



# **Superior Court of California County of Mendocino**

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

Publication Date: October 1, 2024

Deadline for Comment: November 15, 2024 by 4:00 p.m.

Effective Date: January 1, 2025

**Summary of Proposed Changes to Local Rules for January 1, 2025**

Summary of Changes	
Rule:	Changes:
1.22	New rule.
1.23	New rule.
1.24	New rule.
1.25	Wording amended. Renumbered. Former rule 1.22.
1.26	Wording amended. Renumbered. Former rule 1.23.
1.27	Wording amended. Renumbered. Former rule 1.24.
1.28	Wording amended. Renumbered. Former rule 1.25.
1.29	Renumbered. Former rule 1.27
1.30	Renumbered. Former rule 1.28.
1.31	Renumbered. Former rule 1.29.
1.32	Renumbered. Former rule 1.30
1.33	Renumbered. Former rule 1.31.
1.34	Renumbered. Former rule 1.32.
1.35	Renumbered. Former rule 1.33.
1.36	Renumbered. Former rule 1.34.
1.37	Renumbered. Former rule 1.37.
1.38	Renumbered. Former rule 1.36.
1.39	Renumbered. Former rule 1.37.
1.40	Renumbered. Former rule 1.38.
1.41	Renumbered. Former rule 1.39.
1.42	Renumbered. Former rule 1.40.
1.43	Renumbered. Former rule 1.41.
1.44	Renumbered. Former rule 1.42
1.45	Renumbered. Former rule 1.43.
1.46	Renumbered. Former rule 1.44.
1.47	Renumbered. Former rule 1.45.
1.48	Renumbered. Former rule 1.46.
2.4	Wording amended.
2.6	New rule.
2.7	Wording amended. Renumbered. Former rule 2.6.
2.8	Renumbered. Former rule 2.7.
2.9	New rule.
2.10	Renumbered. Former rule 2.8.
2.11	Renumbered. Former rule 2.9.
2.12	Renumbered. Former rule 2.10.
2.13	Renumbered. Former rule 2.11.
2.14	Renumbered. Former rule 2.12.

<b>Summary of Changes</b>	
<b>Rule:</b>	<b>Changes:</b>
3.3	Wording amended.
4.10	New rule.
4.11	New rule.
4.12	Renumbered. Former rule 4.10.
4.13	Renumbered. Former rule 4.11.
4.14	Renumbered. Former rule 4.12.
4.15	Renumbered. Former rule 4.13
5.2	Wording amended.
7.2	Wording amended.
7.5	New rule.

## **Chapter 1: General Court Rules**

### **General Rules**

#### **1.1 Citation**

These rules will be known and cited as the “Local Rules of the Superior Court of California, County of Mendocino,” and always be supplementary to and subject to statutes, the California Rules of Court, and any rules adopted by the Judicial Council of California and will be construed and applied so they do not conflict with such rules and statutes.

*(Effective 1/1/99; amended 7/1/08; renumbered 7/1/19)*

#### **1.2 Failure to Comply with Local Rules or Orders of the Court**

In the event of any failure to comply with the local rules, the California Rules of Court, or any order of the court related thereto, the court may impose upon the offending party, attorney, or both, sanctions which may include, but are not limited to, requiring the filing of an attorney’s compliance statement, attorney’s case schedule, monetary sanctions, attorney’s fees, expenses, striking pleadings, entering the default of any party, dismissal of the action, and/or contempt, and any other sanctions authorized by Government Code § 68609(d) and any other statute.

*(Effective 1/1/99; amended 1/1/03; renumbered & amended 7/1/08; renumbered 1/1/10; renumbered 7/1/19)*

#### **1.3 Administration of the Courts**

- a. **Location.** Sessions of the court will be held in Ukiah and Fort Bragg, California.
- b. **Sessions of the Court.** Court sessions are established to provide the most efficient operation of the court for the benefit of the public. Calendared matters or court sessions may change at the court’s discretion.
- c. **Complaints Regarding: Bias or Sexual Harassment.** Court employees and judicial officers will not engage in any conduct or activity that causes or contributes to bias or sexual harassment in the court system. Any person who observes or believes he or she has been subjected to bias or sexual harassment must immediately report the incident to Court Administration.
- d. **Emergencies and Evacuations.** The Mendocino County Sheriff’s Department will be responsible for the welfare and security of all occupants and visitors in the courthouse facilities and has the authority to order an evacuation of the courthouse as authorized under Penal Code § 409.5. All judicial officers and staff must follow the directions of the Sheriff’s Department in the event of an emergency and/or evacuation.

*(Effective 7/1/19; amended 7/1/21; amended 7/1/24)*

#### 1.4 Courtroom Conduct

- a. **Attorney Conduct.** Attorneys appearing in court will be respectful of the court, its judicial officers, and staff. Further, attorneys will behave in a polite and professional manner toward opposing counsel, opposing parties, witnesses, and members of the court staff. Attorneys must be familiar with the rules and guidelines set forth in these local rules as well as other applicable statutes and rules of conduct, ethics, and professionalism. Finally, attorneys will make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules.
- b. **Visitors in the Courtroom.** Visitors are individuals that are not parties or participants in any proceedings taking place in a courtroom. Visitors in the courtroom will not talk to court staff when the court is in session unless they are asked to do so by a judge or staff member. They will not converse with anyone in a manner that is distracting to the proceedings before the court. They will not eat or drink in the courtroom. They will not visibly or audibly display approval, disapproval, agreement, or disagreement with any testimony, ruling or statement of the court, parties, or witnesses.
- c. **Attire.** Individuals entering a courtroom will be properly attired and will not appear in court barefoot, with a bare midriff or wearing sunglasses, hats, shorts, tank tops or any clothing that displays inappropriate words, symbols, or pictures. Attorneys will wear business attire.

This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom.

- d. **Court Telephones and Cellular Phone.** No one other than a judicial officer or court staff will use a courtroom telephone without the express permission of the court.

Cellular phones will not be used to place calls in the courtroom at any time. All ring tones, alerts, and alarms must be silenced when in the courtroom.

*(Effective 7/1/19; amended 1/1/24)*

#### 1.5 Communications to Court or Jury

- a. Counsel will instruct their staff, clients, witnesses, and other related persons not to have communication with court staff pertaining to the pending litigation unless it is on the record with all parties present.
- b. Counsel will instruct their clients, witnesses, and others associated with the case to have no communication whatsoever with any juror or alternate juror.

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*(Effective 1/1/99; renumbered 7/1/08; renumbered 1/1/19; renumbered & amended 7/1/19)*

### **1.6 Case Initiation and Assignment**

Generally, unless a party receives judicial approval to change the filing location, cases will remain in the courthouse in which they are originally assigned.

#### **a. Court Case Initiation**

1. The following case types may be filed and heard in the Ukiah or the Ten Mile court locations:
  - a. Limited and unlimited civil proceedings
  - b. Probate proceedings
  - c. Family law proceedings
  - d. Criminal proceedings
2. The following case types must be filed and heard only in the Ukiah court location:
  - a. Conservatorships under the Lanterman-Petris-Short Act (LPS cases)
  - b. Qui Tam actions under the False Claims Act (Government Code §§ 12650-12656)
  - c. Proceedings under Public Resources Code § 21000 et.seq. for issues involving the California Environmental Quality Act (CEQA cases)
  - d. Juvenile justice and juvenile dependency matters (Welfare & Institutions Code §§ 300 and 602)
  - e. Cases filed by the Department of Child Support Services (DCSS)

#### **b. Case Assignment**

1. **Assignment Locations.**
  - a. For civil, family law, and probate matters, the physical address of the party filing the first paper determines whether a case is filed in the Ukiah courthouse or the Ten Mile branch in Fort Bragg. The filer or filer's attorney must include the filer's physical address in the filing. Any filing of a new case that does not include the filer's

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physical address will be rejected by the court and returned to the filer.

- b. Civil, family law, and probate cases in which the filing party's address is in Fort Bragg, the Town of Mendocino, Comptche, Westport, Elk, Caspar, Point Arena, Gualala, or other coastal communities will be assigned to the judge presiding in the Ten Mile courthouse in Fort Bragg. All other new case filings will be assigned to judges in the Ukiah courthouse.
  - c. Traffic and non-traffic infraction violations cited in Fort Bragg, the Town of Mendocino, Comptche, Westport, Elk, Caspar, Point Arena, Gualala, other coastal communities, along Highway 1, along Highway 20 west of the Town of Willits, and along the coastline will be assigned to the judge presiding in the Ten Mile courthouse. All other infraction violations will be assigned to judges in the Ukiah courthouse.
2. **Civil Case Assignment Procedure.** When a new civil case is filed, whether electronically or in person, except for case types in 1.6(a)(2)(b) and (c), the court will review the address of the initial filing party (petitioner/plaintiff) and assign the case based on the physical address of the filing party. If the initial filing party's address is out of county, cases will be assigned based on the address of the respondent/defendant. The filing party will indicate the address of the respondent/defendant in the initial pleading, on the Party's Information tab when submitting pleadings via e-filing, or by comment to the court.
  3. **Family Law Case Assignment Procedure.** When a new family law case is filed, whether electronically or in person, the court will review the address of the initial filing party (petitioner) and assign the case based on the physical address of the filing party.
  4. **Probate Case Assignment Procedure.** When a new probate case is filed, whether electronically or in person, except for case types in 1.6(a)(2)(a), the court will review the address of the initial filing party (petitioner) or the address of the decedent's estate and assign the case based on the physical address of the filing party.
  5. **Criminal Case Assignment Procedure.** The court will assign criminal cases based on the District Attorney's Office's courthouse filing determination.
  6. **Transfer of Cases.** The court may order the transfer of a case from one branch of the court to the other for a limited purpose (i.e., a particular hearing, for mediation, etc.), or for all purposes.

- c. **Interpreter Trials in Ten Mile.** Jury trials set in Ten Mile requiring the use of an interpreter will be transferred to the Ukiah Courthouse for trial. All other jury trials set in Ten Mile will not be transferred to Ukiah without the filing of a properly noticed motion and hearing before the court. A stipulation to transfer will not be effective without approval of the presiding judge.

*(Effective 1/1/18; renumbered 1/1/19; renumbered & amended 7/1/19; amended 7/1/21; amended 1/1/24; amended 7/1/24)*

## 1.7 Filing of Documents

### a. Electronic Filing

1. **Transmission of Electronically Filed Documents through Electronic Filing Service Providers (EFSP):** The court does not authorize any direct electronically filed transmissions to the court of any document. Electronic filing of documents must be done through one of the court's authorized EFSPs. The court's electronic filing procedures and requirements, including identification of its EFSPs, are available on the court's website and at the clerk's office. An EFSP may require payment of a convenience fee and/or transaction fee and/or impose other reasonable requirements as conditions for processing the electronic filing of a document. The court may also charge a technology fee, up to \$2.00 per transaction, to defray the cost of technology needed to support the e-filing program.
2. **Exemptions from Mandatory Electronic Filing Requirements.** Pursuant to Code of Civil Procedure § 1010.6(d)(4) and California Rules of Court rule 2.253(b)(1), self-represented litigants are exempt from mandatory electronic filing requirements but are permitted and encouraged to electronically file documents if they choose.

A party that is subject to mandatory electronic filing may seek to be excused from such requirement by submitting Judicial Council form [EFS-007 Request for Exemption from Mandatory Electronic Filing and Service](#) and obtaining a court order granting the request.

3. **Case Types Subject to Mandatory Electronic Filing.** Except for self-represented parties, the court requires electronic filing of court documents in the following case types:
  - a. All documents in felony, misdemeanor, and infraction criminal actions for cases heard in criminal court, except pre-filing criminal documents (e.g. search warrants, affidavits, etc.)
  - b. All civil limited actions
  - c. All unlawful detainer actions



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- d. All civil unlimited actions, including class actions, coordinated actions, and cases designated as complex pursuant to CRC 3.400 et seq.
- e. All family law actions
- f. All probate actions
- g. All juvenile delinquency and juvenile dependency actions
- h. All appellate division matters
- i. All mental health actions

Pursuant to California Rules of Court rule 2.252(e), an electronic filer may file an electronic copy of a document if the original document is then filed with the court within 10 business days if the proceeding requires that the original document be filed.

#### 4. **Electronic Document Format Requirements**

- a. **Searchable PDF Format.** Electronic documents must be submitted in searchable PDF format with searchable PDF/A as the preferred format. PDF/A is a format which excludes features that give rise to concerns about the ability to archive documents. New scanners allow users to directly create a PDF/A. Filers with older scanners can use a conversion tool (such as Acrobat 9) to convert scanned documents to PDF/A.

- d. **Multiple Document Filings.** The filing party must create a separate .pdf document for every individual document that is to be file-stamped in an envelope submission. If a .pdf contains more than one document for filing, the court will reject the e-file envelope and return it to the filer for correction.

If the filing party includes a supporting document that is typically file stamped, but the filer intends to use it as supporting documentation for a lead document, the filer must write “ATTACHMENT” in the block reserved for the file stamp to make it clear to the court that the document is not to be filed separately.

- e. **Cover Sheet.** The court requires that Judicial Council form [EFS-020 Proposed Order \(Cover Sheet\)](#) be attached to all proposed orders submitted in all case types.

- 5. **Exhibits.** Exhibits must be filed five (5) business days before the hearing and must be served on all parties.

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E-filed exhibits must be submitted in the format required in 1.7(a)(4) along with local form [MEX-170 Exhibit Cover Sheet](#). Transcripts for audio exhibits must be included with the initial filing of the audio exhibit.

Exhibits filed with the court in other electronic formats (flash drive, CD, etc.) must be in the format required in 1.7(a)(4) and filed with local form [MEX-175 Electronic Media Exhibit Cover Sheet](#). They must be clearly labeled with the following: the case name, the case number, and the hearing date, time, and department. Transcripts for audio exhibits must be included with the initial filing of the audio exhibit.

### 6. Documents Not Authorized to be Filed Electronically.

- a. In all actions: *ex parte* applications and filings other than restraining order applications; orders of examination; administrative records; documents responsive to subpoenas duces tecum; bonds and undertakings; out-of-state commissions; out-of-state judgments, subpoenas for out-of-state actions.
- b. In all actions: motions and/or declarations for disqualification of a judge pursuant to Code of Civil Procedure § 170.1 or 170.3 and peremptory challenges pursuant to Code of Civil Procedure § 170.6.
- c. In all actions: documents from health care providers and/or mental health professionals ordered by the court.
- d. In all actions: documents submitted to the court by the California Department of Corrections and Rehabilitation (CDCR), Department of State Hospitals (DSH), State Adoptions and other licensed adoption agencies.
- e. In probate actions: original wills; original codicils; documents lodged pursuant to Probate Code § 2620; letters of administration; letters of testamentary; certified copies of death certificates; letters of conservatorship or temporary conservatorship; letters of guardianship or temporary guardianship, Judicial Council form [GC-360 Conservatorship Registration Cover Sheet and Attestation of Conservatee's Non-Residence in California](#), and Judicial Council form GC-360 Conservatorship Registrant's Acknowledgment of Receipt of Handbook for Conservators.
- f. In criminal actions: the complaint and/or original charging documents and all documents filed before the complaint or original charging document.

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- g. In juvenile actions: Order Shortening Time, Request for Disclosure of Juvenile Records.
- 7. **E-filing Deadline for Cases on Calendar the Next Day in Criminal, Juvenile Delinquency, and Juvenile Dependency Cases.** E-filing parties and their counsel must comply with all filing deadlines in State law, California Rules of Court, and these local rules. In addition, if parties or their counsel are filing criminal, juvenile delinquency, or juvenile dependency documents on the day before a matter is on calendar, the documents must be e-filed no later than 3:00 pm.
- 8. **E-filing Deadline for Cases on Calendar in Civil, Family Law, and Probate Cases.** Documents in civil, family law, and probate cases must be e-filed no later than two (2) full business days prior to the court hearing.
- 9. **Return of E-filed documents.** Documents that have been e-filed will be processed and returned by the clerk's office within two (2) business days.
- 10. **Matters Requiring Immediate Judicial Attention:** Matters requiring judicial attention within one (1) business day must be filed in-person at the clerk's office and must not be e-filed.
- b. **Tribal Court Protective Orders.** Tribal Court Protective Orders that are entitled to be registered under Family Code § 6404 may be filed directly with the clerk's office by email at [tribal.orders@mendocino.courts.ca.gov](mailto:tribal.orders@mendocino.courts.ca.gov) pursuant to California Rules of Court rules 2.300 – 2.305, and 5.386.
- c. **Conforming Copies.** The clerk will conform three (3) copies of any document at the time of filing.
- d. **Drop Box – Ukiah.** Self-represented litigants filing civil, family law, and probate pleadings in Ukiah may place their documents into a drop box in lieu of standing in line at the clerk's window. Matters requiring immediate judicial attention (i.e. requests for temporary orders, requests for restraining orders based on domestic violence or civil harassment, *ex parte* filings, etc.) should not be deposited in the drop box.

Self-represented parties may place their pleadings in the drop box located on the main floor of the Ukiah courthouse throughout the business day. Documents date and time stamped on or before 5:00 p.m. will be filed as of the date received. Documents *not* date and time stamped will be filed the next business day regardless of when the documents were placed in the drop box. The clerk will conform three (3) copies of each document and place the conformed copies in either the public pick-up basket located in room 107 or return by regular mail if a self-addressed stamped envelope is provided. A self-addressed envelope of sufficient size, with sufficient postage affixed, is required for mailing of file documents to the filing party. Filed documents that do not have return envelopes

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with sufficient postage will be retained in the clerk's office for 30 days from the date of filing. If unclaimed, the documents will be destroyed.

If a courtesy copy is required for the filing and has not been provided, the clerk will retain one (1) conformed copy as the courtesy copy.

Incomplete documents, documents without the appropriate filing fees (if applicable), or documents submitted in error will be returned to the filing party unprocessed. Filing parties assume the risk for documents deposited in the drop box in lieu of being filed directly with the clerk.

When placing documents in the drop box, filing parties will:

1. Use the electronic time stamp located on top of the drop box to stamp documents with the date and time on the back of the last page.
2. Ensure that documents are in order and securely clipped together or placed in an envelope.
3. Securely affix checks or money orders, with the appropriate fees, to the front of the documents. Do NOT attach cash to documents deposited in the drop box.

### e. **“Courtesy Copies” for Specified Court Hearings**

The court encourages litigants or their counsel to email courtesy copies of filed documents to the court and all parties to the matter. The use of a file hosting service such as “Dropbox” will be permitted provided there is no cost to the court or other litigants. Electronic delivery of courtesy copies is encouraged.

Electronic delivery of courtesy copies is not a substitute for filing and service as required by the Code of Civil Procedures, the Penal Code, and the California Rules of Court. All departments will accept electronic delivery of courtesy copies.

