rule 16.8.
- c. Notwithstanding the policy that juvenile records should remain confidential, the law recognizes that it is in the best interest of children that exceptions to confidentiality be made so that persons investigating or working with children and their families may obtain complete, prompt and accurate information concerning the child and the family (*See, e.g., W&I 827(a)(1)(J), (K)*)

The court hereby finds that a limited and informal disclosure of juvenile records by Probation and Child Protective Services to the agencies, individuals and organizations listed below on a “need to know” basis will benefit children and their families by avoiding duplication of investigative efforts, and by allowing the agencies, individuals and organizations who work with, treat, or make recommendations regarding children and their families to promptly access relevant information. This process will benefit the court by ensuring that agencies, individuals and organizations who work with children and families have prompt access to all information which may be relevant in determining what is in a child’s best interest. The public interest in achieving these goals outweighs the confidentiality interests reflected in W&I 827 and 10850, et.seq., and establishes good cause for this rule.

1. Child Protective Services and Probation may provide verbal information regarding, allow inspection of, or provide copies of, relevant juvenile records to the following agencies, persons and organizations on an “as needed” basis:

Superior Court of California, County of Mendocino

- a. Probation;
- b. Child Protective Services;
- c. Facilitators of Child Protective Services parenting programs, including but not limited to, the Intake Support Group and the Family Empowerment Group;
- d. Mendocino County Mental Health Services, or any private psychologist, psychiatrist, or mental health professional ordered by the Juvenile Court to examine or treat any child who falls within the jurisdiction of the juvenile court, and his or her parent or guardian;
- e. Foster Family Agencies;
- f. Any hospital where a child is an inpatient for psychiatric reasons, for the purpose of treatment or discharge planning;
- g. Redwood Coast Regional Center;
- h. Any sexual abuse treatment program or victims' group to which a child or his or her parent or guardian is referred for treatment by the Juvenile Court;
- i. Any substance abuse treatment provider, including but not limited to the Mendocino County Alcohol and Other Drugs Program (AODP), to which a child or his or her parent or guardian is referred to for treatment by the Juvenile Court;
- j. Victim/Witness coordinators for the State of California Victims of Crime Programs;
- k. Any domestic violence and/or anger management treatment program to which a child or his or her parent or guardian is referred to for treatment by the Juvenile Court;
- l. The designated trial representative or the Indian Child Welfare Worker for any federally recognized Native American Indian tribes located in Mendocino County;
- m. A judge or commissioner assigned to a family law case with issues concerning custody or visitation;

Superior Court of California, County of Mendocino

- n. The family court mediator or court-appointed evaluator conducting an assessment or evaluation of child custody, visitation or guardianship for the family or Juvenile Court;
 - o. The Mendocino County Victim Offender Reconciliation Program (VORP).
2. Any disclosure or exchange of information authorized by subsection (c) of this rule shall be subject to the following conditions:
- a. A request for information exchange of Juvenile Records shall be submitted on Declaration: Information Exchange of Juvenile Records (Welf. & Inst. §827; Rule of Court 5.552) (Prepared on form JVMC-3 (Appendix, form 3#MJV-102-local)).
 - b. Probation and Child Protective Services shall first establish to the agency's satisfaction that the party requesting the juvenile records is in fact a member of an agency or organization, described in subsection (c) of this rule, or is an individual authorized to receive the information;
 - c. Information identifying the reporting party or source of referral shall be redacted prior to disclosure of juvenile records, and shall remain confidential as required by law (Penal Code 11167, 11167.5);
 - d. If an agency, person or organization which has received juvenile records pursuant to this rule desires to disclose the information to a third party, it shall make a written application to the Juvenile Court for permission to disclose such information pursuant to W&I 827 and CA Rule of Court 5.552;
 - e. Juvenile Records obtained pursuant to this rule shall be used exclusively in the investigation and/or treatment conducted the agency, organization or person described in subsection (c), and in any Juvenile or Family Court proceedings following the investigation or treatment;
 - f. Nothing in this rule is intended to limit any disclosure of information by an agency which is otherwise required or permitted by law.
3. If Probation or Child Protective Services receives a request for disclosure of juvenile records which it deems to fall outside the scope of informal disclosure authorized by this rule, the agency shall deny the request and

Superior Court of California, County of Mendocino

refer the requesting party to the provisions of W&I 827, CA Rule of Court 5.552 and Local Rule 16.8.

