

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ**

Rules of Court

Effective January 1, 2017



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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ

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LOCAL RULES OF COURT

DIVISION ONE -- GENERAL RULES

Rule 1.1 ADMINISTRATION AND DISTRIBUTION OF BUSINESS

Rule 1.1.01 Application of Local Rules

These local rules apply to all Superior Court matters filed in the County of Santa Cruz.
(Eff. 1/1/95) (Rev. 1/1/99)

Rule 1.1.02 California Rules of Court

These local rules are intended to supplement and in no way reduce any requirements of the California Rules of Court.
(Eff. 1/1/86)

Rule 1.1.03 Presiding Judge of Superior Court

The Superior Court judges shall elect, by majority vote, a presiding judge who shall serve for a two year term.
(Eff. 1/1/95)(Rev. 1/1/01)

Rule 1.1.04 Assistant Presiding Judge

The judges of the Superior Court bench shall elect an assistant presiding judge who shall undertake all roles of the presiding judge in his or her absence.
(Eff.1/1/95)(Rev. 1/1/01)

Rule 1.1.05 Department Assignments

Judicial officers shall be assigned to departments by the presiding judge.
(Rev.1/1/95)(Rev. 1/1/99)

Rule 1.1.06 Calendar

All matters will be regularly calendared as stated in the Superior Court Calendar Policy issued by the presiding judge and posted on the Court's Web site.
(Eff. 1/1/93)(Rev. 1/1/99)

Rule 1.1.07 Duties of the Presiding Judge

The presiding judge shall have all the duties specified by the California Rules of Court, Rules of the California Judicial Council and statute.
(Eff. 1/1/95)(Rev. 1/1/97)

Rule 1.1.08 Executive Officer and Clerk of the Superior Court

A majority of the judges may appoint an Executive Officer of the Superior Court who shall also act as Clerk of the Court.

- (a) Pursuant to Government Code Section 69898, subdivisions (c) and (d), the Court hereby transfers from the County Clerk to the Executive Officer all of the powers, duties and responsibilities of the County Clerk which are related to, serve or impact the functions of this Court. The powers, duties and responsibilities transferred pursuant to this rule shall include all of those performed by the County Clerk with respect to superior Court actions, proceedings and records, including but not limited to:

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1. The acceptance, processing and filing of papers in connection with any action or proceeding before the Court, including but not limited to those relating to the Court's original jurisdiction, appellate jurisdiction and appeals from the Court; the maintenance and management of Court records; the microfilming of Court records and the keeping and disposition of papers, documents, files and exhibits in accordance with law.
2. The maintenance of indexes of all Court files; the keeping of a register of actions or its alternate.
3. The issuance of process and notice including without limitation, summons, writs of execution and other writs; subpoenas to witnesses; probate notices; citations in probate, guardianship and other matters; the acceptance of service on parties; the entry of defaults; the transmission of transcripts on change of venue.
4. The attendance at each session of Court and upon the judge in chambers when required; the administration of oaths; the keeping of minutes and other records of the Court.
5. The entry of orders, findings, judgments and decrees; the acceptance for filing of confessions of judgment; the authentication of records; certification of abstracts of judgment; the keeping of a judgment book or its equivalent.
6. The collection, receipt, deposit and accounting of fees for filings, for preparing or certifying copies and for other fees; the receipt of jury fees, bonds, undertakings, fines, forfeitures and revenues; the keeping of money deposited in Court, including but not limited to funds received in connection with minor's compromises; the recovery of county costs in judicial commitment proceedings.
7. The maintenance of statistical and financial records and the preparation of reports to the Judicial Council and other state and county offices as required by law or policy.
8. The preparation of the clerk's transcript on appeal and the transmission of the record and exhibits to the reviewing Court.
9. The receipt of wills of decedents.
10. The taking of bail and related matters as provided in the Penal Code.
11. The provision of calendar management, including the calendaring of cases and hearings and the maintenance of Court calendars and schedules.
12. The printing and sale of Court forms and rules of Court; the procurement of supplies.
13. The keeping and affixing of the seal of the Court to appropriate instruments.
14. Administrative functions related to the above, including hiring, training and supervision of personnel; accounting functions; mailing activities; and ordering and storing equipment and supplies.

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- (b) The County Clerk is hereby relieved of any obligation imposed on him or her by law with respect to the above powers, duties and responsibilities.
- (c) If any portion of this subsection is held to be unconstitutional or invalid, the remaining parts shall not be affected thereby.

(Eff. 7/1/90)(Rev. 1/1/99)(Rev. 1/1/13)

Rule 1.1.09 Definition of a Judge’s vacation day required by Rule 10.603,
California Rules of Court.