Generic email addresses have been established for courtesy copies. Emails with attached copies are to be sent to each department as follows:

[DepartmentA@mendocino.courts.ca.gov](mailto:DepartmentA@mendocino.courts.ca.gov)

[DepartmentB@mendocino.courts.ca.gov](mailto:DepartmentB@mendocino.courts.ca.gov)

[DepartmentC@mendocino.courts.ca.gov](mailto:DepartmentC@mendocino.courts.ca.gov)

[DepartmentCS@mendocino.courts.ca.gov](mailto:DepartmentCS@mendocino.courts.ca.gov) (Child Support cases only)

[DepartmentE@mendocino.courts.ca.gov](mailto:DepartmentE@mendocino.courts.ca.gov)

[DepartmentF@mendocino.courts.ca.gov](mailto:DepartmentF@mendocino.courts.ca.gov)

[DepartmentG@mendocino.courts.ca.gov](mailto:DepartmentG@mendocino.courts.ca.gov)

[DepartmentH@mendocino.courts.ca.gov](mailto:DepartmentH@mendocino.courts.ca.gov)

[DepartmentTM@mendocino.courts.ca.gov](mailto:DepartmentTM@mendocino.courts.ca.gov)

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Emailed courtesy copies must conform to the following specifications:

1. All courtesy copies must be exact electronic copies of the documents as filed with the court
2. Only documents in PDF format will be accepted
3. The transmitting email and attached courtesy copies must be copied to all parties who have provided an email address
4. Emailed documents must have a file name in the following uniform format:  
  
[case number].[short title of document].[date of hearing].pdf  
For example, 1234567.OppositiontoDemurrer.010116.pdf
5. The combined size of the email and all attachments cannot exceed 25 megabytes (MB)
6. The court will not read or consider any text included in the email.

*(Effective 7/1/21; amended 1/1/22; amended 1/1/23; amended 7/1/23; amended 1/1/24; amended 7/1/24)*

### **1.8 Application for Waiver of Court Fees**

- a. Pursuant to California Rules of Court rule 3.50, parties may file an application for a fee waiver if they meet the standards of eligibility set forth in Government Code §§ 68632 and 68633.
- b. Applicants for a waiver of court fees must file a completed Judicial Council of California form [FW-001 Request to Waive Court Fee](#) along with a prepared [FW-003 Order on Court Fee Waiver](#).
- c. Clerks are authorized to grant initial fee waiver applications that meet the standards noted in section (a) of this local rule.

*(Effective 1/1/20; amended 7/1/22; amended 1/1/23)*

### **1.9 Remote Proceedings**

- a. Effective January 1, 2022, pursuant to the newly enacted Code of Civil Procedure § 367.75, remote proceedings requirements differ between criminal and civil proceedings. Civil cases defined in California Rules of Court rule 1.6 include all cases except criminal cases and petitions for habeas corpus. For remote proceedings requirements in criminal cases, see local rule 1.10. For remote proceedings requirements in civil cases, see local rule 1.11. For remote

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proceeding requirements in juvenile dependency cases, see local rule 1.11 and 1.12.

- b. “Remote appearances” means the appearance at a court hearing using remote technology by a party, defendant, attorney, witness, victim, or others (social workers, tribal representatives, CASA, other experts.). Information on remote appearances can be found on the Remote Appearance page of the court’s public website.
- c. “Remote proceeding” means a proceeding conducted in whole or in part using remote technology.
- d. “Remote technology” means technology that provides for the transmission of video and audio signals or audio signals alone, including, but not limited to, a computer, tablet, telephone, cellphone, or other electronic communication device.
- e. **Telephonic Appearance Requirements.** Telephonic appearances require sufficient connectivity and an indoor location with limited background noise and distraction. It is the sole responsibility of the party appearing by telephone to ensure the above criteria are met. The court may continue the hearing and require an in-person appearance if clear communication is not possible by phone or if there is a distraction or disturbance that interferes with the hearing.
- f. **Video Appearance Requirements.** Video appearances require sufficient internet speed and connectivity to stream video, a device capable of capturing and displaying a clear audio and visual stream, and an indoor location with limited background noise and distraction. It is the sole responsibility of the party appearing by video to ensure the above criteria are met. The court may continue the hearing and require an in-person appearance if clear communication is not possible by video or if there is a distraction or disturbance that interferes with the hearing. See the Remote Appearance page on the court’s website for technical requirements and other instructions.
- g. **Court’s Discretion to Require In-Person Appearances.** Nothing limits the court’s ability to order personal appearance instead of a remote appearance. The court retains full discretion to conclude a remote appearance and reschedule the hearing for another date and time due to delay or other concern due to disruption, noise, misconduct, a communication problem, a technical problem, other issue, or in the interest of justice.  
  
If the court determines that an in-person appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the case, the court may order an in-person appearance.
- h. **Appearance in Person after Requesting a Remote Appearance.** In civil and juvenile dependency proceedings, a party that has given notice that it intends to appear remotely may instead choose to appear in person. If the proceeding is an evidentiary hearing or trial, the party must provide reasonable notice of the in-

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person appearance to the court and the other parties who have appeared in the case.

i. **General Rules and Requirements.** Participants must:

1. Ensure that they have sufficient battery power for the entire hearing. Access to charging equipment is recommended. Parties must also ensure that they have access to a sufficiently strong internet connection for the duration of the hearing. If appearing by telephone, a land line is preferred, but if using a cellular phone, the cellular connection must be strong enough to enable the court and other parties to hear the entire duration of the call.
2. Eliminate ambient or distracting noises and ensure consistent lighting during the hearing.
3. Connect to the court session at least five (5) minutes before the scheduled court appearance.
4. Mute their device and not speak until it is clear that it is their turn to speak, or their case is called.
5. Speak directly into the microphone on the device used to connect to the court session. Participants must identify themselves each time they speak, speak slowly, and avoid interrupting others.
6. Participate with the same degree of courtesy, decorum, use of appropriate language, and courtroom etiquette as required for an in-person appearance. If appearing by video, participants must dress appropriately in the same manner as they would for an in-person court appearance.
7. Not record or broadcast the remote appearance in compliance with California Rules of Court rule 1.150. Existing rules and procedures regarding the making of the record via court reporter or electronic device, or for obtaining a transcript after the hearing apply to video appearances. A violation of this local rule may result in the imposition of sanctions set forth in California Rules of Court rule 1.150(f).
8. Offer any exhibits that the parties wish to present via e-filing five (5) business days before the hearing. E-filed exhibits must be served on all parties. Self-represented litigants who are not e-filing their documents must serve their exhibits on the opposing party and file exhibits with the clerk's office two (2) business days before the hearing.

E-filed exhibits must be submitted in standard format required in 1.7(a)(4) with local form [MEX-170 Exhibit Cover Sheet](#). Transcripts for audio exhibits must be included with the initial filing of the audio exhibit.

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Exhibits filed in other electronic format (flash drive, CD, etc.) must be in standard format required in 1.7(a)(4) and filed with local form [MEX-175 Electronic Media Exhibit Cover Sheet](#). They must be clearly labeled with the following: the case name, the case number, and the hearing date, time, and department. Transcripts for audio exhibits must be included with the initial filing of the audio exhibit.

*(Effective 7/1/21; amended 1/1/22; amended 1/5/22; amended 1/1/23; amended 1/1/24)*

### 1.10 Remote Proceedings in Criminal Matters

- a. Remote appearances in criminal matters are authorized as defined in Penal Code § 977.
- b. **Out of Custody Defendants.** Out-of-custody defendants requesting to appear remotely for the initial court appearance, arraignment, plea, and all other proceedings must obtain written authorization from the court. Defendants must file local form [MCR-115 Request for Remote Appearance in a Criminal Proceeding](#) with the clerk no later than noon two (2) business days prior to the hearing to request a remote appearance. Such requests must be approved by the judge hearing the matter. Defendants must contact the court by 1:00 pm the business day before the hearing to find out whether the request is granted or denied. If the request has been denied or if the court clerk has not received the judge's ruling, the defendant must appear in person.

Out of custody defendants must appear in person for any evidentiary hearing, court trial, or jury trial.

- c. **In Custody Defendants.** In-custody defendants in felony cases will appear remotely from the institution where they are incarcerated for the initial court appearance, arraignment, plea, and all other proceedings, except preliminary hearings, jury trials, or court trials, unless they have been ordered to appear in person by the court.
- d. The District Attorney's Office, Probation Department, expert witnesses, and law enforcement officers may appear remotely for pretrial and post-judgment proceedings.

*(Effective 1/5/22; amended 7/1/22; amended 1/1/23; amended 7/1/23)*

### 1.11 Remote Proceedings in Civil and Family Law Matters

- a. Remote appearances are authorized in all civil proceedings pursuant to the Code of Civil Procedure § 367.75 except Court Trials and Jury Trials. This rule applies to civil cases as defined in California Rules of Court rule 3.672(c)(1) and includes petitions for restraining orders. See Rule 1.9 for general information and requirements for remote proceedings.



b. **Remote Proceedings other than Evidentiary Hearings or Trials.**

1. Required Notice

- a. **Time of Notice for a Hearing with at Least Three (3) Business Days' Notice.** A party choosing to appear remotely in a proceeding set to occur within three (3) business days must provide notice of the party's intent to appear remotely within two (2) business days before the proceeding.

The party choosing remote appearance must file with the court a Judicial Council form [RA-010 Notice of Remote Appearance](#) and serve notice on all other parties or persons entitled to receive notice. Service must be by any means authorized by law to ensure delivery at least two (2) business days prior to the proceeding, including email service, if parties or their counsel have consented to such service.

If after receiving notice from a party choosing remote appearance, a person who has not given notice also decides to appear remotely may do so by notifying the court and all others who have appeared in the action by no later than noon one (1) business day before the proceeding.

- b. **Time of Notice for a Hearing with Less Than Three (3) Business Days' Notice.** A party choosing to appear remotely in a proceeding occurring in less than three (3) business days must provide notice as follows:

The party choosing remote appearance must notify the court and all persons entitled to receive notice by serving and filing a Judicial Council form [RA-010 Notice of Remote Appearance](#) along with the application or pleadings for the proceeding.

Any party other than the applicant or moving party that chooses to appear remotely must provide notice of their intent to the court and all other parties that have appeared in the action no later than noon the business day before the proceeding. If the notice is oral, it must be given in person or by telephone. If notice is in writing, it must be filed with the court on Judicial Council form [RA-010 Notice of Remote Appearance](#) and served on all other parties or persons entitled to receive notice. Service must be by any means authorized by law to ensure delivery no later than noon on the business day prior to the proceeding. Service by email is authorized if parties or their counsel have consented to such service.

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The parties filing the notice must provide a courtesy copy of this form to the department hearing the case pursuant to local rule 1.7(e).

**c. Remote proceedings for Evidentiary Hearings or Trials.**

**1. Court’s Notice of Remote Proceeding**

Lanterman-Petris-Short conservatorship hearings and trials are typically calendared as remote proceedings:

A party may file Judicial Council form [RA-015 Opposition to Remote Proceedings at Evidentiary Hearing or Trial](#) to request that the court disallow remote appearance for a such a hearing or trial.

**2. Party’s Notice of Remote Proceeding.**

This rule applies except in juvenile dependency proceedings; hearings and trials in which the court has determined that remote appearances are suitable in (c)(1) above; or if the court has granted special permission to a party upon a finding of good cause, unforeseen circumstances or that the remote appearance would promote access to justice.

**a. Time of Notice for Hearing or Trial with At Least 15 Business Days’ Notice.** A party choosing to appear remotely at an evidentiary hearing or trial set to occur at least 15 business days later must provide notice of the party’s intent to appear remotely.

The party choosing remote appearance must file with the court Judicial Council form [RA-010 Notice of Remote Appearance](#) and serve notice on all other parties or persons entitled to receive notice at least 10 business days before the hearing or trial. Service must be by any means authorized by law, including email service, if parties or their counsel have consented to such service.

If after receiving notice from a party choosing remote appearance, a person who has not given notice also decides to appear remotely may do so by filing with the court Judicial Council form [RA-010 Notice of Remote Appearance](#) and serving all others who have appeared in the action by no later than five (5) business day before the evidentiary hearing or trial.

**b. Time of Notice for Hearing or Trial Held in Less Than 15 Business Days.** A party choosing to appear remotely at an evidentiary hearing or trial set to occur in less than 15 business days, including hearings on restraining orders and protective orders, must provide notice of the party’s intent to appear remotely.

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- i. If the hearing or trial is set to occur with at least three (3) business days' notice, the party choosing remote appearance must file with the court Judicial Council form [RA-010 Notice of Remote Appearance](#) and serve notice on all other parties or persons entitled to receive notice. Service must be by any means authorized by law to ensure delivery at least two (2) business days prior to the proceeding, including email service, if parties or their counsel have consented to such service.

If after receiving notice from a party choosing remote appearance, a person who has not given notice also decides to appear remotely may do so by notifying the court and all others who have appeared in the action by no later than noon the business day before the proceeding.

- ii. If the hearing or trial is set to occur in less than three (3) business days, the party choosing remote appearance must notify the court and all persons entitled to receive notice by serving and filing Judicial Council form [RA-010 Notice of Remote Appearance](#) along with the application or pleadings for the proceeding; or,

Any party other than the applicant or moving party that chooses to appear remotely must provide notice of their intent to the court and all other parties that have appeared in the action no later than noon the business day before the proceeding. If the notice is oral, it must be given in person or by telephone. If notice is in writing, it must be filed with the court on Judicial Council form [RA-010 Notice of Remote Appearance](#) and served on all other parties or persons entitled to receive notice. Service must be by any means authorized by law to ensure delivery no later than noon the business day prior to the proceeding. Service by email is authorized if parties or their counsel have consented to such service.

The parties filing the notice must provide a courtesy copy of this form to the department hearing the case pursuant to local rule 1.7(e).

3. **Opposition to Remote Proceedings.** In response to a notice of a remote proceeding for an evidentiary hearing or trial, a party may make a showing to the court as to why a remote appearance should not be allowed by filing on the court Judicial Council form [RA-015 Opposition to Remote Proceedings at Evidentiary Hearing or Trial](#) and serving on all parties to the action at least five (5) business days before the hearing or trial for

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which the party receives at least 15 days' notice; or by noon the business day before the hearing or trial for which the party receives less than 15 days' notice.

The parties filing the opposition must provide a courtesy copy of this form to the department hearing the case, pursuant to local rule 1.7(e).

4. **Court Determination on Opposition.** The court will consider the following factors to determine whether a proceeding or parts of a proceeding will be conducted remotely over opposition:
  - a. an in-person appearance would materially assist in the determination of the hearing or trial, or in the effective resolution of case.
  - b. the quality of the audibility of the hearing may inhibit a court reporter's ability to accurately prepare a transcript of the hearing.
  - c. the quality of the technology or audibility of the hearing prevents an attorney from providing effective representation to the client.
  - d. the quality of the technology and audibility of the hearing inhibits a court interpreter's ability to provide language access to a limited English party.
  - e. any limited access to technology or transportation asserted by a party.

*(Effective 1/5/22; amended 7/1/22; amended 1/1/23; amended 7/1/24)*

### 1.12 Remote Proceedings in Juvenile Dependency Matters

- a. Remote appearances are authorized in juvenile dependency proceedings pursuant to Code of Civil Procedure § 367.75. California Rules of Court rule 3.672(i) and local rule 1.11 apply in juvenile dependency matters. See local rule 1.9 for general information and requirements for remote proceedings.
- b. **Contested Hearings.** Any party who intends to call a witness at a contested hearing (excluding detention hearings) who is not a person identified in California Rule of Court 5.530 and have that person testify via remote technology, must give notice to the court and the other parties of such intention on Judicial Council form [RA-025 Request to Appear Remotely – Juvenile Dependency](#) at least 10 calendar days in advance of the hearing.

Any party may oppose the request to appear remotely by filing with the court Judicial Council form [RA-030 Request to Compel Physical Presence – Juvenile Dependency](#) no later than the close of business three (3) business days before the proceeding.

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A courtesy copy of the opposition must be provided to the department hearing the case pursuant to local rule 1.7(e).

- c. **Determination of requests and oppositions.** The court may or may not grant the request for a witness to testify via remote technology regardless of whether all parties have given consent to the witness's remote appearance.

The court may deny a request to appear remotely if the court determines that an in-person appearance is necessary because:

1. the court cannot ensure that the remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceeding.
2. giving testimony via remote technology may cause undue prejudice to one or more parties or prevent the court from making credibility determinations.
3. for any other reason identified by the court.

- d. **Requirement for Attorneys to Appear in Court.** Any attorney asking for a contested hearing may be required to appear in court to conduct the hearing. Attorneys are encouraged to appear in court for such proceedings to ensure an accurate record of the proceedings.

*(Effective 1/5/22; amended 3/4/22; amended 7/1/22; amended 1/1/23)*

### 1.13 *Ex Parte*/Emergency Order Applications

- a. **Time of *Ex Parte*/Emergency Orders Review.** Contact the clerk's office, either by phone or in person, to reserve a date for review of an *ex parte*/emergency order application.
- b. **Filing of *Ex Parte*/Emergency Orders Application.**
1. ***Ex Parte*/Emergency Orders Applications other than Restraining Orders.** Applications for *ex parte*/emergency order have been reserved for review no later than 11:00 am on the day of the scheduled review.
  2. **Restraining Order *Ex Parte* Applications.** Applications for *ex parte* restraining orders must be filed in the branch of the court at which the *ex parte* has been reserved for review no later than 11:00 am on the day of the scheduled review either in person in the clerk's office or by e-filing pursuant to local rule 1.7(a).
- c. **Notice of *Ex Parte*/Emergency Orders Application and Review**

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1. Notice of intent to file an *ex parte*/emergency orders application must be given to the opposing party or attorney no later than 10:00 a.m. one (1) business day before the application is scheduled to be reviewed by the court.
2. ***Ex Parte Applications and Notice***
  - a. Copies of all *ex parte*/emergency orders applications, including all declarations, attachments, and other supporting documents must be delivered to opposing parties or counsel by hand, fax, e-mail, text message, direct messaging through social media, or by e-filing service options (for restraining order applications) no later than 10:00 a.m. one (1) business day before the *ex parte* application is scheduled to be reviewed by the court. Documents being served via first class mail must be mailed at least five (5) business days before the *ex parte* review.
  - b. Prior to a review of an *ex parte* application for a restraining order, local form [MMC-121 Declaration re: Notice upon Ex Parte Application for Orders](#) must be completed and filed showing that the opposing party received notification of the request for *ex parte* orders.
  - c. Notice regarding restraining orders may be waived if the court finds that:
    - i. giving notice to the opposing party is impossible; or,
    - ii. notice would frustrate the purpose of the order; or,
    - iii. immediate or irreparable harm could be suffered if notice were given.

The party who requests the *ex parte* application without notice has the burden of presenting evidence which establishes a legal basis for waiver of notice.

- d. **Opposition to an *Ex Parte* Application for Orders**
  1. ***Ex Parte Applications other than Restraining Orders.*** Any opposition to an *ex parte* application must be served on the opposing party and filed in person with the clerk in the branch of the court where the *ex parte* request has been reserved no later than 11:00 a.m. on the day of the scheduled review.
  2. ***Restraining Order Ex Parte Applications.*** Any opposition to an *ex parte* application for restraining order must be served on the opposing party and submitted to the court by e-filing, by e-mail at

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[exparte@mendocino.courts.ca.gov](mailto:exparte@mendocino.courts.ca.gov), or filed in-person at the courthouse where the *ex parte* application review has been reserved no later than 11:00 a.m. on the day of the scheduled review.