(Eff. as Rule 1423; Renumbered as 5.552 and amended eff. 1/1/07; Rule 16.10 renumbered eff. 1/1/10.) (Eff. 1/1/99; Title: Chapter 16.10 Juvenile and Family Courts Exchange of Information amended eff.7/1/05; As amended eff. 7/1/05.)

Former Rule 16.9 Release of Information Relating to Juveniles by Law Enforcement (Repealed)
(Eff. 1/1/99; Repealed eff. 1/1/10.)

16.9 Medical Issues

- a. **Standing Order Permitting Health Assessments, and Treatment of Temporarily Detained Minors.** *(Subdivision (a) as amended eff. 7/1/05.)*
In order that children detained by the Mendocino County Probation Department and Department of Social Services, Child Protective Services temporary holding facilities (i.e., Children’s Shelter, Juvenile Hall, Juvenile Rehabilitation Facilities, Emergency Foster 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 Mendocino County Community Clinic, and/or the Mendocino County Department of Mental Health, Mental Health Facility are hereby authorized to provide the following services to all such juveniles, which services follow the “Statement of Committee on Adolescence of the American Academy of Pediatrics, Health Care for Children and Adolescence 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 the physician determines are necessary for the evaluation of the child’s health status.
 3. Upon consent of the adolescent, sexually active adolescents may be screened for venereal disease. Contraceptive devices may be furnished to any juvenile upon the minor’s request.
 4. Any immunization necessary to bring a child’s immunization up to date, if immunization records are unavailable, any immunizations recommended by the American Academy of Pediatrics for that child’s age.
 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 illness and injury, including the use of standard x-rays. Routine medical care as referred to above includes: *(Subdivision 5(a), (b) and (c) repealed eff. 7/1/05.)*

6. A mental health status evaluation and necessary mental health services except no placement in an inpatient psychiatric facility shall occur without compliance with Welfare and Institutions Code section 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.
- b. At the time of admission to the temporary holding facility all reasonable efforts should be made to obtain the consent of the parent or legal guardian for non-routine medical care while the child is temporarily detained or placed out-of-home. In the event said consent cannot be obtained (e.g. parent or guardian is not available to given consent), the social worker or probation officer shall request a court order for any non-routine health care. *(Subd. (b) adopted eff. 7/1/04.)*
- c. **Authorization for Use of Psychotropic Medication (Welfare and Institutions Code section 369.5).** All requests for authorization for use of psychotropic medication for children who are wards or dependents of the juvenile court shall be on Judicial Council form, [Application for Psychotropic Medication \(Form JV-220\)](#), and shall comply in all respects with Welfare and Institutions Code section 369.5.

(Eff. 1/1/99; Amended eff. 7/1/05; Renumbered eff. 1/1/10.)

**Former Rule 16.10 De Facto Parents/Relations/Interested Persons
(Repealed 2004)** *(Eff. 1/1/99; Repealed eff. 7/1/04.)*

Former Rule 16.11 Line-ups (Repealed 2004)
(Eff. 1/1/99; Repealed eff. 7/1/04.)

Rule 16.12 Inspection of Law Enforcement Holding Facilities

Pursuant to Welfare and Institutions Code section 209 the Juvenile Court Judge or the Juvenile Justice Commission shall conduct an annual inspection of the Juvenile Hall and all law enforcement facilities in Mendocino County, which contain a lockup for adults which, in the preceding year, was used for the secure detention of a minor.

(Eff. 1/1/99; Title amended eff. 7/1/04; As amended eff. 7/1/04.)

16.14 Motion to Challenge Legal Sufficiency of Dependency Petition

In any dependency proceeding, the court may entertain a legal challenge to the petition's sufficiency by a motion akin to a demurrer. Such a motion may be made in writing or orally, but must be made as early in the proceedings as possible.