“A day of vacation for a judge of the Superior Court of California, County of Santa Cruz, is an approved absence from the Court for one full business day. Other absences from the Court listed in rule 10.603, California Rules of Court, section (c) (2) (H) are excluded from this definition.
(Eff. 1/1/04)(Rev. 7/1/07)

Rule 1.2 DOCUMENTS PRESENTED FOR FILING

Rule 1.2.01 Clerks' Offices - Hours of Operation

Courts must remain open to the public each business day according to the Judicial Council directives. The exact hours of operation of the Clerks’ Offices are determined by the judges consistent with Judicial Council directives and will be posted on the Court’s Website. Hours of operation are subject to change so long as they remain consistent with Judicial Council directives and with prior notification to the public.

(Rev. 1/1/95)(Rev. 7/1/13)

Rule 1.2.02 Requests for Copies

All Requests for copies of documents, except for copies to be delivered by e-mail, must be accompanied by a stamped, self-addressed envelope. Certified copies cannot be sent electronically. When no such envelope is provided, the documents will be retained in the Clerk’s Office for 30 days. (Eff. 1/1/88)(Renumbered 7/1/07)(Rev. 7/1/16)

Rule 1.3 *EX PARTE* MATTERS

Rule 1.3.01 Notice to Parties and to Court

- (a) Notice to Parties: Notice is governed by California Rule of Court 3.1203 et seq
- (b) Notice to Court: The party seeking *ex parte* relief should notify the Court by telephone (831) 420-2200 before 11:00 a.m. the day of the *ex parte* hearing. This does not apply to family law or restraining order matters. Refer to Local Rule 4.1.08 for probate *ex parte* procedures.
- (c) Telephonic appearances: Telephone appearances at *ex parte* are governed by California Rule of Court 3.670.

All Civil Harassment Prevention, Workplace Violence Prevention, Gun Violence Prevention and Private Postsecondary School Violence Prevention Restraining Order requests must be filed with the clerk’s office in Watsonville no later than 10:00a.m. for the request to be considered that same day. If the initial papers are brought to the Santa

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Cruz Clerk's Office they will be scanned to the Watsonville Courthouse. All papers, other than the initial restraining order request, must be filed at the Watsonville Courthouse. All hearings will take place at the Watsonville Courthouse.

(Rev. 7/1/16)

(d)

(Rev. 1/1/2000) (Rev. 7/1/04)(Renumbered & Rev. 7/1/07)(Rev. 1/1/11)(Rev. 7/1/13)
(Rev. 7/1/14)

Rule 1.3.02 Time; Matters Not Appropriate For *Ex Parte* Procedure. The Family Law

Department has its own Local Rules regarding *ex parte* matters. See 3.1.12.

- (a) Time: A Judge will be available each day, Monday through Friday to consider *ex parte* orders. The *ex parte* Courtroom schedule is posted on the Court's Web site.
- (b) Non-appropriate Matters: If the Judge determines that the matter can be handled through normal procedure (i.e. noticed hearing or sent through the Clerk's Office), the application will be denied. The Court shall retain denied applications.
- The following types of orders will not be accepted:

1. Stipulated Orders in an existing case (e.g. Stipulation for Order to Continue Trial, Arbitration or Case Management Conference; Stipulated Judgment).
2. Orders After Hearing
3. Judgment After Trial
4. Default Judgment

Matters not appropriate for the *ex parte* procedure are to be submitted to the clerk's office. If a time urgency exists, a request to expedite may be made.

(Eff. 1/1/91)(Rev. 7/97) (Renumbered 7/1/07)(Rev. 1/1/09)(Rev. 7/1/14)

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DIVISION TWO - CIVIL RULES
Rule 2.1 CASE MANAGEMENT

Rule 2.1.01 Initial Contact

At the time the case is filed, the clerk shall append to the initial pleading a document entitled "CASE MANAGEMENT PROGRAM INFORMATION AND SETTING" stating that the case is in the Case Management Program, that it is the duty of each party to be familiar with the California State Rules of Court, and the DATE, TIME and PLACE of the first Case Management Conference. The first conference date shall be set approximately 120 days from the date of filing of the initial pleading. It is the responsibility of the filing party to serve all other parties with notice of the Case Management Conference date. Collection cases, as defined by CRC 3.740(a), shall be set approximately 360 days after the filing of the complaint.