- e. **Judicial Review.** The court will review requests for *ex parte* orders each day between 11:30 a.m. and 1:30 p.m.
  - 1. **Orders Issued without Oral Argument.** If the court determines there is sufficient information to rule on *ex parte*/emergency orders without oral argument, the court's order will be issued no later than 2:00 p.m. After 2:00 p.m., litigants can view the court's decision by looking up the case through re:SearchCA on the court's website..
  - 2. **Oral Argument.** The court may request oral argument prior to ruling on the *ex parte*/emergency order. The clerk will notify the parties via email (preferred) or phone that oral argument will be heard and will advise the parties of the time and location for appearance. Parties or attorneys may appear at oral argument in person or remotely pursuant to local rules 1.9 and 1.11.
  - 3. **Pick up of Orders.** Once signed by the court, litigants may pick up copies of orders in person from the clerk's office.
- f. **Failure to Appear at a Hearing.** The failure of the requesting party to appear at a hearing will result in the request for the order being dismissed without prejudice and any temporary orders will expire.
- g. **Requests to Set Aside or Modify *Ex Parte*/Emergency Orders:** A request to set aside or modify temporary *ex parte*/emergency orders may be filed prior to the scheduled hearing date set for permanent orders.
- h. **Additional *Ex Parte* Rules Pertaining to Family Law.** See local rule 4.6 for information on family law *ex parte* requests.

(Effective 7/1/21; renumbered 1/5/22; amended 1/1/23; amended 7/1/23, amended 1/1/24)

### 1.14 Obtaining Copies of Exhibits or Viewing Exhibits

At the conclusion of a trial/hearing and before the exhibits and other materials are returned to the offering party pursuant to local rule 1.15, parties may request copies of the exhibits. Copies will be provided at the expense of the requesting party.

Exhibits that are retained by the court may be viewed upon request at the clerk's office. Exhibits that are ordered confidential or sealed, weapons, juvenile records, photographs protected pursuant to Penal Code § 1417.8, and other exhibits that are deemed sensitive may not be viewed Judicial Council form GC-360 Conservatorship Registration Cover Sheet and Attestation of Conservatee's Non-Residence in California, and Judicial Council form GC-360 Conservatorship Registrant's Acknowledgment of Receipt of Handbook for Conservators.

*(Effective 7/1/11; renumbered 1/1/18; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; amended 7/1/24)*

**1.15 Return of Exhibits; Civil, Family Law, and Probate**

Unless otherwise ordered, all exhibits and materials offered into evidence or otherwise presented at trials/hearings, including transcripts of depositions and administrative records, will be returned at the conclusion of the matter to the offering party. The custodial party must sign for all exhibits and materials returned by the clerk and must maintain all exhibits and other materials in the same condition as received until 60 days after a final judgment or dismissal of the entire case is entered.

*(Effective 7/1/11; renumbered 1/1/18; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; amended 1/1/23)*

**1.16 Order to Show Cause Regarding Dismissal of Pending Civil or Family Law Actions**

In accordance with the Code of Civil Procedure and California Rules of Court, the court may, on its own motion, provide notice to parties in a civil or family law action of the court's intention to dismiss the action. The court will set a hearing on the dismissal and provide notice to all parties at least 20 calendar days before the hearing date. Orders to show cause regarding dismissal can be set for hearing for any of the following reasons:

- a. **Dismissal for Delay of Prosecution - No Proof of Service – Two (2) Years:** Cases in which the filing party has not provided proof of service and the action has not been brought to trial or conditionally settled within two (2) years after the date the action was initiated.
- b. **Dismissal for Delay of Prosecution – Proof of Service Provided – Three (3) Years:** Cases in which the filing party has provided the court with proof of service, but the action has not been brought to trial or conditionally settled within three (3) years after the date the action was initiated.
- c. **Dismissal – No Proof of Service - Mandatory Time for Service of Summons – Three (3) Years:** Cases in which service of the summons and complaint have not been made timely.
- d. **Dismissal – Proof of Service Provided - Mandatory Time for Bringing an Action to Trial/New Trial – Five (5) Years:** Cases in which the action has not been brought to trial or new trial within five (5) years of the date the action was initiated.

*(Effective 7/1/23)*



### 1.17 Dismissal of Civil or Family Law Actions: No Proof of Services of Summons

If a plaintiff or petitioner in a civil or family law action fails to file proof of service of summons within three (3) years of the date the action was originally filed, the court will issue an order of dismissal on its own motion.

*(Effective 7/1/23)*

### 1.18 Transfer of Cases: All Case Types

All documents in cases that are ordered transferred to the jurisdiction of another county will be sent to the receiving county on a device used to store electronic media (e.g. thumb drive). The device will be accompanied by any required filing fees or fee waiver forms, local form [MMC-323-327 Notice of Transfer and Acknowledgement of Receipt](#), and local form [MMC-322 Clerk's Certification of Entire Case File](#).

*Effective 7/1/23)*

### 1.19 Payment in Coin

Pursuant to Government Code § 68083.5, the court will not accept coins as payment of any bail, fine, or filing fee.

*(Effective 7/1/05; amended 7/1/08; renumbered 7/1/11; renumbered & amended 1/1/18; renumbered 1/1/19; renumbered 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; amended 7/1/22; renumbered 7/1/23)*

### 1.20 Assistance for Self-Represented Litigants

Self-represented litigants can visit the Self-Help Center for assistance with legal information and court procedures. The Self-Help Center aids in several areas of law that are regularly updated on the court website. Included in the Self-Help Center's services are the statutorily required services of:

- a. **Family Law Facilitator:** The Family Law Facilitator performs all duties permitted by the Family Law Facilitator Act, Family Code § 10000 *et seq.* The Facilitator will be available during office hours and during Case Management Conferences to aid self-represented litigants.
- b. **Small Claims Advisor:** Small claims advisory services required by Code of Civil Procedure §§ 116.260 and 116.940.

Please see the court website for the Self-Help Center available services, hours, and location. [Self-Help | Superior Court of California | County of Mendocino](#)

*(Effective 1/1/17 renumbered 1/1/19; amended 1/1/22; renumbered & amended 1/1/23; renumbered 7/1/23)*

## **Research**

### **1.21 Case Research**

Requests for case information not available on the court's online information portal must be submitted on local form MMC-900, Research Request Form, along with payment of the required fee. Completion of the requested research of archived cases will be completed within 30 calendar days.

*(Effective 7/1/24.)*

## **Jury Rules**

### **1.22 Responsibility of Citizen**

Jury service, unless expressly excused by law, is the responsibility of every citizen. It is the court's obligation to employ all necessary and appropriate means to assure that citizens fulfill this vital civic function. Persons qualified to perform the public duty of jury service will not be excused from such service except for the causes established by the Code of Civil Procedure §§ 203 and 204.

*(Effective 1/1/25)*

### **1.23 Jury Commissioner**

As set forth in the Code of Civil Procedure § 190 et seq., the Court Executive Officer is appointed as the Jury Commissioner and is designated to perform all functions appropriate to that position. These functions can be performed by a Deputy Jury Commissioner designated by the Court Executive Officer.

*(Effective 1/1/25)*

### **1.24 Jury Selection Boundaries and Lists**

In accordance with the Code of Civil Procedure §190 et seq., it is established that the entirety of Mendocino County will be one county-wide geographical selection area for the purpose of producing juror summons lists for both the Ukiah and Fort Bragg court locations.

All persons selected for jury duty will be selected at random from a master list composed of the population of Mendocino County using sources as identified in the Code of Civil Procedure § 197.

*(Effective 1/1/25)*

### **1.221.25 Prior Jury Service**

A prospective juror who has served on a grand jury, trial jury, or was summoned and appeared for jury service in any state or federal court during the 12 months preceding the appearance date on a new summons, ~~or any longer period as the court determines appropriate~~, will be excused from service on request.

*(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; renumbered 1/1/23; renumbered 7/1/23; renumbered 7/1/24; renumbered & amended 1/1/25)*

### **1.231.26 Failure to Appear for Jury Duty when Summoned**

Any prospective trial juror who fails to appear or fails to contact the jury commissioner to be excused from attendance when they have been summoned for service may be compelled to appear at an order to show cause hearing to explain to ~~a~~the judge why the juror disregarded the jury summons. Without good cause or a willingness to serve, the court may find the prospective juror in contempt ~~of court~~ and sanction the juror.

*(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; renumbered & amended 1/1/23; renumbered 7/1/23; renumbered 7/1/24; renumbered & amended 1/1/25)*

### **1.241.27 No Requests for Transfer of Jury Service Prior to Jury Voir Dire**

No requests for transfer of jury service from one courthouse to the other will be granted by court staff.

Prospective jurors are required to report for jury service to the courthouse that appears on their summons on the date and time specified ~~on the summons~~. The judge presiding over the trial will hear juror hardships and will consider travel, disability, financial, or other hardship claims pursuant to the criteria set forth in Civil Code of Procedure § 203 and the California Rules of Court rule 2.1008 only if a juror is sent to a courtroom and is empaneled for the voir dire phase of the trial. ~~The court will hear juror hardships related to travel time and travel restrictions only if a juror is sent to a courtroom and is empaneled for the voir dire phase of the trial. At this time the judge presiding over the trial will consider travel, disability, financial, or other hardships claimed by empaneled jurors.~~

*(Effective 1/1/24; renumbered 7/1/24; renumbered & amended 1/1/25)*

## **Court Reporter Rules**

### **1.251.28 Provision of Court Reporters**

An official court reporter will be provided for the following court proceedings:

- a. Felony criminal proceedings (including preliminary hearings, other pretrial motions, and court or jury trials),
- b. Juvenile proceedings,

- c. Lanterman-Petris-Short (LPS) Act Conservatorship Trials~~Family Law~~  
~~proceedings,~~

The court has a limited number of court reporters, insufficient to create a verbatim record in every proceeding. The court will prioritize assigning court reporters to juvenile, felony and LPS conservatorship hearings. If available, the court will also provide an official court reporter in family law proceedings.

~~Any court proceeding when ordered by the court; and~~

- d. ~~Any other proceeding when a party requests a court reporter in accordance with local rule 1.25.~~

*(Effective 1/1/99; amended 7/1/09; amended 1/1/12; amended 7/1/12; amended 1/1/13; renumbered & amended 1/1/19; amended & renumbered 7/1/19; renumbered & amended 1/1/20; renumbered 7/1/21; renumbered 1/5/22; amended 7/1/22; renumbered & amended 1/1/23; renumbered & amended 7/1/23; renumbered & amended 1/1/24; renumbered 7/1/24; renumbered & amended 1/1/25)*

#### **1.271.29 Use of Electronic Recording**

Pursuant to Government Code § 69957, electronic recording may be used in the following types of proceedings, when an official reporter is unavailable: infractions, misdemeanors, limited jurisdiction civil matters, and small claims.

*(Effective 1/1/13; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; renumbered 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

#### **1.281.30 Electronic Filing of Court Ordered Transcripts**

Staff reporters and pro tem court reporters must file transcripts electronically with the court. Electronic transcripts must conform to the following specifications:

- a. Electronic transcripts must have a file name in the following uniform format:  
[year, month, day of proceeding; case name; type of proceeding]  
Examples: Criminal case: Smith-John 20170817  
Civil case: Smith-Jones 20170817  
Juvenile or other confidential case: In the matter of JS 20170817
- b. There will be a notification placed in the court file indicating the title of the transcript.
- c. Court reporters must initiate email notifications to all parties and the court when transcripts are uploaded to the data repository.

- d. The date and time a transcript is uploaded will constitute the filing date of the transcript

*(Effective 1/1/18; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; renumbered & amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

## **Interpreter Rules**

### **1.291.31 Requests for Interpreters**

- a. Parties who require an interpreter must notify the court at the first court appearance and must also file local form [MMC-110 Request for Interpreter](#) with the clerk at least 10 business days before the date of the trial, hearing, or other appearance for which the interpreter is required.

For criminal and juvenile matters, the court will provide certified, registered, or provisionally qualified interpreters. The court will diligently attempt to secure a qualified interpreter pursuant to the priorities and provisions set forth in Evidence Code § 756.

- b. **Responsibility for Notice:** The party needing the services of an interpreter is responsible for providing notice to the court.

The court will not grant continuances in proceedings where the court has obtained the services of court interpreters without a showing of good cause. Parties and counsel seeking continuance of proceedings with court interpreters must request continuances three (3) business days' prior to the date of the proceeding by submitting to the court local form [MMC-110 Request for Court Interpreter](#) advising the court that the interpreter will not be needed. Absent a showing of good cause and proper notice to the court, the judge may order that the cost of the interpreter be paid by the requesting party.

*(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/20; amended 1/1/21; renumbered & amended 7/1/21; renumbered 1/5/22; amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

## **Attorney Fees**

### **1.301.32 Court Appointed Attorneys: Standards of Experience, Allowable Fees, and Expenses**

The following sets forth the process by which attorneys may submit billings pertaining to court appointments and fees allowable for such appointments.

- a. **Standard Billing Process**

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1. The court will allow attorney's fees and costs for services rendered and expenditures made by counsel properly appointed while matters are pending before the court. Appointment orders must be made before an attorney may begin billing for services and other costs pertaining to the appointment.
2. Application for the payment of fees and costs in misdemeanor or delinquency proceedings will ordinarily be made at the time of the final court disposition of the proceeding in which court appointed counsel served. In no event will the application be presented more than 60 days after the disposition of the case. The court reserves the right to reject any invoice presented for payment more than 60 days after the disposition of the case.
3. Pretrial interim application for fees may be made in cases involving the death penalty or life without the possibility of parole, or in exceptionally complex or lengthy cases upon request by appointed counsel. No pretrial interim authorization for fees will exceed the sum of \$3,000 per month, plus expenses, for lead counsel and \$1,500 per month, plus expenses, for associate counsel.
4. If an attorney believes that the case is of such a special or unusual nature that it is not possible to render services in accordance with the maximum fee schedule, he/she must file a declaration explaining why an exception to the maximum fee is sought. Upon review of such written declaration, a reasonable fee exceeding the limits set forth in this schedule may be established by the judge presiding in the case.
5. Except as set forth in paragraph (f) below, attorneys will not receive extra compensation for normal operating expenses such as mileage, photocopies, and long-distance phone calls; extra compensation will be allowed for such expenses as fees for investigators and expert witnesses in accordance with these rules.
6. If an appointed attorney must appear in the court of another county on a case transferred from this court, the attorney will be entitled to reasonable travel and lodging expenses necessarily incurred in connection with his/her appearance in the court of the other county. The attorney will be reimbursed for necessary mileage and lodging at the rate allowed by the Judicial Council of California. Attorneys will not seek payment of fees for travel time.
7. Application for fees and costs must be completed on local form [MMC-131 Claim Form](#) itemizing the legal services rendered, the amount of time for such services, and any expenses incurred. Application for fees and costs must be submitted to the court for subsequent approval by the judge presiding in the case.

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8. Any requests for reimbursement of travel or lodging must be made by written declaration. All requests for such reimbursement must include itemized expenses with all applicable receipts attached. Travel expenses must be pre-approved by the judge presiding in the case.

b. **Criminal and Juvenile (Welfare & Institutions § 602) Attorney**

**Appointments:** Once approved by the judge presiding in the case, indigent defense costs in all criminal and juvenile (W&I § 602) matters are submitted to the County of Mendocino for payment, including all costs pertaining to the Office of the Public Defender and the Office of the Alternate Defender.

1. **Criminal and Juvenile Case Classifications**

- a. **Class 1:** All homicides, whether capital or non-capital, and all offenses having a maximum sentence of life without possibility of parole, or in the discretion of the court, an aggregate state prison sentence of 25 years or more.
- b. **Class 2:** All crimes for which the upper term of punishment is four (4) years or more, but less than Class 1.
- c. **Class 3:** All other felonies, misdemeanors, and all juvenile matters.

2. **Minimum Experience Requirements for Attorneys Appointed in Criminal and Juvenile (W&I § 602) Matters**

- a. **Class 1:** Certified criminal law specialist or equivalent.
- b. **Class 2:** Five (5) years' experience as an attorney, with a substantial part of such experience in criminal law.
- c. **Class 3:** An attorney may be eligible for this class by providing oral or written proof of relevant experience and upon authorization of the judge presiding in the case.

3. **Fee Schedule:** All criminal and juvenile (W&I § 602) attorneys must agree to handle all cases to which they are appointed at the rates established by the court. The court will periodically review and adjust rates as necessary.

- a. **Class 1:** The rate will be \$120.00 per hour, unless otherwise determined on a case-by-case basis.
- b. **Class 2:** The rate will be \$95.00 per hour.
- c. **Class 3:** The rate will be \$80.00 per hour.

- c. **Civil, Family Law, and Probate Attorney Appointments:** Costs pertaining to appointment of attorneys in civil, family law (typically minor's counsel pursuant to Family Code § 3150), and probate matters are submitted to the court for payment.

An attorney may be eligible for appointment in one of these case types by providing written proof of experience required by California Rules of Court rule 5.242 and upon authorization by the judge presiding in the case. The fee for such appointments will be \$75.00 per hour.

- d. **Guardianship and Conservatorship Proceedings.** Attorneys for guardians or conservators are compensated according to the work performed. The size of the estate corpus and the responsibility assumed by the attorney are only two (2) of the factors considered in arriving at the value of the services. Application for the attorney's fees must be accompanied by a complete statement of the facts upon which the application is based, a detailed statement of the amount of time devoted to each component of the services, and the specific amount requested for each service.
- e. **Order for Payment.** Before any order for the payment of fees is made by the court, the attorney must provide proof of service that all parties entitled to notice have been given notice of the fee application.

*(Effective 1/1/99; amended 7/1/99; amended 1/1/09; amended 1/1/10; renumbered & amended 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; amended 7/1/22; amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; **renumbered 1/1/25**)*

**1-311.33 Attorney's Fees and Representative's Fees for Extraordinary Services in Probate Proceedings or in any Probate Matter Where a Statutory Fee is not Established**

- a. The court will take into consideration the statutory fee and whether it constitutes adequate compensation for all services rendered by the attorney or representative.
- b. Notwithstanding the principle stated in paragraph (a), extraordinary compensation will be paid when requested for the following services:
1. Preparation of fiduciary tax returns and resolution of problems arising from the audit of such returns. Payments made to accountants or to other tax preparers for such services and charged to the estate must be set forth in the request for extraordinary compensation.
  2. Sales of property without a broker.
- c. Subject to the principle stated in paragraph (a), compensation for extraordinary services will be considered in the following situations:



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1. Litigation on behalf of the estate.
  2. Operating or selling a business.
  3. Sales of estate property.
  4. Performance of any act resulting in extraordinary benefit to the estate or requiring an extraordinary expenditure of time.
- d. Application for compensation of extraordinary services will not be considered unless the title of the petition and the notice of hearing include a reference to the request. The prayer must set forth the specific amount of the request.
- e. The application for compensation of extraordinary services or any other services for which a fee is requested other than ordinary services must specify:
1. Date services rendered.
  2. Detailed description of services rendered.
  3. Hours spent on ordinary services.
  4. Hours spent on extraordinary services.
  5. Hourly rate; and
  6. Total amount requested

*(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

## **Guardian and Conservator Fees**

### **1.321.34 Fees and Commission Fixed by Court Prior to Payment**

There is no authority for the payment of any fees or commissions in decedent's estates, guardianships, or conservatorships in advance of a court order authorizing the same. Representatives will be surcharged interest to the date of any order authorizing such payment unless in the case of a decedent's estate the written consent of the residuary beneficiaries is filed with the court and the amounts paid are reasonable and proper.

*(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

### **1.331.35 Guardians and Conservators Fees**

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Factors to be considered in determining the compensation allowable to guardians and conservators are:

- a. The gross income and assets of the estate.
- b. The success or failure of administration of the guardian or conservator.
- c. Any unusual skill or experience which the guardian or conservator in question may have brought to the work.
- d. The fidelity or disloyalty displayed by the guardian or conservator.
- e. The amount of risk and responsibility assumed by the guardian or conservator in carrying out such duties.
- f. The time expended by the guardian or conservator in carrying out such duties.
- g. The custom in the community as to charges exacted by trust companies and banks.
- h. The character of the work done during administration whether routine or involving skill and judgment.
- i. Any estimate which the guardian or conservator has given of the value of the guardian or conservator's own services (*Estate of Nazro*, (1971) 15 Cal.App.3<sup>rd</sup>218).