Superior Court of California, County of Mendocino

The court may rule on the motion at the hearing at which it is made, or may continue the hearing on the motion to another date in order to receive points and authorities from counsel.

If the court sustains the motion, the court may grant leave to amend the pleadings in the petition upon any terms as may be just and shall fix the time within which the amendment or amended petition shall be filed within the statutory time for the hearing on jurisdiction. *In re Fred J* (1979) 89 Cal.App.3d 168; Code of Civil Procedure section 472(a).

(Eff. 1/1/99; Title: Chapter 16.16 Motion to Challenge Legal sufficiency of Petition amended eff. 7/1/04; As amended eff. 7/1/04.)

Former Rule 16.15 Presentation of Evidence (Repealed 2004)

(Eff. 1/1/99; Chapter 16, Juvenile Rules, Rule 16.17 Presentation of Evidence repealed eff. 7/1/04.)

16.16 Paternity Findings (Cal. Rules of Court, Rule 3.822)

- a. **Determination of Issue (Welfare and Institutions Code section 726.5)** The issue of the paternity of a child may be determined in the context of a juvenile court proceeding. *(Subdivision. (a) As amended eff. 7/1/04).*
- b. **Necessary Court Measures.** If a person claims to be the natural/biological father of a child who is the subject of juvenile court proceedings, the court may take such measures as are necessary to make a paternity finding.
- c. **Right to Counsel/Legal Responsibilities.** In any paternity proceeding arising under this rule the court shall inform the mother and the person claiming to be father of their right to be separately represented by counsel on the issue of paternity. The court shall advise the person claiming to be father of his legal responsibilities should he be found to be the natural father of the minor, including the obligation to pay child support and the possibility he may be incarcerated if he willfully fails to pay child support after being legally ordered to do so.
- d. **Evidence or Testimony.** The court shall permit such evidence to be taken as necessary to determine the paternity of the child. Testimony from the mother and the person claiming to be the natural father may be sufficient to make a paternity finding. If the mother or the person claiming to be father is absent from the court proceeding, evidence in addition to testimony from those in attendance will normally be necessary to enable the court to make a paternity finding.
- e. **Scientific Testing.** The court may order blood or other scientific tests if it believes such tests will assist in making a paternity finding. The court shall determine which party or parties shall pay for any such test.

Superior Court of California, County of Mendocino

- f. **Release of Findings/Need to Know.** Any paternity finding shall be noted in the clerk's minutes and shall be available to any person or agency having a need to know upon request.

(Eff. as rule 1612(m) 1/1/99; Renumbered and amended eff. 1/1/07; As amended eff. 1/1/09.)

16.17 Representation of Parties (Welfare and Institutions Code section 317-318, CRC 5.660, 5.663)

- a. **General Competency Requirement.** All court-appointed attorneys appearing in juvenile court must meet the minimum standards of competence set forth in California Rules of Court 5.660. Each attorney who wishes to accept appointments in juvenile court shall submit a summary of his or her qualifications to practice in juvenile court on [Certification of Attorney Competency \(Form #MJV-100-local\)](#). The Presiding Judge of the Juvenile Court shall review the competency form prior to appointing an attorney to represent a party in Juvenile Court. *(Sub. (a) adopted eff. 7/1/05.)*
- b. **Continuing Education.** Each court-appointed attorney who practices before the Juvenile Dependency Court shall complete within every three (3) year period at least twelve (12) hours of continuing education related to dependency proceedings. A minimum of four (4) hours of training in each three-year period shall be devoted to issues of domestic violence, sexual abuse of children and/or substance abuse. *(Sub. (b) adopted eff. 7/1/05.)*
- c. **Standards of Representation**
1. Attorneys are expected to meet regularly with clients, including clients who are children, regardless of the age of the child or the child's ability to communicate verbally, to contact social workers, probation officers and other professionals associated with the client's case, to work with other counsel and the court to resolve disputed aspects of a case without contested hearing, and to adhere to the mandated timelines. The attorney for the child must have sufficient contact with the child to establish and maintain an adequate and professional attorney-client relationship. The attorney for the child is not required to assume the responsibilities of a social worker or probation officer and is not expected to perform services for the child that are unrelated to the child's legal representation.
 2. **Complaints about Court-Appointed Attorneys**
 - a. Any Party to a juvenile proceeding may lodge a written complaint with the Court concerning the performance of his/her appointed attorney as follows:
 - i. Complaints or questions shall initially be referred to that attorney's supervisor within the agency, association or law firm appointed to represent the client.