(Eff. 1/1/92)(Rev. and renumbered 7/1/02)
(Rev. 1/1/09)(Rev. 7/1/15)

Rule 2.1.02 Cross Complaints

Cross-complainants shall serve all cross-defendants with a copy of the initial "DELAY REDUCTION PROGRAM INFORMATION AND SETTING" document and shall serve notice of any other pending Case Management Conference hearing date.

(Eff. 1/1/92)(Renumbered 7/1/02)

Rule 2.1.03 Continuances of Case Management Conference

- (a) Application by stipulation or by plaintiff if defendants have not appeared: Parties requesting a stipulated continuance of a case management conference must submit a written application on form SUPCV 1013a supported by a declaration showing good cause and a proposed order for the Court's signature. The application shall be filed with Court no later than ten (10) calendar days before the conference. The order shall be granted only upon a finding of good cause. Only one such continuance shall be allowed per case and the cases management conference shall not be continued more than two months.
- (b) Other requests for continuance: Parties requesting a non-stipulated continuance of a case management conference must file a noticed motion and set a hearing date pursuant to Court rules governing hearings. The application must be supported by a declaration, and the order shall be granted only upon a finding of good cause.

(Eff. 1/1/95)(Renumbered 7/1/02)

Rule 2.1.04 Request to Advance Case Management Conference

A party wishing to advance the date of the first Case Management Conference may do so by *ex parte* application. The requesting party is responsible for noticing all other parties.

(Eff. 1/1/95)(Renumbered 7/1/02)

Rule 2.2 SETTING CASES FOR TRIAL

Rule 2.2.01 Requests for Trial Settings

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- (a) General Civil Cases shall be set at the Case Management Conference.
- (b) Family Law cases filed on or after January 1, 1999: Trials will be set pursuant to Rule 3.1.07.
- (c) Probate Cases: The assigned judge will set cases for trial in Court.
(Eff. 1/1/92)(Rev. 7/1/02)(Rev. 1/1/13)

Rule 2.2.02 Long Cause Trials

- (a) Civil Long Cause Master Calendar Call. All long cause trials will be called on the Thursday before the date set for trial at 1:30 p.m. in the department of the master calendar judge. Counsel must be prepared to advise the Court of all relevant trial data at that time.
- (b) Jury deposits are to be made as provided in CCP § 631 et seq.
- (c) Jury Instructions. Each party must submit two copies of the proposed jury instructions at the time of master calendar call. Such instructions must comply with Rule 2.1055 of the California Rules of Court.
- (d) Motions in Limine. All in limine motions must be in writing. Each motion shall be limited to a single subject and the motions shall be numbered consecutively. Responses shall address only the subject of the motion and shall be numbered the same as the motions.
- (e) All proposed jury instructions, motions in limine, witness lists, exhibit lists and trial briefs (if so ordered by the Court) shall be filed no later than 12 noon the day of trial.
(Rev. 7/1/98)(Rev. 1/1/99) (Rev. 7/1/07) (Eff. 1/1/09)(Rev. 1/1/11)(Rev. 1/1/13)
(Rev. 7.1.2013)(Rev. 1/1/14)(Rev. 1/1/17)

Rule 2.2.03 Short Cause Trials

Short Cause Trials will be calendared on the daily 8:30 a.m. Law & Motion Calendar.
(New 1/1/11)

Rule 2.2.04 Settlement Conferences - Preempted by California Rule of Court 3.1380
(Rev. 1/1/93)(Rev.1/1/95)(Rev. 1/1/09)

Rule 2.2.05 Settlement Conference Statement - Preempted by California Rule of Court 3.1380(c).
(Rev. 1/1/99) (Rev. 7/1/07)(Rev. 1/1/09)

Rule 2.2.06 Trial Briefs in Civil Cases

- (a) Trial briefs for civil cases are optional unless ordered by the Court. When so ordered, they shall be submitted to the Court and opposing counsel no later than the Court day preceding the date set for trial, unless the Court orders submission at an earlier date.

Trial briefs shall set forth the issues to be tried and any significant evidentiary problems which are likely to be presented.

(Eff. 1/1/87) (Renumbered 1/1/95)(Rev. 1/1/09)(Rev. 1/1/11)

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Rule 2.2.07 Continuances of Trials

(a) Requesting a Continuance of a Trial in Traffic / Minor Violation Court

If you are unable to present your case on the date ordered for trial in minor violation court, a continuance must be requested as follows:

1. The request must be in writing, copied to the other side
2. If requested by the defendant and it is a time not waived trial, the request must state “time is waived.”
3. The request must be received by the court fifteen days prior to the hearing.
4. The original request must be filed with the court. The moving party (requesting party) must mail or deliver a copy of the request to the other side. The original request will not be processed unless the requesting party indicates that a copy has been mailed or delivered to the other side, and, if the request for a continuance is by the arresting agency, the original request will not be processed unless the request indicates that a copy has been mailed to the defendant.
5. If this procedure is not followed, or if the action is not timely, the matter may be heard in the absence of the requesting party.