*(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

### **Investigation and Expert Fees**

#### **1.341.36 Investigation Fees and Expenses**

- a. **Ancillary Funding Requests.** All ancillary funding requests for investigation fees and expenses must be made in writing by the assigned counsel and submitted to the court for review and authorization by the presiding judge or his/her designee.
- b. **Order of Appointment.** Orders appointing an investigator must provide a blank space for the judge to insert a dollar limit for the services to be provided.
- c. **Maximum Amount of Fees in Initial Application**

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1. **Cases Other Than Capital or Life Sentence Cases:** The initial application must not exceed the sum of \$3,000. Additional applications may be made upon a showing that further investigation is necessary in an amount not to exceed \$2,000 per application.
2. **Capital and Life Sentence Cases:** The initial application for capital and life sentence cases must not exceed \$5,000. Additional applications may be made upon a showing that further investigation is necessary in an amount not to exceed \$3,000 per application.
3. **All Cases:** In no event will the court grant fees or expenses not reasonably justified by the nature of the case as supported by written declaration by the assigned counsel. The declaration must specify the nature and purpose of the proposed investigation and must contain an estimate of the fees and expenses involved. The court will consider payment for reasonable time spent writing reports.
- d. **Further Authorization of Fees.** If the authorization is reached, further judicial authorization must be obtained before additional billings may be submitted. Requests for additional investigative time must be accompanied by a detailed statement of the work performed up to that time. This detailed statement will not be treated as a request for payment unless the court has granted authorization for such billings.
- e. **License.** Upon request, investigators will provide the court with a copy of a valid investigator's license.
- f. **Hourly Rates.** Investigator fees will be paid at \$65.00 per hour. Reimbursement for copies of discovery and motions is not permitted.

The court will not approve payment for excessive time spent in conference with attorneys, experts, or the defendant. The billing must set forth a detailed explanation of the need for such conference time before the court will consider payment.

*(Effective 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; amended 7/1/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

**1.351.37 Fees in Guardianship or Conservatorship Investigations**

Guardianship and conservatorship investigator fees will be reimbursed as follows, subject to review by the court:

- |    |                                |       |
|----|--------------------------------|-------|
| a. | Conservatorship investigation: | \$600 |
| b. | Conservatorship review:        | \$300 |
| c. | Guardianship investigations:   | \$500 |

- d. Guardianship reviews: \$200

*(Effective 7/1/16; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; amended 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

**1.361.38 Non-Psychiatric Expert Fees and Expenses**

- a. **Ancillary Funding Requests.** All ancillary funding requests for investigation fees and expenses must be made in writing by the assigned counsel and submitted to the court for review and authorization by the presiding judge or his/her designee.
- b. **Amount of Fees:** In no event will the court grant fees or expenses not reasonably justified by the nature of the case as supported by the written declaration. The written declaration must specify:
1. The nature, purpose, and materiality of the proposed expert services.
  2. The name of the expert to be retained.
  3. A brief statement of the experts' qualifications.
  4. The proposed expert's hourly fees for court work and courtroom testimony.
  5. An estimate of the fees and expenses involved; and
  6. A detailed explanation of any unusual or extraordinary requests.
- c. **Order for Fees and Expenses:** The order for expert fees and expenses must be on a form approved by this court.
- d. **Maximum Rates for Expert Services and Testimony:** Claims for expert services authorized pursuant to this rule will not exceed the amounts approved by the court.

*(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

**Claim for Payment**

**1.371.39 Claim for Payment**

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- a. **Submission of Claim for Payment.** Claimants, including attorneys, investigators, experts, expert witnesses, and others must submit billings when work on the case has been concluded, unless the time worked spans more than one (1) fiscal year. In such instances, claimants must submit billings for the work performed in the first fiscal year no later than July 15<sup>th</sup>. In all other instances, billings must be presented within 30 days of the conclusion of the case. In cases involving many hours of work, the court may authorize, in advance, interim billings. When interim billings are authorized, each bill must identify the time-period that it covers and be identified by a progress payment number (e.g. “Interim Billing No. 3”).
- b. **Request for Payment.** The request for claimant fees and expenses must be in the form approved by this court. All claims for payment must include in the caption a cumulative total of all payments to date (if any). Subsequent claims must not include any expenses incurred prior to the date the last claim was submitted.

Claims for fees and expenses must be made on local form [MMC-131 Claim Form](#) and must include a copy of the court order appointing the claimant and awarding fees, as well as a detailed accounting of all claimed fees and expenses. Claim forms and attachments must be submitted to the Accounting Department, which will submit the claim to a judge to review and authorize the claim. Once approved, the claim will be processed by the court or the County of Mendocino.

- c. **Claims Requirements.** All claims must contain a detailed statement of services rendered. Time must be billed in increments of 1/10 hour. Each claim must clearly identify the work performed and the name of the person who performed it.

The following types of services must be separately identified:

- Travel time.
- Time spent interviewing witnesses, defendants, or parties.
- Time spent in conference with attorneys, other experts, or defendants.
- Time spent reviewing reports or other documents.
- Time spent measuring, diagramming, or photographing scenes, locations, persons, and objects.
- Time spent researching public records or obtaining documents or other information.

Mileage reimbursement will be based on the current mileage rate used by the Judicial Council of California. Mileage claims must be supported by MapQuest or other similar mapping program documentation.

- d. **Requests for Extraordinary Costs.** In no event will the court grant extraordinary fees or expenses not reasonably justified by the nature of the case, as supported by written declaration. The declaration must specify the nature and purpose of the proposed services and contain an estimate of the fees and expenses involved. Unusual or extraordinary requests must be justified in detail.

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The court will NOT authorize payment without specific prior approval for:

- Clerical work
  - Courtroom observation
  - Travel costs (e.g. meals, lodging, airfare, travel time)
  - Copies of discovery or motions
  - Other unusual services
- e. **Claims Confidentiality.** Claimant billings will be treated as confidential in all criminal and juvenile cases.
- f. **Disclosure of Other Compensation for Services on Court Appointed Cases.** A claimant must disclose fully, in writing, any payment or other compensation received from any source other than the court for services rendered in connection with any case in which the claimant has been appointed.

*(Effective 7/1/19; renumbered & amended 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; amended 1/1/23; renumbered & amended 7/1/23; renumbered & amended 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

### **Media**

#### **1.381.40 Media Coverage**

No filming, photography or electronic recording is permitted in the courthouses unless expressly authorized by the court or consistent with California Rules of Court rule 1.150 and these local rules.

*(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

#### **1.391.41 Requests for Photography, Videotaping or Audio Recording**

Requests for any type of video, still photography or audio coverage, including pool cameras, in a courtroom for a specific court proceeding must be made in compliance with California Rules of Court rule 1.150(e)(1). Requests must be submitted on Judicial Council form [MC-500 Media Request to Photograph, Record, or Broadcast](#) and accompanied by the MC-510 [Order on Media Request to Permit Coverage](#) to Court Administration in Room 303 at the Ukiah courthouse or via email to [court.administration@mendocino.courts.ca.gov](mailto:court.administration@mendocino.courts.ca.gov).

*(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered & amended 7/1/21; renumbered 1/5/22; amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

#### **1.401.42 Use of Handheld Electronic Devices, Photography, Videotaping and Audio Recording Devices**

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The following limitations apply to the use of handheld electronic devices, photography, videotaping, or audio recording, unless an exception is expressly permitted by written judicial order or as permitted by local rule 1.39:

- a. Videotaping, photographing, or electronic recording by the media and/or the public is not permitted in any part of the courthouse, including but not limited to, lobby areas, halls, stairs, elevators, clerks' windows, or meeting rooms.
- b. Video equipment, photography equipment, and electronic recording devices must be turned off while transporting them in any area of the court.
- c. All audible electronic devices must be turned off when they are in the courtrooms.
- d. Any photography of the interior of a courtroom through the glass door windows or from the doorway of a courtroom is prohibited, even if an exception is granted for courthouse areas outside the courtroom.
- e. When audio and/or video recording is not permitted by a judicial officer, electronic recording devices may be taken into the courtroom only if they are turned off and remain inside an enclosed case.
- f. Attorneys, parties, experts, and witnesses involved in a proceeding may use their electronic devices to perform court related functions (e.g. legal research) while in the courtroom.

*(Effective 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/20; renumbered 1/1/21; renumbered & amended 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered & amended 1/1/24; renumbered & amended 7/1/24; **renumbered 1/1/25**)*

### **1.411.43 Prohibited Coverage**

In accordance with California Rule of Court rule 1.150(e)(6) and these local rules, the media and public are prohibited from audio or video recording and photography of any of the following:

- a. A proceeding closed to the public (i.e. juvenile cases).
- b. Jurors or spectators.
- c. Jury selection.
- d. Conferences between an attorney and client/witness, interpreter, and party/witness.
- e. Conferences between attorneys.
- f. Conferences between counsel and a judicial officer at the bench (“sidebars”).

- g. Proceedings held in chambers.

*(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 7/1/24; renumbered 1/1/25)*

**1.421.44 Areas in Court Facilities Where Media Activities are Authorized**

Photos, news conferences, and on-camera statements to members of the media or the public are allowed only in areas specified for that purpose. Requests for media photos and interviews must be made to the presiding judge.

The media must not impede access to the courthouse for court staff, visitors, and other members of the public.

*(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

**1.431.45 Ceremonial Events**

Unless the court orders otherwise, these rules do not prohibit photography or recording of ceremonial events held by the court, a governmental agency or bar association; mock trial competitions; weddings; adoptions; or other events held in a courtroom when court is not in session.

*(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

**1.441.46 Body Worn Cameras**

Law enforcement officers with body worn cameras will not activate the recording functions of the camera in the courthouse unless they are involved in a law enforcement incident that may result in an arrest.

*(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

**Court Security**

**1.451.47 Court Security**

- a. The courthouses in Ukiah and Fort Bragg require perimeter screening before entering either facility. Upon entering these facilities, all members of the public, attorneys, court staff, county staff, and off-duty peace officers will be subject to



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search using a walk-through metal detector, x-ray screening of all non-food items, and visual inspection of food containers. At the direction of court security personnel, persons entering the facility may be required to submit to additional metal detection scanning with a handheld device.

- b. Court employee work areas are restricted to court personnel and judicial officers. County employees who may be delivering mail or performing other services, and vendors performing services authorized by the court will be permitted into these restricted areas.

County employees whose duty stations are located in the courthouse facility must adhere to these court security rules and may not possess weapons or dangerous items or materials in any court facility except as specified below.

- c. On duty peace officers, including probation officers, either in uniform or, if not in uniform, presenting picture identification to security staff, who are attending law enforcement business at the courthouse facility, may be admitted without being searched. Security personnel may verify the identity of any officer by requesting proper identification. If the identity of an officer cannot be verified through identification carried by the officer or through reasonable efforts by security personnel, this exemption will not apply.

Area tribal police officers may enter the courthouse carrying their duty weapons if they are in uniform, on duty, and are able to present a valid police department identification card.

Peace officers, including probation officers and tribal police officers, appearing on personal matters may not bring weapons into any court facility pursuant to Penal Code § 171(b)(2)(B).

- d. Weapons or dangerous items or materials cannot be brought into a courthouse facility, unless in the possession of an on-duty peace officer as described in (c) above. Weapons or dangerous materials will be authorized to enter the courthouse when they are to be used as evidence in court, are properly secured to prevent accidental discharge or release, and are being delivered to court by someone authorized by state law to do so.

Weapons, dangerous items, or materials include:

1. Items prohibited by Penal Code § 171b, including firearms, knives, tear gas weapons, laser or stun guns, instruments that expel metallic projectiles, spot markers, and paint guns.
2. Items prohibited by Penal Code § 1202, including undetectable and disguised firearms, metal knuckles, hand grenades, clubs, and blackjacks.
3. Any explosive or incendiary device, or any toxic, radioactive, or flammable material.

4. Any item that could be used to stab, cut or to commit mayhem, such as pointed scissors, letter openers, pocketknives, glass bottles, screwdrivers, awls, saw blades, and stakes.
5. Any item which could be used as a club, such as a hammer.

The following items are excluded from the definition of weapons or dangerous items or materials.

1. Food, beverages, and non-sharp utensils carried into a court facility by court or county employees assigned to work within the courthouse facility, or by jurors displaying valid juror identification.
  2. Tools and flammable materials required for authorized facility maintenance or construction in approved containers and are being transported by someone authorized to do so within the facility.
- e. Tampering with security equipment or attempting to bypass the security screening is a violation of this local rule and punishable through contempt proceedings.

*(Effective 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

## **Court Collections Program**

### **1.461.48 Court Collections**

For cases filed on or after February 8, 2021, defendants that fail to pay or appear in court on infraction matters shall be referred to the Court Collections Program. Defendants that fail to make court ordered payments on criminal fines, fees and penalty assessments will also be referred to the Court Collections Program.

Once referred to the Court Collections Program, defendants will have an opportunity to set up payment plans to resolve these outstanding accounts. If defendants fail to resolve the outstanding balances, the Court Collections Program may refer these unpaid debts to the Franchise Tax Board which has the authority to intercept tax refunds, garnish wages, and seize bank accounts.

For cases filed before February 8, 2021, defendants with unpaid infraction, misdemeanor or felony fines, fees and penalty assessments will be referred to the County of Mendocino's Collection Program.

*(Effective 1/1/24; renumbered 7/1/24; renumbered 1/1/25)*

### **1.26—Requests for Court Reporter**

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- ~~a. — If a party in a civil or probate case wants to request the presence of an official court reporter, the party must file a written request not less than 72 hours before a hearing date. The written request for court reporter must be filed with the clerk on local form MMC 140 Request for a Court Reporter and must include the \$30 fee covering the first hour of official court reporter services. Should the proceedings last longer than one (1) hour, the requesting party will be responsible for a fee equal to the actual cost of providing that service for each one-half day on the first and each succeeding hearing day those services are provided.~~
- ~~a. — The court will notify the requesting party as soon as possible if an official court reporter is not available on the hearing date. Any party may thereafter arrange for a certified shorthand reporter to serve as an official pro tem reporter, at that party's expense, pursuant to California Rules of Court rule 2.956(e). If an official court reporter or pro tem reporter is not available on the hearing date, the requesting party may request a continuance of the hearing or waive the request for court reporter.~~
- ~~a. — In accordance with Government Code § 68630(a) and California Rules of Court rule 3.55, the court will provide to a fee waiver litigant an official court reporter or a certified shorthand reporter serving as an official pro tem reporter in civil or probate matters if a request is made pursuant to section (a) of this local rule.~~

*(Effective 1/1/99; renumbered 1/1/07; amended 1/1/07; amended 7/1/08; amended 1/1/07; amended 1/1/09; amended 1/1/12; amended 7/1/12; renumbered & amended 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered & amended 7/1/21; renumbered 1/5/22; renumbered & amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24)*

## **Chapter 2: Civil Court Rules**

### **2.1 Case Management Conferences**

Case Management Conferences will be conducted for unlimited civil matters in accordance with California Rules of Court rule 3.722 – 3.730. The court does not conduct Case Management Conferences for limited civil matters until the complaint has been answered.

All new complaints or other initial pleadings filed in an unlimited civil matter and submitted pursuant to local rule 1.7 must include local form [MCV-101 Notice of Case Management Conference](#) with the case name and number completed. The clerk will set a case management conference date and return the form to the e-filer. For new filings submitted by any non-e-filing means, the clerk will prepare and deliver local form [MCV-101 Notice of Case Management Conference](#) to the filing party at the time that the complaint or other initial pleading is filed. The party filing the initial pleading must serve a copy of the completed Notice of Case Management Conference on all parties named in the pleading, together with the summons, complaint, or other initial pleading.

The clerk will serve notice of a scheduled Case Management Conference for a limited civil matter on all parties when the complaint or other initial pleading has been answered.

*(Effective 1/1/13; renumbered 1/1/19; amended 1/1/21; amended 1/1/22; amended 1/1/23)*

### **2.2 Continuances**

- a. Parties may continue a civil hearing or trial date to a date approved by the clerk one (1) time by stipulation and payment of applicable fees.
- b. Additional continuances may be obtained by written stipulation of the parties with approval of the court. Parties must submit a fully executed stipulation and proposed order demonstrating good cause for the continuance before the scheduled hearing/trial date.
- c. A party who announces in open court that a law and motion hearing has been continued by stipulation must file and serve written notice on all parties of the continued hearing date.
- d. A party seeking a continuance of any motion or trial without a stipulation of the parties must do so by noticed motion, *ex parte* application, or oral motion in open court showing good cause for the continuance.
- e. For proceedings in which any party has requested a court interpreter, the party seeking the continuance shall give five (5) business days' notice prior to the date of the proceeding and serve such notice on the court and opposing party. Upon receipt of such notice and within three (3) business days prior to the date of the proceeding, the party requesting the interpreter must comply with the interpreter cancellation notification process specified in local rule 1.24(b).

*(Effective 1/1/99; amended 1/1/03; amended 7/1/08; amended 7/1/12; renumbered & amended 1/1/13; renumbered 1/1/19; amended 1/1/21; amended 7/1/22)*

## **2.3 The Pretrial Conference**

- a. A pretrial conference may be held in any long cause matter on the civil active list whether scheduled for jury trial or court trial. The pretrial conference must be attended by counsel who will try the case and all unrepresented parties.
- b. **Pretrial Statement Required**
  1. Pursuant to the order setting the action for pretrial conference, counsel must file a Joint Pretrial Statement or separate Pretrial Statement no less than five (5) business days before the scheduled pretrial conference. Pretrial statements will not exceed 10 pages.
  2. Counsel and unrepresented parties must meet in good faith to prepare the pretrial statement(s) to narrow down the legal and factual issues which the court will have to try, arrive at stipulations, and attempt settlement of the action at least 15 days prior to the pretrial conference.
  3. **Form and Contents of Pretrial Statement.** The pretrial statement must include the name of the parties submitting the statement, set forth the nature of the action, and include the following items in the following order:
    - a. **Jurisdiction and Venue:** List of jurisdiction or venue disputes including the supporting legal and factual issues.
    - b. **Substance of the Action:** Description of the claims, defenses, and issues to be decided in impartial and non-argumentative language suitable for reading to the jury at trial.
    - c. **Undisputed Facts:** Statement of the agreed upon undisputed facts to be incorporated into the trial record without supporting testimony and exhibits.
    - d. **Disputed Facts:** Statement of all disputed factual issues.
    - e. **Disputed Evidence:** Summary of anticipated disputes concerning admissibility of evidence.
    - f. **Relief Sought:** Statement of the relief claimed, including an itemization of monetary damages sought.
    - g. **Abandoned Issues:** Statement of abandoned issues raised in the original pleadings (i.e. causes of action, affirmative defenses).