Superior Court of California, County of Mendocino

- ii. If the issue remains unresolved or if there is no designated agency, association or law firm, the party may submit a written complaint to the Court in which the matter is pending on Complaint about Performance of Court Appointed Attorney (Form #MJV-101-local). ~~Complaint Form JVMC-2 (Appendix, Form 2)~~. The Court shall conduct a prompt review of the complaint or question. That review may include a hearing in-chambers. The Court may take any appropriate action required, including relieving counsel and appointing new counsel and/or holding a formal hearing on the matter.

- b. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged by the child or on the child's behalf by the social worker, a caretaker, a relative, a foster parent, or a child advocate.

- c. **Special duties of Children's Attorneys**
 - i. Unless otherwise specified by the judicial officer hearing a juvenile matter, an attorney appointed to represent a child shall serve as the Child Abuse Prevention and Treatment Act ("CAPTA") guardian ad litem for the child. (W&I 326.5).

 - ii. Independent Investigation. An attorney for a child in a dependency proceeding shall make an independent investigation pursuant to Welfare and Institutions Code section 317(e). If the minor is four years or older, the independent investigation shall include an interview with the minor. If the results of said investigation vary from the information in the Social Worker's report the attorney shall file a report or declaration prior to the scheduled court hearing summarizing the result of his or her investigation.

 - iii. Access to Children in Welfare and Institutions section 300, Proceedings
 - a. No party or attorney in a dependency proceeding shall interview the child about the events relating to the allegations in the petition(s) on file without permission of the child's attorney or court order.

 - b. No party or attorney in a dependency proceeding shall cause the minor to undergo a physical, medical

Superior Court of California, County of Mendocino

or mental health examination or evaluation without court approval. Each party shall have the right to notice and to be heard on the person to be selected to perform medical or mental health evaluations other than medical examinations per Welfare and Institutions Code section 324.5. (*Subd. (b)(2) amended, merged with subd. (b)(3) eff. 7/1/04.*)

- c. This rule does not apply to the investigating probation officer or investigating social worker. (*Subd. (3) renumbered eff. 7/1/05.*)
- d. **Caseloads for Children’s Attorneys**
Court appointed attorneys for children shall notify the Presiding Judge of the Juvenile Court when their caseload exceeds 140 cases (sibling groups shall constitute 1 “case” for the purpose of this rule). Upon receiving such notification, the Presiding Judge of the Juvenile Court shall take steps to assure that the attorney is able to meet minimum standards of attorney performance.

(Eff. as Rule 1479 1/1/99; Title: Chapter 16.19 Representation of Minors amended eff. 7/1/04; Rule 5.663 amended and renumbered eff. 1/1/07; adopted as rule 1479; (Rule 5.660 amended and renumbered effective 1/1/07; adopted as rule 1438) As amended eff. 1/1/09.)

16.18 Modifications of Orders (Welfare and Institutions Code section 386-388, 775-779)

- a. **Previous Order.** Any request order to change, modify or set aside a previous order of the juvenile court must comply with Welfare and Institutions Code sections 386-388, 775-779). (*Eff. as subd. (c) 1/1/99; Subd. (a) as amended eff.7/1/04.*)
- b. **Decrease in Visitation by Parent/Party.** Any significant decrease from the court-ordered level of a parent’s/party’s level of visitation shall be presented to the affected parent/party for comment before being submitted to the court. The court may set a hearing on the issue after hearing the parent’s/party’s comment on the proposed reduction. (*Eff. as subd. (d) 1/1/99; Subd. (b) as amended eff. 7/1/04.*)
- c. **Vacations Out of Mendocino County.** Permission for a dependent or ward’s custodian to take the child out of Mendocino County for a vacation may be submitted directly to the court for approval. Any attempts to notify the parents shall be indicated in the application. (*Eff. as subd. (e) 1/1/99; Subd. (c) as amended eff. 7/1/04.*)