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- h. **Previous Motions:** List of all filed motions in the proceeding and the disposition of each.
- i. **Witnesses:** List of all witnesses likely to be called at trial, in person or by deposition, with a description of the substance of the testimony to be given after each name. Impeachment or rebuttal witnesses are excluded from this list.
- j. **Exhibits, Schedules, and Summaries:** List of all documents and items to be offered as exhibits at trial including a description of its substance, purpose, and identity of the sponsoring witness after each exhibit. Only listed exhibits will be permitted at trial except as otherwise provided in the pretrial order. Impeachment or rebuttal exhibits are excluded from this list.
- k. **Discovery Documents:** List of all answers to interrogatories and responses to requests for admission that are to be offered at trial.
- l. **Discovery or Motions:** Requests for additional discovery or pretrial motions.
- m. **Stipulations:** List of stipulations requested or offered for pretrial or trial purposes.
- n. **Amendments and Dismissals:** List of amended pleadings, dismissals, additions or substitutions of parties, or dispositions as to defaulting parties.
- o. **Settlement:** A statement summarizing the status of settlement negotiations indicating whether further negotiations or settlement conferences might be productive.
- p. **Agreed Statement:** Indication if an agreed upon statement of facts, in whole or in part, is feasible and desired.
- q. **Bifurcation, Separate Trial of Issues:** Statement of whether bifurcation or a separate trial of specific issues is feasible and desired.
- r. **Appointment and Limitation of Experts:** Indication if an impartial expert witness appointed by the court is required and whether limitation of expert witnesses is feasible and desired.
- s. **Estimate of Trial Time:** Estimate of the number of court days expected for the presentation of each party's case. Counsel are expected to reduce the time required for trial by all feasible means, including stipulation, agreed statement of facts, expedited means of

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presenting testimony and exhibits, and avoidance of cumulative proof.

- t. **Attorney's Fees:** List of attorney's fees requested, the legal and factual basis for the request, and the time and manner for the fees to be ascertained.
  - u. **Miscellaneous:** Any other comments, suggestions, or information that might aid in the determination of the action.
- c. **Additional Requirements for Pretrial Conference.** Unless otherwise ordered, parties must file with the court and serve on opposing parties' copies of the following:
- 1. **Trial Briefs.** On or before the date of the pretrial conference. No later than the Friday before trial in the event that no pretrial conference is scheduled.
  - 2. **Motions in Limine Pursuant to Local Rule 2.4(a).** No less than five (5) business days before the pretrial conference.
  - 3. **Jury Voir Dire Questions Pursuant to California Rules of Court rule 3.1549.** No less than five (5) business days before the pretrial conference.
  - 4. **Proposed Jury Instructions Pursuant to California Rules of Court rules 2.1055 and 2.1058.** No less than five (5) business days before the pretrial conference.
  - 5. **Proposed General or Special Verdict Forms.** No less than five (5) business days before the pretrial conference.
  - 6. **List of Exhibits Pursuant to Local Rule 2.5.** On or before the date of the pretrial conference

*(Effective 1/1/13; renumbered 1/1/19; amended 1/2/21)*

### 2.4 **Motions, Evidence, or Other Trial Related Matters**

- a. **Motions in Limine:** Unless otherwise ordered, each party must file and serve all motions in limine on significant disputed issues of law and foreseeable procedural or evidentiary issues no less than five (5) business days before the date of the pretrial conference. Written opposition to a motion in limine, if any, must be filed and served at least one (1) business day prior to the pretrial conference. Counsel and self-represented litigants must be prepared to argue motions in limine at the pretrial conference.
- b. **Meet and Confer prior to Filing Motion.** Prior to filing any motion, the moving party must make a reasonable, good faith attempt to resolve the matter. A

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declaration of facts supporting the party's attempt to meet and confer or explaining why such an attempt would not be reasonable must be filed with the motion. If resolution is not possible, the moving party must attempt to coordinate a hearing date with the opposing party or parties.

- c. **Motions to Compel Entry of Judgment.** Motions to compel entry of judgment pursuant to Code of Civil Procedure § 664.6 will be heard in the department of the judge before whom the parties stipulated.
- d. **Reporting of Law & Motion Matters.** This court does not regularly provide for reporting of hearings in civil or probate matters. Any party who wishes to obtain an official verbatim transcript of a law and motion hearing must follow the procedure set forth in local rule 1.20.

*(Effective 1/1/21; amended 7/1/22; amended 1/1/25)*

### 2.5 Exhibits

- a. **Meet and Confer re Trial Exhibits:** Before the Pretrial Conference, parties must meet and discuss documentary evidence, including any deposition excerpts, discovery responses, summaries, charts, or other physical evidence each party may offer at trial. The parties must attempt to resolve any objections that may arise. Any unresolved evidentiary issues must be brought to the court's attention at the pretrial conference.
- b. **Depositions and Administrative Records:** Any depositions or administrative records submitted to the court as exhibits must be submitted on a USB flash drive clearly labeled with the case name, case number, and contents of the USB drive.
- c. **Pre-Marking Exhibits for use at Trial:** Parties are encouraged to pre-mark exhibits for use at trial. The clerk will be available to pre-mark exhibits at the pretrial conference and before court starts on each day of trial. Please do not ask the clerk to pre-mark exhibits while court is in session.
- d. **Exhibit List:** Each party will provide the clerk with a list of exhibits including a brief description of each item that the party expects to offer at trial.
- e. **Copies of Exhibits:** Parties must bring extra copies of documentary exhibits for opposing counsel and the court, including copies of any depositions, administrative records, or excerpts of same. To assist in keeping track of trial exhibits, parties may stipulate to show witnesses copies instead of marked trial exhibits.
- f. **Trial Binders:** Trial binders containing multiple exhibits will not be marked with evidence tags. Each exhibit must be separately marked for identification.
- g. **Post-Trial Return of Exhibits:** Unless otherwise ordered, all exhibits will be returned to the custody of the offering party at the conclusion of trial. Prior to



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exhibits being returned, parties may request that the clerk provide a certified copy of any exhibits at the requesting party's expense.

*(Effective 1/1/13; renumbered 1/1/19; renumbered 1/1/20; renumbered & amended 1/1/2; amended 7/1/24)*

### **2.6 Discovery Motions**

No motion to compel discovery of any kind will be heard unless otherwise authorized by the court. Discovery meet and confer obligations require an in-person, telephonic, or video conference between parties. If a resolution is not reached, an Informal Discovery Conference (“IDC”) with the court pursuant to CCP § 2016.080 must be requested and either held or denied before a party may file a motion against a represented party for further discovery or for a protective order.

Any request for a Pretrial Discovery Conference must be filed with the Clerk's Office and must include a brief summary of the dispute, a detailed explanation of meet and confer efforts, and be served on opposing counsel or party on or before the date it is filed with the Court.

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

- a. To schedule an IDC, contact the clerk's office to request a hearing date.
- b. The requesting party must file and serve an IDC declaration limited to three (3) pages that must include a brief summary of the meet and confer efforts and the disputed discovery. A courtesy copy of the IDC declaration must be emailed or delivered to the assigned department at least three (3) business days before the IDC. The responding party must file and serve an IDC response limited to three (3) pages briefly summarizing the basis of its position. A courtesy copy of the IDC response must be emailed or delivered to the assigned department at least one (1) business day before the IDC.
- c. No additional documents will be attached to any IDC statement or response except a privilege log when privilege is a basis for refusal to produce documents.

*(Effective 1/1/25)*

### **2.62.7 Tentative Rulings**

- a. Tentative rulings are issued at the court's discretion.
- b. **Tentative Rulings posted available on the Court's Website.** Civil and probate tentative rulings for matters set on the law and motion calendar are issued no later

than 3:00 p.m. the business day before the scheduled hearing. Tentative rulings are available on the court's website.

**c. Oral Argument**

1. The court may request oral argument in its tentative ruling and may specify the issues on which the court wants to hear argument.
2. If not requested by the court, oral argument will be permitted only if a party notifies the court and all other parties by 4:00 p.m. the business day before the hearing of the party's intent to appear. Notification to the court should be sent via email to [tr@mendocino.courts.ca.gov](mailto:tr@mendocino.courts.ca.gov).
3. Oral argument will be heard each Friday on the law and motion calendar unless otherwise set by the court.

- d. The tentative ruling will become the ruling of the court if the court has not requested oral argument and notice of intent to appear has not been given. The prevailing party must prepare and submit a proposed order unless a proposed order consistent with the tentative decision has previously been lodged with the court.

*(Effective 7/1/12; renumbered 1/1/13; amended 1/1/13; renumbered 1/1/19; renumbered & amended 1/1/21; renumbered & amended 7/1/21; amended 1/1/23; renumbered & amended 1/1/25)*

**2.72.8 Mandatory Settlement Conference**

- a. **Settlement Conference Statement.** A detailed Settlement Conference Statement must be submitted pursuant to California Rules of Court rule 3.1380(c).
- b. Parties claiming damages in a personal injury action must bring all reports and records of all examining doctors to the settlement conference. A list of all special damages claimed, with supporting evidence, must be available for examination by the settlement conference judge. The special damages for each plaintiff should be up to date, listed separately, totaled, and categorized as health care (including medical, hospital, ambulance, and drugs) and loss of earnings, if any. Opposing parties must bring copies of all reports and records of all examining doctors who examined the plaintiff, employed by them or their insurance carrier if any, for consideration by the settlement conference judge.
- c. All parties will organize, in advance, and bring to the conference such medical reports and records, any depositions (with relevant pages and lines pre-marked), photographs, books, records, diagrams, maps, bills, contracts, memoranda, and all other documents pertinent to settlement of the case for examination by the settlement conference judge.

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- d. All parties will set forth the date, amount, and terms of the highest offer and the lowest demand by each party, as well as the insurance coverage limits available to each party defendant or plaintiff.
- e. All parties must ascertain whether there are claims or liens which may affect a settlement. A written request to attend the settlement conference must be sent to such claimants, lienholders or their representatives and a copy of the request must be brought to the settlement conference.
- f. **Duties of Party at Conference.** All parties attending a mandatory settlement conference must be thoroughly familiar with the relevant evidence available to him/her pertaining to all issues and be prepared to discuss all aspects of the case. Additionally, the attorney for each party requesting a jury trial in a case where the right is not guaranteed by law or in a case in which special verdicts or findings of the jury will be required, must present any special verdict form or interrogatories which will be required for the resolution of the case by the jury.
- g. **Appearance at Mandatory Settlement Conference.** All persons whose consent is required to settle a case, including but not limited to named parties, corporate officer(s) or insurance representatives, must personally attend the mandatory settlement conference unless excused by the court.
  - 1. **Remote Appearance.** Any party who wishes to appear via telephone must contact the settlement conference official to arrange the telephonic appearance. Video appearances at mandatory settlement conferences in not allowed.
  - 2. The court, in its discretion, may require the personal attendance of a party at the mandatory settlement conference even if travel more than 150 miles is required.

*(Effective 1/1/21; renumbered & amended 7/1/21; amended 7/1/22; amended 7/1/23)*

**2.9 Electronic Service/Notification (CCP § 1010.6)**

- a. **Mandatory Electronic Service / Notification:** Except for documents requiring service by registered or certified mail, the court will electronically serve all documents issued by the court on all parties subject to mandatory e-filing pursuant to Local Rule 1.7 and any party bound by court order to use electronic service.

Unrepresented parties may consent to electronic service of documents issued by the court by filing Judicial Council form EFS-005-CV *Consent to Electronic Service and Notice of Electronic Service Address* with the court.

- b. **Provide and Maintain Updated E-Mail Address:**

Parties subject to mandatory electronic service, or unrepresented parties who have consented to electronic service, are required to provide the court with an accurate e-mail address. Parties who provide more than one e-mail address are required to designate one address as the primary address to which documents will be sent. It is the responsibility of the parties to keep the court informed of any changes to an e-mail address.

**c. Request for Exemption from Electronic Service or Withdrawal of Consent to Electronic Service:**

Parties subject to mandatory electronic service may request an exemption from electronic service by filing Judicial Council form EFS-007 *Request for Exemption from Mandatory Electronic Filing and Service* and lodging Judicial Council form EFS-008 *Order of Exemption from Electronic Filing and Service*.

An unrepresented party must file Judicial Council form EFS-006 *Withdrawal of Consent to Electronic Service* to withdraw consent to electronic service.

*(Effective 1/1/25)*

**2.82.10 Prove Up Hearing for Default Judgments**

In any quiet title action or complaint alleging fraud or a complaint requesting punitive damages, the court will set a prove-up hearing upon any request for a default judgment. The court may require a prove-up hearing in any other action where a default judgment is requested.

*(Effective 7/1/24; renumbered 1/1/25)*

**2.92.11 Attorney as Witness in Jury Trial**

An attorney testifying on the merits of the case as a witness on behalf of his client will not argue the case to the jury unless by permission of the court.

*(Effective 1/1/13; renumbered 1/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 7/1/24; renumbered 1/1/25)*

**2.102.12 Submission and Lodging of Administrative Records**

In all matters in which an Administrative Record is lodged with the court, the record must be submitted on a USB flash drive. The USB flash drive must be clearly labeled “ADMINISTRATIVE RECORD” and must include the case name, case number, and the name of the party submitting the record.

Once submitted, the clerk will indicate the date the record was lodged on the label of the USB flash drive, enter the lodging of the record in the court’s case management system, and store the USB flash drive until after the termination of all required appeal periods.

*(Effective 1/1/23; renumbered 7/1/24; renumbered 1/1/25)*

## **Small Claims**

### **2.112.13 Service by Certified Mail**

The court clerk will attempt to serve a plaintiff's claim on a corporation, partnership, or agency by certified mail with return receipt requested. Plaintiff must submit local form [MMC-300 Certified Mail Statement \(Small Claims\)](#) with the required service fee when requesting the clerk to attempt service by certified mail (fee waivers are not applicable).

| *(Effective 7/1/24; renumbered 1/1/25)*

### **2.122.14 Delay Reduction**

- a. **Resetting of scheduled hearing:** If a plaintiff is unable to serve a defendant prior to a scheduled hearing, the plaintiff may request the court clerk to reset the scheduled hearing. A scheduled hearing may only be reset one time, and the request must be made at least three (3) business days prior to the scheduled hearing. Further continuance requests must be submitted in writing using the appropriate Judicial Council form.
- b. **Plaintiff's Failure to Appear:** A Plaintiff's failure to appear for a scheduled Small Claims hearing may result in the dismissal of the case.
- c. **Failure to File Proof of Service:** Failure to file proof of service in compliance with CCP section 116.340(c) may result in the matter being dismissed.

| *(Effective 7/1/24; renumbered 1/1/25)*

## **Chapter 3: Criminal Court Rules**

### **3.1 Request to Calendar**

Parties wanting to place a matter on calendar must provide at least five (5) business days written notice to the court and opposing counsel by filing local form [MCR-103 Request to Calendar Case](#) and supporting documents with the clerk's office. A request to place a matter on calendar for emergency matters which need to be heard before the five (5) business day notice requirement must be accompanied by a Declaration in Support of Order Shortening Time and an Order Shortening Time.

Exceptions to the five (5) business day rule include:

- a. Motion to Continue (Penal Code § 1050)
- b. Conflict of Interest Papers
- c. OR/Bail Motion
- d. Motion for Consolidation

*(Effective 1/1/10; renumbered 1/1/19; renumbered 7/1/19; renumbered & amended 1/1/20; amended 1/1/23)*

### **3.2 Service on Probation Department for Defendants on Pre-Trial Services Prior to Adjudication**

Defendants or their counsel must serve the Probation Department with any motions, requests to calendar, or other pleadings to be placed on calendar while the defendant is participating in the Probation Department's Pre-Trial Services program at least one (1) business day prior to the date of the hearing.

*(Effective 1/1/24)*

### **3.3 Motions**

- a. **Motions to Suppress Evidence.** Motions pursuant to Penal Code § 1538.5 will be calendared no less than five (5) business days before trial.
- b. **995 Motions.** Motions pursuant to Penal Code § 995 to dismiss one (1) or more charges in a felony case after the preliminary hearing will be calendared no less than five (5) business days before trial.
- c. **Discovery.** Discovery motions must be focused upon disputed items after presentation of informal requests. Boilerplate discovery motions are disfavored. Counsel must meet and confer before filing a motion to compel discovery or other

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discovery related matter in a good faith effort to resolve or narrow the disputed issues.

- d. **Pretrial Motions.** Unless otherwise ordered, all pretrial motions must be noticed in writing with a date obtained from the clerk. A description of, and a reliable time estimate for, any motions must be provided to the clerk. All papers pertaining to motions must be served and filed in compliance with California Rule of Court rule 4.111.
- e. **Motions in Limine.** Motions in limine will be set for review and argument the Thursday before trial~~by the court a week before trial~~. The defendant(s) and counsel responsible for trying the case must be present. Pursuant to California Rules of Court rule 4.112, this will constitute a further trial readiness conference and counsel should be prepared to discuss any witness problems or scheduling issues. Absent any other order by the trial judge, all motions in limine must be in writing, filed with the court, and served on all parties by the close of business on the Wednesday before trial~~at the earliest opportunity, but no later than the day before the commencement of the hearing~~.

*(Effective 1/1/20; renumbered 1/1/24; amended 1/1/25)*

### 3.4 Conferences

- a. **Early Settlement Conferences.** For all misdemeanor charges, an early settlement conference date will be set. At the conference, all counsel who will participate in the trial must be present and are expected to have discussed the case among themselves and exchanged offers with a view toward resolving the matter prior to trial. If the case does not settle at the early settlement conference, counsel must inform the court of any special needs, interpreters, appointment of counsel for witnesses, and the estimated time for the hearing.
- b. **Pre-Preliminary Hearing Conference.** For all felony charges, a pre-preliminary hearing conference date will be set. At the conference, all counsel who will participate in the preliminary hearing must be present and are expected to have discussed the case among themselves and exchanged offers with a view toward resolving the matter prior to preliminary hearing. If the case does not settle at the pre-preliminary hearing conference, counsel must provide the court with the name of the attorneys who will conduct the preliminary hearing on behalf of the people and the defendant.
- c. **Pretrial Conference.** At the time the defendant's not guilty plea is entered, the case will be set for pretrial conference at the discretion of the court, generally two (2) to four (4) weeks before the trial date. If not settled on that date, a further pretrial and readiness conference will be set one (1) week before trial. Counsel must confer among themselves, their clients, law enforcement personnel, and any alleged victims before the pretrial conference in a good faith effort to achieve resolution of the case without trial.

On cases in which the defendant or witnesses need interpreters, the pretrial conference shall be held four (4) to six (6) weeks prior to the trial date. If not settled on that date, a further pretrial and readiness conference will be set at least two (2) weeks before trial to allow the court sufficient time to schedule and retain interpreter resources for the trial if the case is not settled.

The conference must be attended by counsel who will try the case and counsel 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 that the case can be disposed of without trial. If the case does not settle, counsel must inform the court of the time estimate for trial and any special requirements, including the need for interpreters that could affect the conduct of the trial.

*(Effective 1/1/20; amended 1/1/23; renumbered and amended 1/1/24)*

### **3.5 Preliminary Hearing as Violation of Probation Hearing**

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

*(Effective 1/1/99; renumbered 7/1/08; amended 1/1/10; renumbered 1/1/19; renumbered 7/1/19; renumbered 1/1/20; renumbered 1/1/24)*

### **3.6 Verdict Forms, Special Interrogatories, and Jury Instructions**

- a. Unless otherwise ordered by any pretrial conference order in the case or other order from the trial judge, verdict forms and special interrogatories must be submitted no later than 9:00 a.m. on the first day of trial.
- b. All requested and proposed jury instructions must be filed the day before the final trial readiness conference and/or motions in limine conference that is held during the week before the trial. Supplementary instructions can be submitted and received by the court at such time and condition as may be just.