Superior Court of California, County of Mendocino

- d. **New Service Plan Requirements.** Any significant changes or additions to the court ordered Family Reunification or Family Maintenance service plan for parents/guardians shall be submitted to the parents and/or their attorney for approval before implementation. A parent who disagrees with the new requirements may request a hearing with the court on the matter. *(Eff. as subd. (f) 1/1/99; Subd. (d) as amended eff. 7/1/04.)*

(Eff. 1/1/99; Chapter 16.20 Modification of Orders subd. (a) (b) repealed eff. 7/1/04; Title: Chapter 16.20 Modification of Orders amended eff. 7/1/04.)

16.19 Creation of a Family Court Order in Juvenile Court

- a. **Petition for Dismissal.** Whenever any interested party believes that juvenile court intervention on behalf of the child is no longer necessary, application may be made to the juvenile court pursuant to Welfare and Institutions Code section 388 or at any regularly scheduled hearing to have the case dismissed. Thereafter, any future litigation relating to the custody, visitation and control of the child shall be heard in the family court or other appropriate superior court civil department.
- b. **Juvenile Court Custodial Order.** If the juvenile court determines that jurisdiction of the juvenile court is no longer necessary for the protection of the child, the court may create a custodial order on Judicial Council form, Custody Order – Juvenile – Final Judgment (JV-200), consistent with the needs of the child and thereafter dismiss the juvenile petition and case (Welfare & Institutions Code section 361.2, 362.4). Any party may object to the proposed dismissal and be heard on the issues. *(Amended eff. 7/1/04; As amended eff. 1/1/09.)*
- c. **Maintenance of Orders in Court Files**
1. **Juvenile Court.** The original court order shall be filed in the family court or civil file and endorsed copies shall be filed in the juvenile court file. A copy of the endorsed-filed order shall be mailed to the attorneys and parties.
 2. **Superior Court.** If no court order exists in the family court or other superior court division or in any other jurisdiction, the court clerk shall create a file under the names of the child's parents. The file shall contain a copy of the juvenile court order. There shall be no filing fee. Welfare and Institutions Code section 362.4.

(Eff. 1/1/99)

16.20 Guardians Ad Litem

- a. **For Children.** All children who are the subject of juvenile court proceedings shall have a guardian ad litem appointed to represent them. Unless otherwise stated by the court, the child's attorney shall serve as the guardian ad litem. (Welfare & Institutions Code section 326.5). *(Subd. (a) & (a)(1) as amended eff. 7/1/04.)*
- b. **For Parents.** The court may appoint a guardian ad litem to represent an incompetent parent or guardian whose child is before the juvenile court pursuant to a dependency petition (Welfare & Institutions Code section 300, et seq.). The parent or guardian shall be entitled to a hearing on the issue of whether a guardian ad litem shall be appointed. *(Subd. (b) as amended eff. 7/1/04.)*
- c. **Notice to Guardian ad Litem, Access to Records, Rights to Appear.** In all proceedings the guardian ad litem shall be given the same notice as any party. The guardian ad litem shall have the same access to all records relating to the case as would any party. The guardian ad litem shall have the right to appear at all hearings.

(Eff. 1/1/99; Chapter 16, Juvenile Rules, Rule 16.22 Guardian ad Litem, subd. (a)(2) & (3) repealed effective 7/1/04; subd. (c)(2) & (3) adopted as subd. (c)(1) eff. 7/1/04; adopted effective 1/1/99; As amended eff. 1/1/10.)

Former Rule 16.21 Relating to Child Advocates (Repealed 2004)

(Eff. 1/1/99; Chapter 16, Juvenile Rules, Rule 16.23 Local Rules Relating to Child Advocates repealed eff. 7/1/04.)

16.22 Restitution Determination Procedures (W&I 730.6, 742)

- a. In any juvenile delinquency disposition where the Probation Department does not have sufficient information at the time of disposition to make a specific recommendation as to the amount of restitution to the victim that may be ordered pursuant to Welfare and Institutions Code section 730.6(a)(2)(B), the following procedure will apply:
 1. The disposition report prepared by Probation should request that a date be set in approximately 60 days for a restitution hearing.
 2. The Probation Department shall investigate the matter and prepare a restitution recommendation report that addresses:
 - a. the value of stolen or damaged property;
 - b. medical expenses;

Superior Court of California, County of Mendocino

- c. lost wages or profits due to injury;
 - d. lost wage or profits due to time spent as a witness or assisting the police or District Attorney; and
 - e. the names of any co-responsible persons.
3. The restitution report shall be submitted to the court and both counsel at least five (5) days prior to the scheduled hearing. The documentation upon which the Probation Officer relies in making the restitution recommendation shall be forwarded with the report to the District Attorney and minor's counsel, but not to the court.
- b. On the date set for the restitution hearing, the matter will be called on the record in the presence of counsel for both parties. If either the minor or the minor's parent/guardian is not present, counsel for the minor shall inform the court whether those persons indicated that they did or did not wish to be present for the hearing.
 - c. If the matter is set for an evidentiary hearing after the Probation Department has made a recommendation for a specific amount of restitution, the burden to produce witnesses and the burden of proof by a preponderance of the evidence that the recommended amount is excessive shall be on the minor.
 - d. After a restitution order is issued by the court, the Probation Officer shall notify the victim within 60 days of the following:
 1. The name and address of the minor.
 2. The amount and terms of restitution ordered.
 3. The offenses that were sustained.
 4. The name and address of the parent/guardian of the minor.
 5. The applicability of Civil Code sections 1714.1 and 1714.3 regarding joint and several liability of the parent/guardian.
 6. Whether the minor's parents received proper notice of the proceedings and potential liability.
 7. The victim's right to a certified copy of the order reflecting items 1-6 above.
 8. The victim's right to enforce the restitution order as a civil judgment pursuant to section 730.6(r) and Penal Code section 1214.

- e. Thereafter, prior to hearing any motion to modify the restitution order, all parties and the victim shall be notified at least ten (10) days prior to the hearing date, as required by section 730.6(h).

(Eff. 7/1/05.)

16.23 Interviewing Minors Who Are Alleged Victims of Child Abuse

All investigators, including agencies and law enforcement personnel, attorneys and child advocates, shall attempt to minimize the number of interviews of a child relating to the events surrounding the alleged child abuse. To this end anyone wishing to learn facts about the alleged incident shall first review the comprehensive interview taken by the investigating officer.

(Eff. 7/1/05.)

16.24 Court Appointed Special Advocate Program (CASA)

a. Adoption of CASA Program

- 1. The court hereby adopts the guidelines for the Court Appointed Special Advocate Program (CASA) as more particularly set forth in Welfare and Institutions Code Sections 100 through 109, inclusive, and Rule 5.655 of the California Rule of Court.
- 2. 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. Release of Information to CASA

- 1. To accomplish the appointment of a CASA, the judge, commissioner or referee making the appointment shall sign an order 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.
- 2. The CASA shall have the same legal right to records relating to the child he or she is appointed to represent as any case manager (social worker or probation officer) regarding records pertaining to the child held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The CASA shall present a copy of his or her appointment order together with

Superior Court of California, County of Mendocino

his or her identification to provider to gain access to the requested information. No consent from the parent or guardian is necessary for the CASA to have access to any records relating to the child.