*(Effective 7/1/19; renumbered 1/1/20; renumbered 1/1/24)*

### **3.7 Sentencing**

At sentencing, defense counsel must confirm 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 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 if:

- d. the defendant failed to make or keep an appointment to be interviewed by the probation officer; or
- e. the court imposes a prison sentence.

*(Effective 1/1/99; renumbered 7/1/04; renumbered 7/1/08; renumbered 1/1/19; renumbered & amended 1/1/20; amended 1/1/23; renumbered & amended 1/1/24)*

### **3.8 Postponement of Surrender Date**

Following sentencing in a criminal case, if a defendant wants to postpone the date that he/she is ordered to surrender to the jail to serve court ordered incarceration, the defendant must file local form [MCR-220 Request for Postponement of Jail Surrender Date](#) requesting postponement and providing good cause for approving the request with the court no less than five (5) calendar days prior to the date of surrender.

*(Effective 7/1/19; renumbered 1/1/20; amended 1/1/23; renumbered 1/1/24)*

### **3.9 Community Service/Conversion of Fees and Fines**

If authorized by the court and pursuant to Penal Code § 1202.4(n), 1205.3, or other applicable statute, court fees and fines may be converted to community service hours at a rate of two (2) times the California minimum wage per hour. The rate will increase each time the California minimum wage increases in the future.

*(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; amended 1/1/23; amended 1/1/24; amended 7/1/24)*

### **3.10 Termination of Criminal Protective Orders Issued**

The following procedures have been adopted to address criminal protective orders following plea, trial, dismissal, and the termination, revocation, or expiration of probation:

- a. **Criminal Protective Orders issued pursuant to Penal Code § 136.2:**
  - 1. The judge will direct the District Attorney or counsel for the defendant to prepare and submit for signature Judicial Council form [CR-165 Notice of Termination of Protective Order in Criminal Proceeding](#) within 30 days of the court no longer having jurisdiction over the case, including imposition of a state prison commitment.

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2. If the Criminal Protective Order is not addressed in court at the time of plea, at judgment and sentencing after court or jury trial, or at the time the charges are dismissed, the clerk will, within 30 days of resolution of the case, prepare a Notice of Termination and submit to the hearing judge for signature or to the presiding judge in their absence.

### b. **Criminal Protective Orders issued pursuant to Penal Code § 1203.097:**

1. If probation is ordered revoked and terminated, the judge will direct the District Attorney or counsel for the defendant to prepare and submit for signature Judicial Council form [CR-165 Notice of Termination of Protective Order in Criminal Proceeding](#).
2. Upon granting of a motion pursuant to Penal Code § 1203.2, the judge will direct the District Attorney or counsel for the defendant to prepare and submit for signature Judicial Council form [CR-165 Notice of Termination of Protective Order in Criminal Proceeding](#) within 30 days.
3. If the Criminal Protective Order is not addressed in court at the time of termination of probation pursuant to Penal Code § 1203.2, the clerk will, within 30 days of resolution of the case, prepare a Notice of Termination and submit to the hearing judge for signature or to the presiding judge in their absence.

### c. **Criminal Protective Orders issued pursuant to Penal Code § 273.5(j)**

1. These orders may be issued for up to 10 years and will remain in effect whether or not probation is ordered unless specifically addressed otherwise.

*(Effective 7/1/19; renumbered 1/1/20; amended 7/1/22; amended 1/1/23; amended 1/1/24)*

## **3.11 Search Warrant**

At the time the district attorney files a criminal complaint or information in a case in which a search warrant was previously executed by the district attorney or law enforcement, the district attorney must notify the court to place the search warrant in the criminal file by providing the search warrant number and date signed. If the search warrant is sealed by order of the court, it will be placed in an envelope marked 'sealed'. If the search warrant is not sealed, it will be made available for public inspection in the case file.

*(Effective 1/1/20; amended 1/1/23)*

## **3.12 Requests for Adult Probation Records**

Pursuant to Penal Code § 1203.10, Mendocino County Probation Department records are court records and are not subject to subpoena duces tecum (*See County of Placer v. Superior Court*

(2005) 130 Cal. App.4<sup>th</sup> 807). The following procedures have been adopted for parties wanting to request access to Probation Department records.

- a. A defendant/probationer or other party to a criminal proceeding may file a properly noticed motion with the court for the following:
  1. requesting access for inspection of any non-confidential records believed to be in the custody of the Probation Department, or,
  2. allowing inspection or access to confidential portions of the probationer's file, upon a necessary showing of good cause.
- b. Upon a finding or order from the court authorizing access to or allowing inspection of records in the custody of the Probation Department, the Probation Department must make such records available to the defendant/probationer and/or counsel consistent with the court's order.

*(Effective 7/1/22; amended 1/1/24)*

### **3.13 Authorization for Release of Adult Probation Records and Reports by Probation Department**

1. The Probation Department is authorized to disclose adult probation reports and records to the following, referred to as "Requesting Agency:"
  - a. Peace officers of the State of California, as defined in California Penal Code § 830.1, 830.2(a) and (d), 830.3(e), 830.3(b), and 830.5;
  - b. Peace officers as defined by the law of the United States or other states, territories, or possessions of the United States; and
  - c. Judges or other judicial officers of all US Federal Courts and all courts of states, territories, or possessions of the United States.
2. The Probation Department is authorized to make such disclosures subject to the following terms and conditions:
  - a. It has received a written request from the Requesting Agency, stating that record or report is needed for purposes of conducting criminal, pre- or post-sentence, or pre-trial investigations;
  - b. It will not disclose medical, mental health, or drug and alcohol treatment information, except to the extent that the information is contained in the charges, probation reports, or terms and conditions of probation, all of which may be released to the Requesting Agency;

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- c. It will remove or redact all identifying information concerning any person except the subject of the report or record and/or any public official named in the report;
- d. It will place the following language on each page of the released records:  
**“CONFIDENTIAL: UNLAWFUL RELEASE OR POSSESSION OF THIS INFORMATION IS A MISDEMEANOR.”**

*(Effective 1/1/24)*

**3.14 Petitions for Dismissal or Charge Reductions Pursuant to Penal Code §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.43, and 1203.49**

Following adjudication of a case, a party may request the court to reduce felony charges to misdemeanors and/or dismiss felony or misdemeanor charges by filing Judicial Council form [CR-180 Petition for Dismissal](#). Upon request from the court, the party must provide the court with the party’s criminal history summary obtained from the California Department of Justice.

*(Effective 7/1/24)*

## **Chapter 4: Family Court Rules**

### **4.1 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.

*(Effective 1/1/17; renumbered 1/1/19; amended 1/1/24)*

### **4.2 Family Law Case Management**

The court actively manages dissolution, legal separation, nullity, parentage, custody, and support cases to reduce unnecessary delay and expense, encourage active progress in resolving cases, and facilitate early settlement.

- a. **Scheduling of Family Law Case Management Conferences:** An initial family law case management conference will be scheduled by the clerk within 180 days of the filing of a new petition for dissolution, legal separation, nullity, parentage, or custody and support. All new filings submitted pursuant to local rule 1.7 must include local form [MFL-250 Notice of Family Law Case Management Conference](#) with the case name and case number completed. The clerk will set a case management hearing date and return the form to the e-filer. For new filings submitted by any non-e-filing means, the clerk will prepare and deliver local form [MFL-250 Notice of Family Law Case Management Conference](#) to the filing party when the petition is filed.
- b. **Petitioner Must Serve Notice of Family Law Case Management Conference:** A copy of the completed local form [MFL-250 Notice of Family Law Case Management Conference](#) must be served on the responding party with the summons and petition. Proof of service must be promptly filed with the court. The summons, petition, and notice of case management conference must be served within 60 days of the date the case was filed.
- c. **Family Law Case Status Reports:** Each party must file and serve local form [MFL-251 Family Law Case Status Report](#) at least five (5) business days prior to the family law case management conference.
- d. **Appearance at Family Law Case Management Conference:** Parties or their counsel must appear at the family law case management conference. The court will review the status of the case, discovery issues, settlement options, alternative dispute resolution, and unresolved issues and may make any orders which it deems necessary.

*(Effective 1/1/17; renumbered 1/1/19; renumbered & amended 7/1/19; amended 7/1/21; amended 1/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24)*

#### 4.3 Requests for Orders

- 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 are set on the law and motion calendar and are limited to 30 minutes. If parties or counsel believe the matter will exceed 30 minutes, a stipulated continuance for evidentiary hearing may be filed or the matter 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 a Request for Order, parties or their counsel must meet and confer in a good faith effort to resolve all issues. All documents relevant to the Request for Order must be exchanged prior to or at the meet and confer session. Failure to meet and confer may result in the matter being dropped from the calendar or continued to allow the parties additional time to meet and confer and will be considered by the court in connection with any request for award of attorney's fees or sanctions.
- c. **Unserved Request for Order:** If a Request for Order has not been timely served, the moving party must submit a completed Judicial Council form [FL-306 Request to Continue Hearing \(and Extend Temporary Emergency \(Ex Parte\) Orders\)](#). 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, the court will not hear a Request for Order unless valid proof of service of summons and petition has been filed.

- d. **Evidence Required for Hearings Involving Financial Issues**
  1. **Income and Expense Declaration:** Parties must complete Judicial Council form [FL-150 Income and Expense Declaration](#) with financial information for the prior three (3) months and must file this declaration with the court for any hearing involving financial issues, including support and attorney fees and costs. Supplemental, updated, or responsive Income and Expense Declarations must be served at least five (5) business days before the hearing. 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 assets that can be converted to cash must be fully disclosed.

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All sections of the declaration must be completed. A response of “unknown” does not constitute compliance with this rule.

2. **Disclosure of Income Tax Returns:** Parties must provide copies of their most recently filed state and federal income tax returns. Copies of tax returns must include all schedules and any supporting W-2s, 1099s, K-1s, award letters, brokerage reports, rental income agreements, or other documents used to verify income.

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 § 3552. A request for tax returns must be made no later than 10:00 a.m. five (5) business days before the hearing. Copies of the tax returns and supporting schedules must be provided to the requesting party or counsel the earlier of five (5) business days after the request or 10:00 a.m. two (2) business days before the hearing and must not be filed with the court except as provided in Family Code § 3552.

3. **Child and Temporary Spousal Support Guidelines:** The court uses DissoMaster™ software 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 calculated in DissoMaster™.
4. **Deviations from Guideline Child Support or Temporary Spousal Support:** The court may deviate from the calculated guideline support amount for good cause. If a party contests the amount of support as calculated under the guideline formula, that party must file a declaration stating the requested amount of support and the factual and legal bases justifying the deviation from guideline.
5. **Request for Attorney Fees**
  - a. **Attorney Declaration:** A request for attorney fees or costs exceeding \$2,000 must be accompanied by a declaration completed by the attorney stating the attorney’s hourly rate, the amount of fees due and payable, how fees requested were or will be spent, identification of a source for payment of the fees, and all facts that may be relevant to the court’s determination of the reasonableness of the fees.
  - b. **Bifurcation Re: Fees and Costs:** The court will defer any decision on fee requests made pursuant to Family Code § 271 until all other issues have been determined and will not review an attorney’s related declarations until consideration of the attorney fee issue.

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6. **Request for Expert Fees:** A request for expert fees must be accompanied by a declaration completed by the expert and include the expert's hourly rate, the scope of the expert's work, and an estimate of the number of hours required to complete the work.
  7. **Request for Modification of Prior Support Orders:** Declarations 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 requested by a party may be obtained by stipulation.
  2. **Continuances for Good Cause:** Except as provided in paragraph (e)(1), a request for continuance of Request for Orders hearings must be supported by good cause. An *ex parte* request to continue a Request for Orders hearing must be on the Judicial Council form [FL-306 Request to Continue Hearing \(an Extend Emergency Orders\)](#). The party filing an *ex parte* request to continue a Request for Orders hearing must follow the notice and filing procedures set forth in local rule 4.4(c) and 4.4(d).
- f. **Hearings on Request for Orders**
1. **Personal or Remote Appearance Required:** Parties or their counsel must appear in person or remotely at the hearing on a Request for Order. Any party who wishes to appear remotely must follow the procedures set forth in local rules 1.9 and 1.11.
  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, the party or counsel must immediately notify the clerk and the opposing party of the delay by phone.
  3. **Failure to Appear:** Failure of the moving party or their counsel to appear without notice to the responding party will generally result in the matter being set for review on a date determined by the court. However, if a party who has filed a response to a Request for Order regarding custody and visitation appears and asks to go forward, the court may continue the matter and assess attorney's fees to the moving party or enter an order on the pleading and testimony of the responding party.

*(Effective 1/1/17; amended 7/1/18; renumbered & amended 1/1/19; renumbered & amended 7/1/19; amended 1/1/20; amended 7/1/21; amended 7/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24)*



**4.4 Ex Parte/Emergency Family Law Orders**

- a. Information concerning general procedures for filing *ex parte*/emergency order applications can be found in local rule 1.13.
- b. **Ex Parte/Emergency Orders Are Disfavored Except Upon Strong Showing of Potential Harm.** The court does not grant *ex parte*/emergency orders on the following subjects without a strong factual showing of grave danger, emergency, or severe detriment to a party or a child prior to the time the issues can be properly set for a noticed hearing with the parties present and given an opportunity to be heard:
  1. Establishing or modifying child custody and visitation orders
  2. Temporary use or possession of personal property
  3. Temporary financial orders, including but not limited to temporary spousal support or child support
  4. Removal of one party from the family home
- c. **Declarations in Support of Ex Parte/Emergency Orders**
  1. Declarations must be based upon personal knowledge of the declarant. The court may decide not to consider the merits of an unsubstantiated declaration which is based on hearsay and not subject to any recognized hearsay exception in deciding whether or not to grant *ex parte*/emergency relief.
  2. Declarations in support of *ex parte*/emergency relief must specifically describe the dates of incidents, provide a detailed factual description of what happened, and identify the specific harm which has been threatened or has actually occurred. Conclusions, feelings, wishes or fears will not support a request for *ex parte*/emergency relief.
  3. The court must have accurate, complete information before deciding whether to issue an *ex parte*/emergency order. Accordingly, parties and attorneys must fully disclose relevant facts in preparing declarations in support of *ex parte*/emergency orders. **Parties must disclose whether the requested *ex parte*/emergency order will result in a change in the current child sharing and custody arrangements, financial support, or use of personal or real property.**
- d. **Notice to Opposing Party**
  1. Prior to review of an *ex parte* application for a court order, a declaration regarding notice must be completed and filed with the court showing that

the opposing party received notification of the request for *ex parte* orders as follows:

- a. For an *ex parte* request for Domestic Violence Restraining Order, local form [MMC-121 Declaration re: Notice upon Ex Parte Application for Orders](#) must be filed.
- b. For a request for temporary emergency court orders (TECO), Judicial Council form [FL-303 Declaration regarding Notice and Service of Request for Temporary Emergency \(Ex Parte\) Orders](#) must be filed.

*(Effective 7/1/21; amended 7/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24)*

#### **4.5 Supervised Visitation**

The court may order that visitation between a parent and minor children be supervised to ensure the physical security or emotional wellbeing of the children. Supervised visits may be conducted in person or remotely via telephone or video.

The court may also order a parent to use the services of a professional visitation supervisor who charges a fee for their services. The court may allocate the cost of supervision between the parents at the time of referral for paid supervised visitation.

Any report submitted to the court by a professional visitation supervisor, agency, or program pertaining to ordered supervised visitation must be submitted to the court either via the Court's Mendocino Court External Partners SharePoint or by filing a written report with the clerk's office.

*(Effective 7/1/21; renumbered 1/1/23; renumbered & amended 1/1/24; amended 7/1/24)*

#### **4.6 Child Custody and Visitation**

##### **a. Mediation**

1. **Participation in Mediation Is Required:** Parties must attend mediation before hearings or trial when proceedings involve contested issues regarding child custody or visitation. Mediation sessions occur in person, by telephone, or by video. Failure to attend a scheduled mediation without good cause may result in sanctions against the party who fails to attend, which 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. **Appearance for Mediation.** Parties must complete and return local form [MFL-230 Family Mediation Intake Form](#) by email or in person prior to the

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mediation session. Parties must follow the procedures set forth in local rules 1.9 and 1.11 if appearing remotely by video or phone at mediation.

3. **Non-Recommendation Confidential Mediation:** Mediation sessions are confidential. The mediator conducting a confidential mediation will not make a report or recommendation to the court regarding the child. The mediator may make notifications to the court and other agencies as follows:
  - a. **Child at Risk:** As a mandated reporter, the mediator will make a report to Child Protective Services if the mediator believes that a child is at risk of abuse or neglect.
  - b. **Threats of Death or Bodily Injury:** The mediator will report to law enforcement threats of death or great bodily harm made to a party, any other person, or the mediator.
  - c. **Minor's Counsel:** The mediator may request that the court consider appointing counsel to represent the child(ren).
4. **Children May Not Participate in Mediation Without Prior Authorization:** A child who is old enough to express a meaningful preference about custody or visitation may participate in mediation with the consent of all parties and prior authorization of the mediator. Parties must not bring a child to court with the expectation that the child will be allowed to participate in mediation prior to obtaining the consent of the other party and 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 the issues presented at mediation, the mediator will schedule a court hearing date and notify parties and their counsel.
7. **Ex Parte Communication:** With the exception of scheduling appointments and as provided in Family Code § 216, there must be no *ex parte* communication between the parties or their counsel (including minor's counsel) and the mediator. Copies of relevant documents must be provided to the other party or their counsel at the same time they are provided to the mediator.
8. **Spanish Mediation:** The court provides mediation in Spanish by appointment.
9. **Interpreters:** For languages other than Spanish, the court will attempt to obtain the services of a certified or registered interpreter for mediation if

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required by one or more of the parties. If a certified or registered interpreter is not available, a neutral person fluent in English and the party's native language may be provisionally qualified by the judge pursuant to California Rules of Court rule 2.893 and interpret for the party in mediation after signing a confidentiality agreement. In no case may a child of the parties serve as an interpreter.

- b. **Co-Parenting Workshop:** The court requires each parent to attend a co-parenting workshop in a dissolution, legal separation or nullity case involving children, an action to determine parentage, or to establish and/or modify custody and visitation.

A list of approved classes is available from the mediator.

Parties should complete their co-parenting workshop as soon as possible and submit a certificate of completion to the court. If in-person classes are offered, parties will not participate in the same class. The completion of or failure to complete the workshop will be considered in any custody/visitation hearings.

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

1. **Generally:** The court may appoint counsel to represent the best interests of the child pursuant to Family Code § 3151.
2. **Compensation of Counsel:** When appointed, counsel will receive a reasonable sum for compensation and expenses. Compensation and expenses will be determined by the court and paid by the parents proportionally as determined by the court or by the court pursuant to Family Code § 3153. Counsel must comply with the billing procedures set forth in local rule 1.35.
3. **Complaints:** A parent's complaints about court appointed counsel for a child must be made in writing to the family law judge and provided to all parties. The court will 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 follow the procedures set forth above or hold a confidential hearing.

d. **Child's Participation in Custody Proceedings**

1. **Court to Determine Nature of Child's Participation Prior to Custody Proceeding:** The court will determine whether participation in a custody proceeding is in a child's best interest and how the child's input will be received (Family Code § 3042 and California Rules of Court rule 5.250). Accordingly:

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- a. No party or their counsel, including court-appointed counsel for a child, will 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. Parties or their counsel who have information that a child wishes to address the court must inform the court and all other parties at the earliest opportunity.
- c. A mediator who has information that a child wishes to address the court must promptly inform the court and provide notice to all parties or their counsel.