- c. **Right to Timely Notice and Right to Appear**
 - 1. Whenever any motion is made, or a supplemental or subsequent petition filed, concerning the child for whom the CASA has been appointed, the moving party shall provide the CASA with timely notice.
 - 2. 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 or she may be called to testify at some point in the proceedings. A CASA is not a party to the dependency proceedings. However, the court, at its discretion, shall have the authority to grant the CASA *amicus curiae* status, which includes the right to appear with counsel.
- d. **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.
- e. **CASA Reports.** CASA reports shall be filed with the court at least three (3) court days prior to the hearing. The CASA program shall provide a copy of the report to all counsel of record at least three (3) court days before the hearing.

(Eff. 7/1/13.)

16.25 Request for Transcript of Confidential Proceeding

Any person who requests a transcript of a confidential juvenile court proceeding for any purpose other than appeal, shall submit a Request for Special Transcript and Order (Form #MJV-300-local) to the presiding judge of the Juvenile Court.

If the applicant requests that the transcript be provided at court expense, a current fee waiver request or other proof of current financial circumstances must be submitted with Form #MJV-300-local, or have been filed with the court within the preceding three (3) months.

If the applicant requests that the transcript be provided in an expedited manner (within ten (10) days of the request) justification therefore must be clearly stated in the request.

(Eff. 1/1/17.)

CHAPTER 16

APPENDIX

JUVENILE RULES

Application submitted by: (Name and Address) Name: _____ Street Address: _____ City, State, Zip Code: _____ Telephone No. _____	FOR COURT USE ONLY CASE NUMBER:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO Street Address: 100 North State Street City, State and Zip Code: Ukiah, CA 95482 Branch Name: SITTING AS THE JUVENILE COURT	
Child's Name: _____	
COMPLAINT ABOUT PERFORMANCE OF COURT APPOINTED ATTORNEY	

Name of applicant:	_____
Relationship to the minor(s):	_____
Attorney's Name:	_____

The specific reasons for my complaint are: (must be typewritten or printed legibly)

I am requesting the following:

Attach separate page if needed.

Dated: _____

Signature

Any complaint must be submitted on this form or at least have this form as a cover page to the application. The application must be filed at the Superior Court, 100 North State Street, Ukiah, California – Room 108.

(Adopted for Optional use effective 7/1/05; Form # MJV-101-local)

<u>ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS)</u> TELEPHONE NO.: ATTORNEY FOR (Name):	<i>FOR COURT USE ONLY</i>
<u>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO</u> <input type="checkbox"/> UKIAH Courthouse, State and Perkins Streets 100 North State Street, Ukiah, CA 95482-0337 <input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street, Fort Bragg, CA 95437	
PETITIONER: RESPONDENT:	
<u>REQUEST FOR SPECIAL TRANSCRIPT AND ORDER</u>	<u>CASE NUMBER:</u>

1. I, _____ the applicant,
(name of applicant requesting transcript)
 hereby request the court to order a transcript of the _____ proceeding
(type of hearing: detention, adjudication, review, etc.)
 heard in the Juvenile department on _____, the Honorable _____ presiding.
(date) (judicial officer's name)

2. The proceeding was reported by Court Reporter(s): _____
(name(s) of court reporter(s))

3. The request is being made for the following reason(s):

4. The transcript shall be prepared at the expense of the court the applicant other party: _____
(name or agency)

5. I, the Applicant, further request that the transcript be prepared in an expedited manner (within 10 court days). Justification:

Date: _____ Applicant's Relationship to Minor: _____

(TYPE OR PRINT NAME OF APPLICANT) (SIGNATURE OF APPLICANT)

ORDER

IT IS HEREBY ORDERED that Court Reporter(s) _____ prepare an
 original and _____ copy(s) of the transcript of the _____ proceeding heard
 in the Juvenile department on _____, the Honorable _____ presiding.

Costs of said transcript are to be borne by the court the applicant other party:
 and are to be distributed to the Applicant and the following parties:

County Counsel Mendocino County HHS Mendocino County District Attorney Juvenile Probation
 Minor's Attorney Attorney for and/or Minor's Parent(s)/Guardian(s) Other: _____

IT IS FURTHER ORDERED that the transcript by completed by _____ at expedited regular rates.
(date)

Date: _____

Judge of the Superior Court

(Adopted for Mandatory use effective 1/1/17 –Form #MJV-300-local)