2. **Procedure for Obtaining Court Order Regarding Child's Participation in Custody Proceeding.** Parties or their counsel may request a court order regarding a child's participation in a custody proceeding by any of the following methods:

- a. If the child is at least 14 years of age:
  - i. The child or child's counsel may ask the judge 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 must ensure that the written request is served on the parties or their counsel and that the parties have an opportunity to respond before ruling on the child's request.
  - ii. The parties may submit a stipulation signed by all parties or their counsel, including the child or child's counsel, setting forth how the child will participate in the custody proceeding and requesting that the court adopt the stipulation as the court order. The court may set a hearing to determine if the stipulation is in the child's best interest.
- b. If the child is under 14 years of age:
  - i. The parties may submit a stipulation signed by all parties or their counsel, including the child's counsel, setting forth how the child will participate in the custody proceedings and requesting that the court adopt the stipulation as the court order. The court may set a hearing to determine if the stipulation is in the child's best interest.
  - ii. Parties or their counsel may file a noticed Request for Order to determine whether a child may participate in a

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custody proceeding and in what manner the child will participate.

- iii. At the time a custody matter is set for a trial or an evidentiary hearing, parties or their counsel may make an oral motion requesting a child participate in the trial or evidentiary hearing.

### 3. Evidentiary Issues

- a. If the court decides that a child may be called as a witness in a custody proceeding, the court must rule upon the issues set forth in California Rules of Court rule 5.250(d).
- b. If the parties stipulate or the court orders that a child's input may be received by way of a child interview (California Rules of Court rule 5.250(e)), the stipulation and order will 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. All other objections to the written summary or testimony are preserved by the court.

*(Effective 1/1/17; renumbered & amended 1/1/19; renumbered & amended 7/1/19; amended 1/1/20; amended 7/1/21; amended 1/1/22; amended 7/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24)*

### 4.7 Default or Uncontested Judgments

- a. **By Affidavit or Declaration:** To obtain a Judgment of Dissolution or Legal Separation by Declaration (non-appearance), the following completed forms must be submitted to the court:
  1. Judicial Council form [FL-170 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 and must include information about public assistance received by either party.
  2. Judicial Council form [FL-150 Current Income and Expense Declaration](#) if support is to be ordered, there are minor children and child support is not reserved, or the marriage has existed for 10 years or more, unless parties have otherwise agreed in a Marital Settlement Agreement or stipulation.
  3. Judicial Council form [FL-165 Request to Enter Default](#) or Judicial Council form [FL-130 Appearance, Stipulations and Waiver](#), whichever applies.
  4. Judicial Council form [FL-180 Proposed Judgment](#).

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5. Judicial Council form [FL-190 Notice of Entry of Judgment](#).
- b. **Acknowledgment of Receipt of Proof of Service:** No default will be entered without filing Judicial Council form [FL-115 Proof of Service of Summons](#) with the court. Unless the court orders otherwise, a default will not be entered based on a Judicial Council form [FL-117 Notice and Acknowledgment of Receipt](#) signed by a person other than the party to whom it is directed or their counsel.
- 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 an attached written agreement between the parties settling those issues, or sufficient information on which the court may calculate the amount of support for an order, including a fully completed and executed Judicial Council form [FL-150 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 included with the proposed judgment.
- 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 an attached written agreement between the parties settling those issues or a completed [Judicial Council Form FL-160 Property Declaration](#) attached to a Judicial Council form [FL-165 Request to Enter Default](#) and served on the opposing party prior to or at the time the default is entered.
- e. **Custody and Visitation:** A declaration under penalty of perjury must be submitted with the judgment if supervised visitation or denial of visitation is requested unless a written agreement of the parties concerning custody and visitation is submitted with the judgment. The declaration must be mailed to the defaulting party with a Judicial Council form [FL-165 Request to Enter Default](#), and proof of mailing must be filed with the court. The declaration must 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 the last visitation between the child and the defaulting party occurred; and the defaulting party's address or a statement that the whereabouts of the defaulting party is unknown.
  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 to perform the supervision; and the method by which the supervisor is to be compensated.
  3. **Other information:** The date the parties separated, the identity of the primary caretaker of the child during the six (6) months prior to

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separation, and the extent of contact between the child and the non-caretaker parent during that time.

- f. If the court requires additional information to enter a default or uncontested judgment, the party or parties will receive notice of the date and time to appear for the hearing.

*(Effective 1/1/17; renumbered 1/1/19; renumbered 7/1/19; renumbered 1/1/23; renumbered & amended 1/1/24)*

### 4.8 Family Law Trials

- a. **Trial Setting:** At any time after a response to the petition has been filed, either party or their counsel may request that a trial date be set by filing local form [MFL-143 Request for Trial – Family Law](#) or by orally requesting a trial date at any family law case management conference.
- b. **Mandatory Settlement Conference:** All family law trials estimated to take more than one (1) day will be set for a mandatory settlement conference with either a judicial officer or a family law attorney serving as a settlement conference official. Any family law matter may be set for a mandatory settlement conference at the request of the parties or by the court. Mandatory settlement conferences must be conducted in compliance with local rule 4.9.
- c. **Parties to Exchange Information and Trial Briefs Prior to Trial:** Parties must exchange evidentiary documents that will be presented at trial, motions in limine, trial briefs, and other documents expected to be used at trial in accordance with local rules 2.1 through 2.6.
- d. **Continuances:** Continuances of family law trials are governed by local rule 4.3.

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### 4.9 Mandatory Settlement Conferences

- a. **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 serve on the other party, a Settlement Conference Statement as set forth below. Service by mail requires an additional five (5) calendar days' notice.
  2. **Contents**



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- a. **Income and Expenses:** In all cases where support or attorney fees are at issue, a current Judicial Council Form [FL-150 Income and Expense Declaration](#) must be prepared, signed, and dated. All income and other financial information as required by local rule 4.3(d) must 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 as community property and/or community debt on Judicial Council form FL-142, Schedule of Assets and Debts. Parties must include a proposal for the division of property and assets.

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 at issue, the parties must set forth all facts upon which their claims are based and cite appropriate legal authorities for each of those claims.

- c. **Contentions about Child and Spousal Support:** Parties must specify their contentions as to the amount of child support and/or amount and duration of spousal support. Calculations showing guideline child support must be included. If any child is a recipient of public assistance, and the Department of Child Support Services is the assignee of the support, the statement must 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:** Parties must include their positions regarding requests for attorney and accountant fees, other expert fees, and court costs. Such requests must be supported by adequate documentation.

*(Effective 1/1/17; renumbered & amended 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/23; amended 7/1/23; renumbered & amended 1/1/24)*

### **4.10 Mandatory Requirements for Child Support Matters**

- a. **Required documents.** Parties or their counsel must complete and file a signed Judicial Council form FL-150 Income and Expense Declaration at the time of filing a motion to modify child support or a request for attorney's fees and costs.

Parties or their counsel must complete and file a signed Judicial Council form FL-150 Income and Expense Declaration at the time of filing an Answer or Response motion to modify child support or a request for attorney's fees and costs.

Failure to submit the required Income and Expense Declaration may result in the pleading being rejected for filing or may cause a hearing to be continued until such time as the required information is filed.

- b. Meet and Confer.** Prior to the hearing on the motion of request for order, parties or their counsel must meet and confer with the Department of Child Support Services in a good faith effort to resolve all issues.

All documents relevant to the motion or request must be exchanged prior to, or at the beginning of, the meet and confer session.

Failure to meet and confer may result in the matter being dropped from the calendar or continued to another hearing date to allow parties additional time to meet and confer. Failure on the part of either party will be considered by the court in connection with any request for an award of attorney's fees and costs or sanctions.

- c. Department of Child Support Services.** The Department of Child Support Services is exempt from this requirement unless it is practicable for the Department to have a party complete and sign the Income and Expense Declaration form. However, the Department is required to include a completed Income and Expense Declaration if the Department is filing a motion, a request for order, answer or response pertaining to a modification of child support or demand for attorney's fees and costs on behalf of a self-represented party.

*(Effective 1/1/25)*

#### **4.11 Electronic Service/Notification (CCP § 1010.6)**

- a. Mandatory Electronic Service / Notification:** Except for documents requiring service by registered or certified mail, the court will electronically serve all documents issued by the court on all parties subject to mandatory e-filing pursuant to Local Rule 1.7 and any party bound by court order to use electronic service.

Unrepresented parties may consent to electronic service of documents issued by the court by filing Judicial Council form EFS-005-CV *Consent to Electronic Service and Notice of Electronic Service Address* with the court.

- b. Provide and Maintain Updated E-Mail Address:**

Parties subject to mandatory electronic service, or unrepresented parties who have consented to electronic service, are required to provide the court with an accurate e-mail address. Parties who provide more than one e-mail address are required to designate one address as the primary address to which documents will be sent. It

is the responsibility of the parties to keep the court informed of any changes to an e-mail address.

**c. Request for Exemption from Electronic Service or Withdrawal of Consent to Electronic Service:**

Parties subject to mandatory electronic service may request an exemption from electronic service by filing Judicial Council form EFS-007 *Request for Exemption from Mandatory Electronic Filing and Service* and lodging Judicial Council form EFS-008 *Order of Exemption from Electronic Filing and Service*.

An unrepresented party must file Judicial Council form EFS-006 *Withdrawal of Consent to Electronic Service* to withdraw consent to electronic service.

*(Effective 1/1/25)*

**4.104.12 Transportation of Inmates to Family Law Hearings**

- a. For persons incarcerated in the Mendocino County Jail whose parental rights or marital rights are subject to adjudication, the inmate may request to be transported to court or may appear remotely by submitting local form [MMC-122 Request to be Transported Pursuant to Penal Code § 2625](#).
- b. Persons incarcerated in State Prison whose parental rights are subject to adjudication, may request to be transported to court or appear remotely by submitting a completed Judicial Council form [JV-450 Order for Prisoner's Appearance at Hearing Affecting Prisoner's Parental Rights](#).

*(Effective 7/1/09; amended 1/1/10; amended 1/1/17; renumbered & amended 1/1/19; renumbered 7/1/19; renumbered & amended 1/1/23; renumbered & amended 1/1/24; renumbered 1/1/25)*

**4.114.13 Family Law Facilitator Complaint Procedure**

Complaints regarding services provided by the Family Law Facilitator must be in writing using local form [MFL-270 Client Complaint Form](#) and hand delivered, mailed, or emailed ([court.administration@mendocino.courts.ca.gov](mailto:court.administration@mendocino.courts.ca.gov)) to the Court Executive Officer at 100 North State Street, Room 303, Ukiah, CA 95482. The Court Executive Officer or designee will investigate such complaints and respond in writing to the complainant. Within 30 days of receiving the complaint, the complainant will be informed in writing of the court's findings and decision, which will be final.

*(Effective 7/1/19; amended 7/1/21; amended 1/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24; renumbered 1/1/25)*

**4.124.14 Family Law Facilitator Disqualification Procedure**

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Family Law Facilitators must disqualify themselves from assisting parties if they deem that they are biased against one or more parties in a family law matter. The court will contact neighboring courts to seek assistance from a Family Law Facilitator on behalf of the parties.

*(Effective 7/1/19; amended 1/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24; renumbered 1/1/25)*

### **4.134.15 Family Law Mediator Complaint Procedure**

A party or their counsel wishing to lodge a complaint about a mediator must complete local form [MFL-270 Client Complaint Form](#) and submit it in person, by mail or by email to the Court Executive Officer at the earliest opportunity. The Court Executive Officer or designee will investigate the complaint which will include consultation with the mediator. Within 30 days of receiving the complaint, the complainant will be informed in writing of the court's findings and decision, which will be final.

*(Effective 1/1/24; renumbered 1/1/25)*

## **Chapter 5: Juvenile Court Rules**

These local rules are intended to supplement State statutes which are principally found in the Welfare & Institutions Code. In addition, they supplement the California Rules of Court relating to juvenile court matters (see California Rules of Court rules 5.501-5.830) (*Effective 1/1/99; amended 7/1/05; renumbered & amended 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. (*Amended 1/1/22*)

### **5.1 Judicial Administration**

There will be one presiding judge of the juvenile court who will be selected by the presiding judge of the court.

(*Effective 1/1/99; renumbered 1/1/19; amended 1/1/23*)

### **5.2 Noticed Motions and Requests to Place Matter on Calendar**

All motions for substantive relief must be filed in accordance with CCP §1005 and California Rules of Court rule 3.1300. No noticed motion will be accepted by the clerk for filing unless it is accompanied by a proof of service.

Counsel for any party or any tribal representative can file a request to place a matter of a less formal nature on the court's calendar. 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 **before 3:00 pm, and** not less than five (5) business days before the hearing and is accompanied by a proof of service. Any request submitted less than five (5) business days before the requested hearing date, other than a request for a detention hearing, must be accompanied by an order shortening time with a declaration setting forth the need for an order shortening time. **All requests with an order shortening time will be filed at the clerk's window.**

**Any request filed after 3:30 p.m. will be deemed late and will not be accepted for filing. Exceptions to the five business day rule include:**

- a. **Motion to Continue (W&I § 682). The Motion to Continue must be filed and served on all parties at least two (2) business days before the hearing parties are seeking to continue. Any motion filed without notice to opposing counsel, probation, and minor will not be accepted for filing.**

(*Effective 1/1/99; amended 7/1/04; renumbered 1/1/19; amended 1/1/23; amended 1/1/24; amended 1/1/25*)

### 5.3 Pre-hearing Discovery

- a. **Timely Disclosure of Informal Discovery:** Pre-hearing discovery will be conducted informally. Except as protected by privilege, all relevant material must 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 will be conducted in accordance with Penal Code § 1054 et seq. and California Rules of Court rule 5.546.
- c. **Discovery Motions:** Only after all informal means have been exhausted may a party petition the court for discovery. Any noticed motion must state the relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information. The motion must be served on all parties at least five (5) business days before the hearing date. The date for the hearing will be obtained from the clerk. Any responsive papers must be filed and served two (2) business days prior to the hearing.
- d. **Civil Discovery:** There will be no depositions, interrogatories, subpoenas of juvenile records or other similar types of civil discovery without approval of the juvenile court judge upon noticed motion.
- e. **Requests for Transcripts:** Requests for transcripts in any juvenile case must be submitted on local form [MJV-300 Request for Special Transcript and Order](#) and in accordance with local rule 5.21.

*(Effective 1/1/99; amended 7/1/04; renumbered 1/1/07; amended 1/1/07; renumbered 1/1/10; amended 1/1/17; amended 1/1/18; renumbered & amended 1/1/19; amended 1/1/23)*

### 5.4 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.
  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 must apply to the clerk 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 local form [MMC-121 Declaration Re Notice of Ex Parte Application for Orders](#). The Declaration must 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.

*(Effective 1/1/99; amended 7/1/07; renumbered 1/1/19; amended 1/1/23)*

#### **5.5 Attendance at Hearings (California Rules of Court rule 1610)**

- a. Unless excused by the court, each party and attorney must attend each scheduled juvenile court hearing.
- b. All children are entitled to attend court hearings. Every child four (4) years or older must 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.

*(Effective 1/1/99; amended 7/1/05; renumbered 1/1/19)*

#### **5.6 Pretrial Conference (No Statute) (No Court Rule)**

Pretrial Conferences may be held prior to any contested hearing, unless deemed unnecessary by the judicial officer setting the hearing.

*(Effective 1/1/199; amended 7/1/04; renumbered 1/1/19; amended 1/1/24)*

#### **5.7 Access to Courtroom by Non-Parties (W&I §§ 345, 346, 676)**

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

The court encourages interested persons to attend juvenile proceedings to better understand the workings of the juvenile court. The court retains the discretion to determine in each case whether an interested party may remain in the courtroom.

The court or its agent will 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.

(Effective 1/1/99; amended 7/1/04; renumbered 1/1/19; amended 1/1/23)

**5.8 Informal Exchange of Juvenile Records**

- a. Juvenile records include those records described in California Rules of Court rule 5.552, all records maintained by the juvenile division of the Mendocino County Probation Department (“Probation”), and the Family & Children’s Services Division of the Mendocino County Health & Human Services Agency, 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 will be governed by the procedures set forth in W&I § 827, California Rules of Court rule 5.552, and this local rule.
- 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))

Limited and informal disclosure of relevant juvenile records by Probation and Family & Children’s Services to the agencies, individuals, and organizations that work with, treat, or make recommendations regarding children and their families (listed below) on a “need to know” basis benefits children and their families by avoiding duplication of investigative efforts. This process benefits the court by ensuring that agencies, individuals, and organizations that 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. Family & Children’s 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:
  - a. Probation
  - b. Family & Children’s Services
  - c. Facilitators of Family & Children’s Services parenting programs, including but not limited to, the Intake Support Group and the Family Empowerment Group
  - d. Mendocino County Behavioral Health & Recovery Services, or any private psychologist, psychiatrist, or mental health



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professional ordered by the juvenile court to examine or treat any child, their parent, or their guardian who falls within the jurisdiction of the juvenile court

- 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, their parent, or their 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, their parent, or their 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
  - 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)
- d. Any disclosure or exchange of information authorized by subsection (c) of this rule is subject to the following conditions:
- 1. A request for information exchange of juvenile records must be submitted on local form [MJV-102 Declaration: Information Exchange of Juvenile Records](#) in accordance with W&I § 827 and the California Rules of Court rule 5.552

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2. Before releasing the requested records, Probation and Family & Children's Services must establish to the agency's satisfaction that the party requesting the juvenile records is a member of an agency or organization, described in subsection (c) of this rule or an individual authorized to receive the information
  3. Information identifying the reporting party or source of referral must be redacted prior to disclosure of juvenile records and must remain confidential in accordance with Penal Code §§ 11167, 11167.5
  4. 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 must make a written application to the juvenile court for permission to disclose such information pursuant to W&I § 827 and California Rules of Court rule 5.552
  5. Juvenile records obtained pursuant to this rule will be used exclusively in the investigation and/or treatment conducted by the agency, organization, or person described in subsection (c), and in any juvenile or family court proceedings following the investigation or treatment
  6. Nothing in this rule is intended to limit any disclosure of information by an agency which is otherwise required or permitted by law
- e. If Probation or Family & Children's Services receive a request for disclosure of juvenile records which it deems to fall outside the scope of informal disclosure authorized by this rule, the agency must deny the request and refer the requesting party to the provisions of W&I § 827, California Rules of Court rule 5.552, and this local rule.

*(Effective 1/1/99; renamed & amended 7/1/05; amended 1/1/07; renumbered 1/1/10; amended 7/1/18; renumbered & amended 1/1/19; renumbered 1/1/22; renumbered 7/1/22; amended 1/1/23)*

**5.9 Release of Juvenile Records by Family & Children's Services/Mendocino County Health & Human Services Agency**

W&I § 827 limits the inspection and copying of any documents or records contained in a child welfare agency case file to certain authorized individuals unless otherwise ordered by the court. W&I § 830 permits members of a multidisciplinary personnel team engaged in the prevention, identification, management, or treatment of child abuse or neglect to disclose and exchange information and writings relating to any incidents of child abuse that may also be part of a juvenile court record or otherwise designated as confidential under state law with one another if the member of the team having that information or writing believes it is generally relevant to the prevention, identification, management, treatment of child abuse, or the provision of child welfare services.

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Family & Children's Services is contracted with providers listed in subsection (a) who are engaged in the prevention, identification, management, and treatment of child abuse or neglect and who participate in multidisciplinary teams that receive and discuss referrals. Family & Children's Services has contracted with a professional agency which requires the review of records listed in subsection (b) for the purpose of providing feedback, coaching and education, and to facilitate the coaching and training of social workers in forensic interviewing.

- a. Family & Children's Services are authorized to provide copies of relevant juvenile records to the following agencies:
  1. Differential Response
  2. Center for Innovation and Resources, Inc.
- b. Records which may be produced include, but are not limited to, the following:
  1. Structured Decision-Making Safety Assessment form(s)
  2. Safety Plans
  3. Structured Decision-Making Family Strengths & Needs Assessment(s)
  4. Family & Children's Services Family Team Mapping Notes
  5. Family & Children's Services Case Plan(s)
- c. Any disclosure or exchange of information authorized by subsection (b) of this rule will be subject to the following conditions:
  1. Receiving agencies may not disseminate any documents or information relating to the context of the child welfare agency records to any persons or agencies other than those persons or agencies listed in subsection (a) of this rule.
  2. Written authorization to release information has been obtained from the parent or legal guardian of the child(ren) for whom the child welfare services records will be released
  3. The following language must be placed on each page of the released records: **CONFIDENTIAL: UNLAWFUL RELEASE OR POSSESSION OF THIS INFORMATION IS A MISDEMEANOR**".

*(Effective 7/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22; amended 1/1/23)*

### 5.10 Medical Issues

- a. **Order Permitting Health Assessments, and Treatment of Temporarily Detained Minors:** *(Subdivision (a) as amended eff. 7/1/05.)*

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In order that children detained by the Probation, Health & Human Services Agency, Family & Children's 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 Behavioral Health & Recovery Services, Mental Health Facility are hereby authorized to provide the following services to all such juveniles outlined in 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 7/1/05*)
  6. A mental health status evaluation and necessary mental health services except no placement in an inpatient psychiatric facility will occur without compliance with W&I §§ 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. 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 at the time of admission to the temporary holding facility. 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 must request a court order for any non-routine health care. (*Subdivision (b) effective 7/1/04*)
- c. **Authorization for Use of Psychotropic Medication (W&I § 369.5):** All requests for authorization for use of psychotropic medication for children who are

wards or dependents of the juvenile court must be on Judicial Council form [JV-220 Application for Psychotropic Medication](#) and comply in all respects with W&I § 369.5.

*(Effective 1/1/99; amended 7/1/05; renumbered 1/1/10; amended 7/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22; amended 1/1/23)*

### **5.11 Inspection of Law Enforcement Holding Facilities**

Pursuant to W&I § 209 the juvenile court judge or the Juvenile Justice Commission must 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.

*(Effective 1/1/99; renamed & amended 7/1/04; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22)*

### **5.12 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.

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 will fix the time within which the amendment or amended petition must 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 § 472(a).

*(Effective 1/1/99; renamed & amended 7/1/04; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22)*

### **5.13 Paternity Findings (California Rules of Court Rule 3.822)**

- a. **Determination of Issue (W&I § 726.5):** The issue of the paternity of a child may be determined in the context of a juvenile court proceeding. *(Subdivision (a) amended 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:** The court must inform the mother and the person claiming to be father of their right to be separately represented by counsel on the issue of parentage in any parentage proceeding arising under this rule. The court must 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 will 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 will determine which party or parties must pay for any such test.
- f. **Release of Findings/Need to Know:** Any paternity finding must be noted in the clerk's minutes and will be available to any person or agency having a need to know upon request.

*(Effective 1/1/99; renumbered & amended 1/1/07; amended 1/1/09; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22; amended 1/1/23)*

**5.14 Representation of Parties (W&I § 317-318, California Rules of Court rules 5.660 and 5.663)**

- a. **General Competency Requirement:** All court-appointed attorneys appearing in juvenile court must meet the minimum standards of competence set forth in W&I § 634.3 and California Rules of Court rule 5.664. Each attorney who wishes to accept appointments in juvenile court must submit a summary of his or her qualifications to practice in juvenile court on Judicial Council form [JV-700 Declaration of Eligibility for Appointment to Represent Youth in Delinquency Court](#). The juvenile court judge will review the competency form prior to appointing an attorney to represent a party in juvenile court. *(Subdivision (a) effective 7/1/05; amended 7/1/17)*
- b. **Continuing Education:** Pursuant to California Rules of Court rule 5.664, each court-appointed attorney who practices before the juvenile dependency court must complete at least 12 hours of continuing education related to dependency proceedings within every three (3) year period. A minimum of four (4) hours of training in each three (3) year period must be devoted to issues of domestic violence, sexual abuse of children, and/or substance abuse. *(Subdivision (b) effective 7/1/05; amended 7/1/17)*
- 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 will initially be referred to that attorney's supervisor within the agency, association, or law firm appointed to represent the client.
  - 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 local form [MJV-101 Complaint about Performance of Court Appointed Attorney](#). The court will conduct a prompt review of the complaint or question which may include an in chambers hearing. 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 judge hearing a juvenile matter, an attorney appointed to represent a child will serve as the Child Abuse Prevention and Treatment Act ("CAPTA") guardian ad litem for the child as set forth in W&I § 326.5.
  - ii. An attorney for a child in a dependency proceeding will make an independent investigation pursuant to W&I § 317(e). If the minor is four (4) years or older, the independent investigation must include an interview with

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the minor. If the results of the investigation vary from the information in the Social Worker's report, the attorney must file a report or declaration prior to the scheduled court hearing summarizing the result of his or her investigation.

- iii. Access to Children in W&I § 300, Proceedings
  - a. No party or attorney in a dependency proceeding will interview a 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 will cause a minor to undergo a physical, medical, or mental health examination or evaluation without court approval. Each party will have the right to notice and be heard on the person to be selected to perform medical or mental health evaluations other than medical examinations per W&I § 324.5. *(Subdivision (b)(2) amended, merged with subdivision (b)(3) effective 7/1/04.)*
  - c. This rule does not apply to the investigating probation officer or investigating social worker. *(Subdivision (3) renumbered 7/1/05)*
  - d. **Caseloads for Children's Attorneys:** Court appointed attorneys for children must notify the juvenile court judge when their caseload exceeds 140 cases (sibling groups will constitute 1 "case" for the purpose of this rule). Upon receiving such notification, the juvenile court judge will take steps to assure that the attorney is able to meet minimum standards of attorney performance.

*(Effective 1/1/99; renamed 7/1/04; amended 1/1/07; amended eff. 1/1/09; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22; amended 1/1/23)*

### **5.15 Attorney Notice of Unavailability**

All court appointed counsel must notice the court ten (10) days prior to hearing days in which counsel is unavailable. The notice must be filed with the court and include a proof of service to all opposing counsel, and if relevant to agencies that participate in court hearings.

*(Effective 7/1/24)*



**5.16 Modifications of Orders (W&I §§ 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 W&I §§ 386-388, 775-779). *(Effective subdivision (c) 1/1/99; renumbered & amended 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 must 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. *(Effective subdivision (d) 1/1/99; renumbered & amended 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 must be indicated in the application. *(Effective subdivision (e) 1/1/99; renumbered & amended 7/1/04)*
- d. **New Service Plan Requirements:** Any significant changes or additions to the court ordered Family Reunification or Family Maintenance service plan for parents/guardians must 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. *(Effective subdivision (f) 1/1/99; renumbered & amended 7/1/04)*

*(Effective 1/1/99; subdivisions (a) & (b) repealed 7/1/04; renamed 7/1/04; amended 1/1/09; renumbered 1/10/10; renumbered 1/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22; renumbered 7/1/24)*

**5.17 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 W&I § 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 will be heard in the family court or other appropriate court 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 [JV-200 Custody Order – Juvenile – Final Judgment](#) consistent with the needs of the child and thereafter dismiss the juvenile petition and case (W&I §§ 361.2, 362.4). Any party may object to the proposed dismissal and be heard on the issues. *(Amended 7/1/04; amended 1/1/09)*
- c. **Maintenance of Orders in Court Files**

1. **Juvenile Court:** The original court order must be filed in the family court or civil file and endorsed copies must be filed in the juvenile court file. A copy of the endorsed-filed order must be mailed to the attorneys and parties.
2. **Superior Court:** If no court order exists in the family court or other court division or in any other jurisdiction, the court clerk will create a file under the names of the child's parents. The file will contain a copy of the juvenile court order. There will be no filing fee. W&I § 362.4.

*(Effective 1/1/99; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22; amended 1/1/23; renumbered 7/1/24)*

### 5.18 Guardians Ad Litem

- a. **For Children:** All children who are the subject of juvenile court proceedings will be appointed a guardian ad litem. Unless otherwise stated by the court, the child's attorney will serve as the guardian ad litem. (W&I § 326.5). *(Renumbered 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 (W&I § 300, et seq.). The parent or guardian will be entitled to a hearing on the issue of whether a guardian ad litem will be appointed. *(Renumbered & amended 7/1/04)*
- c. **Notice to Guardian ad Litem, Access to Records, and Rights to Appear:** The guardian ad litem will be given the same notice as any party in all proceedings. The guardian ad litem will have the same access to all records relating to the case as would any party. The guardian ad litem will have the right to appear at all hearings.

*(Effective 1/1/99; subdivisions (a)(2) & (3) repealed 7/1/04; subdivisions (c)(2) & (3) combined & renumbered 7/1/04; renumbered & amended 1/1/10; renumbered 1/1/18, renumbered 1/1/19; renumbered 1/1/22; amended 1/1/23; renumbered 7/1/24)*

### 5.19 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 W&I § 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.

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2. The Probation Department will investigate the matter and prepare a restitution recommendation report that addresses:
  - a. The value of stolen or damaged property
  - b. Medical expenses
  - 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
  - e. The names of any co-responsible persons
3. The restitution report must be submitted to the court and counsel at least five (5) business days prior to the scheduled hearing. The documentation upon which the Probation Officer relies in making the restitution recommendation must 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 are not present, counsel for the minor must 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 will be on the minor.
- d. After a restitution order is issued by the court, the Probation Officer will 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 §§ 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.

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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 W&I § 730.6(r) and Penal Code § 1214.
- e. Prior to hearing any motion to modify the restitution order, all parties and the victim must be notified at least 10 business days prior to the hearing date, as required by W&I § 730.6(h).

*(Effective 7/1/05; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22; amended 1/1/2; renumbered 7/1/243)*

### **5.20 Interviewing Minors Who Are Alleged Victims of Child Abuse**

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

*(Effective 7/1/05; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22; amended 1/1/23; renumbered 7/1/24)*

### **5.21 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 set forth in W&I §§ 100 through 109, inclusive, and California Rules of Court rule 5.655.
2. The CASA Program must report regularly to the juvenile court judge 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 must sign an order granting the CASA the authority to review specific relevant documents, interview parties involved in the case, and interview 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 will have the same legal right to records relating to the child he/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 must present a copy of his/her appointment order, together with his/her identification, to the 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 must provide the CASA with timely notice.
2. A CASA will have the right to be present and heard at all court hearings and must not be subject to exclusion because he/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 has 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 will be filed with the court at least three (3) business days prior to the hearing. The CASA program must provide a copy of the report to all counsel of record at least three (3) business days before the hearing.

*(Effective 7/1/13; renumbered 1/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22; amended 1/1/23; renumbered 7/1/24)*

## 5.22 Request for Transcript of Confidential Proceeding

Any requests for a transcript of a confidential juvenile court proceeding for any purpose other than appeal must submit local form [MJV-300 Request for Special Transcript and Order](#) to the juvenile court judge.

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 accompany form MJV-300 or have been filed with the court within the prior three (3) months.

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

*(Effective 1/1/17; renumbered 1/1/18; renumbered 1/1/19; renumbered 1/1/22; renumbered 7/1/22; amended 1/1/23; renumbered 7/1/24)*

**5.23 Transportation of Inmates to Juvenile Law Hearings**

- a. Counsel for any party who is incarcerated in the Mendocino County jail or other local detention facility whose parental rights are subject to adjudication in the juvenile court, may request that the party be transported to court or appear remotely by way of written request filed in the case or sent directly to the juvenile clerk no less to than two (2) business days in advance of the hearing. Counsel for the Department of Social Services is expected to advise the court by the same procedure of any parent, alleged or otherwise, who is incarcerated locally at least two (2) business days in advance of an initial appearance on a new petition.
  
- b. Counsel for persons incarcerated in the California Department of Corrections (CDCR) or other state prison whose parental rights are subject to adjudication in the juvenile court, must file with the court no less than 30 days in advance of the hearing Judicial Council forms [JV-450 Order for Prisoner's Appearance at Hearing Affecting Prisoner's Parental Rights](#) and [JV-451 Prisoner's Statement Regarding Appearance at Hearing Affecting Parental Rights](#) to ensure the person's appearance either by video, telephone, or physical transport. A request to appear in person rather than by video conference or telephone must be governed by Penal Code § 2625. If a parent or alleged parent is incarcerated in the CDCR or other state prison at the time of the initial filing of the petition under

Welfare & Institutions Code § 300, it is the responsibility of the Department of Social Services to ensure their initial appearance from the institution where they are housed.

*(Effective 7/1/09; amended 1/1/10; amended 1/1/17; renumbered & amended 1/1/19; renumbered 1/1/22; renumbered 7/1/22; amended 1/1/23; amended 1/1/24; renumbered 7/1/24)*

## **Chapter 7: Traffic Court Rules**

### **7.1 Traffic Filings**

The traffic division of the clerk's office is responsible for all traffic and non-traffic infractions.

*(Effective 1/1/99; renumbered 1/1/19)*

### **7.2 Adjudication of Miscellaneous Infraction Matters**

- a. Staff in the clerk's office have the authority to take the following actions, at the request of defendants charged with traffic and non-traffic infraction violations, whether or not cases have been transferred to collections:
  1. Advise defendants of their right to plead not guilty and appear for trial without posting bail and grant bail waivers to defendants who plead not guilty and schedule appearances in contested traffic court
  2. Accept the posting and forfeiting of bail on infraction violations
  3. Allow defendants to convert previously ordered community service to fine/bail one time only
  4. Allow defendants to convert fines to community service and arrange to perform community service through Mendo-Lake Alternative Services (MLAS)
  5. In limited circumstances and if the defendant lives within California but outside of Mendocino County, upon payment of an administrative fee to MLAS, authorize a defendant to perform community service that is overseen by a community service agency in the county in which the work is to be performed
  6. Unless a case is delinquent or has been referred to Court Collections, ~~Grant~~ request for a 60-day extension of time from the ~~original due date of the request for extension on the citation or courtesy notice, whichever date is later,~~ to pay or to provide proof of completion of community service, traffic violator school or correction of correctable offense(s)
  7. Accept requests to stay execution of court orders pending the outcome of infraction appeals
  8. For defendants who previously signed up for traffic violator school and upon payment of \$25 court costs, accept late completion of traffic violator school within 60 days of the date a conviction abstract was sent to the Department of Motor Vehicles (DMV)

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9. For defendants who did not previously sign up for traffic violator school and upon payment of traffic violator school fee and \$25 court costs, accept late completion of traffic violator school within 60 days of the date a conviction abstract was sent to the DMV grant a 60-day extension of time from the original due date on the citation or courtesy notice, whichever date is later, to provide completion of traffic school along with payment of the traffic violator school fee and \$25 court costs
  10. Refer defendants for arraignment, upon request of defendants or their counsel
  11. Allow defendants to withdraw not guilty plea, enter a plea of guilty and vacate court trial
  12. Assist defendants in accessing online tools, even after cases have been referred to collections. Defendants may request to:
    - a. Fine reductions, based on a defendant's ability to pay the bail, fines, fees, penalties, or other assessments.
    - b. Payment plans to make monthly installment payments.
    - c. Conversion of fine amount to community service.
    - d. Extensions of time to pay the amount due.
  13. For offenses designated as potentially eligible for correction or those offenses specified in Vehicle Code § 40303.5, grant an automatic reduction of the violation amount to \$25 and dismiss the charge if proof of correction is provided in a form authorized by the law
  14. For violations of Vehicle Code § 12500 or 12951, grant an automatic reduction of the charge amount to \$25 and dismiss the charge if proof of valid driver's license is provided
  15. For violations of Vehicle Code § 4000(a), grant an automatic reduction of the charge amount to \$25 and dismiss the charge if proof of current registration is provided
  16. For violations of Vehicle Code § 16028, grant an automatic reduction of the charge amount to \$25 and dismiss the charge if proof of current auto insurance or insurance at the time of the offense is provided
  17. For violations of Vehicle Code § 40610, grant an automatic reduction of the violation amount to \$25 and dismiss the charge if proof of correction of mechanical violations is provided
- b. The court will not authorize clerks to grant any of the following requests:
1. Reset contested court trial within 10 calendar days of the scheduled court hearing date



2. Reset second or subsequent date for court trial
3. Dismissal of charges following a period of “no further violations”
4. Remand to county jail in lieu of payment of bail or fines and fees
5. Grant subsequent extension, following an initial 60-day extension of time to pay or to provide proof of completion of community service or traffic violator school, or proof of correction of correctable offense(s)
6. Grant subsequent extension, following an extension granted by a judicial officer, of time to pay or to provide proof of completion of community service or traffic violator school or to provide proof of correction of correctable offense(s)
7. Submit an amended abstract to the DMV upon submission of a late traffic violator school certificate if submission is 61 days or greater from the date a conviction abstract was sent to the DMV
8. Grant traffic violator school or community service following a defendant’s failure to appear for a contested traffic trial, where case has been sentenced in absentia
9. Grant out of state community service

*(Effective 1/1/2020; amended 1/1/21; amended 1/1/23; amended 7/1/23; amended 1/1/24; amended 7/1/24; amended 1/1/25)*

### **7.3 Traffic Violator School**

The court may accept a Certificate of Completion of Traffic Violator School to satisfy the requirements to submit a confidential conviction to the DMV to mask the reportable violation(s) from a traffic defendant’s public driving record. In addition to the eligibility criteria established pursuant to California Rules of Court rule 4.104, traffic violator school may be authorized by the clerk without further referral to a judicial officer if the defendant has not attended traffic violator school for an eligible violation that occurred fewer than 18 months prior to the current violation.

An administrative fee must be paid to the court prior to a defendant participating in traffic violator school.

*(Effective 1/1/99; renumbered & amended 1/1/07; renumbered 1/1/10; amended 1/1/12; renumbered 1/1/19; amended 1/1/20; amended 7/1/23)*

### **7.4 Trial by Written Declaration**

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The court adopts the trial by written declaration process defined in Vehicle Code § 40902. Defendants may plead not guilty and submit a completed Judicial Council form [TR-205 Request for Trial by Written Declaration](#) and any witness statements or other evidence with the full amount of the bail as shown on the defendant's courtesy notice at the time of filing. The court will subpoena the citing officer to submit an officer's statement. The court will rule on the evidence provided and will notify the defendant of the ruling by mail. If the charges are dismissed or if the defendant is found not guilty, the full amount of the bail will be promptly refunded by the court.

*(Effective 7/1/12; renumbered 1/1/19; amended 1/1/20; amended 1/1/23)*

### **7.5 Ability to Pay Program – Clerk Determinations**

Clerks are authorized to make determinations of requests for relief through the MyCitations – Ability-to-Pay program, using the fine reductions formulas included in this application. In the event a litigant is dissatisfied with the relief provided through the clerk's determination, the litigant may submit a request for judicial review to a judge. The litigant must submit such requests on local form MTR-560 Declaration and Request for Reconsideration of Clerk Determination.

*(Effective 1/1/25)*