(b) Requesting a Continuance of All Other Trials

1. Application by stipulation or by plaintiff if defendants have not appeared: Parties requesting a stipulated continuance of a trial must submit a written application on form SUPCV 1013 supported by a declaration showing good cause and a proposed order for the Court's signature. The request shall be filed no later than ten (10) days before the date set for trial. The request shall be granted upon judicial approval only upon a finding of good cause. Only one such continuance shall be allowed per case. A short cause trial shall not be continued more than two months.
2. Requests for continuances of status conferences, settlement conferences and trials will not be considered on the *ex parte* calendar.
3. Other requests for continuance: Parties requesting a non-stipulated continuance of a trial must file a noticed motion and set a hearing date pursuant to Court rules governing hearings. The application must be supported by a declaration, and the request shall be granted only upon a finding of good cause.
4. Motions for continuance of a trial or specially set hearing will not be entertained on the date set except under the most extraordinary circumstances. In that event all such motions shall be made at the time the master calendar is called and only before the judge calling the master calendar or the judge before whom the matter is specially set.

(Eff. 1/1/95) (Rev. 1/1/01)(Rev. 1/1/09)(Renumbered Rev. 1/1/11)(Rev.
01/01/1)(Rev. 01/01/15)

Rule 2.2.08 Complex Litigation - Preempted by California Rule of Court 3.400-3.403, 3.501-3.550

(Rev.7/1/02)(Rev. 1/1/09)

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- (a) "Complex Litigation" shall encompass all cases as defined in California Rules of Court 3.400 and §3.10
- (b) Refer to GC 70616 for additional filing fees for designation of complex litigation cases.

(Eff. 7/1/04)(Rev. 1/1/09)(Renumbered 1/1/11)

Rule 2.3 COMPROMISE OF MINORS' CLAIMS

Rule 2.3.01 Petition

Petitions for Compromise of Minor's Claim under the Probate Code or under the Code of Civil Procedure section 372 and California Rule of Court 7.950, shall be filed with the Court at least ten (10) days before the scheduled hearing.

(Rev. 7/1/02)

Rule 2.3.02 Attorney Fees

Attorney's fees in excess of 25% of the recovery will ordinarily not be approved. In appropriate cases the attorney's fees may be reduced below 25%. CRC 7.955

(Rev. 7/1/91)(Rev. 1/1/09)

Rule 2.3.03 Order

The order approving the compromise of the minor's claim shall be prepared by counsel and shall set forth fully the following:

1. The total amount of the payment approved in compromise of the claim.
2. The amount of all attorney's fees and costs to be allowed.
3. The amount of all medical expenses to be paid or reimbursed together with names of the payees.
4. If the Court shall order that all or any part of the money to be paid under compromise be deposited in a blocked account, the order shall conform to California Rule of Court 7.953

(Rev. 7/1/02)(Rev. 1/1/09)

Rule 2.4 LAW & MOTION CALENDAR

Rule 2.4.01 Setting Hearings

Before any law and motion or default matter is set, the hearing date must be cleared with the Clerk's Office by calling (831) 420-2204.

(Rev. 1/1/99)(Rev. 1/1/08)

Rule 2.4.02 Requests for Continuances

Requests for continuances based on stipulation by the parties must be made by the moving party by calling the Clerk's Office (831) 420-2204.

- (a) No matter will be continued less than three (3) Court days before the hearing date. Date of continuance must be for at least three (3) Court days or longer unless approved by the Court.

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- (b) Requests for continuances made within 24 hours of the date of hearing (Saturday, Sunday and holidays excepted) ordinarily will not be granted even if made by stipulation.
- (c) Subject to paragraph (b), counsel may continue matters by timely application or by stipulation. However, only one (1) such continuance per side will be granted. Thereafter, if the matter does not proceed, it may be dropped from the calendar.
(Eff. 1/1/99)(Rev. 1/1/08)(Rev. 1/1/09)

Rule 2.4.03 Argument and Oral Testimony at Law and Motion Calendar

- (a) Argument in excess of ten (10) minutes per side will ordinarily not be permitted on the law and motion calendar. If it is anticipated that lengthier argument will be necessary, permission must be obtained from the Law & Motion Judge. When such a request is made, the Law and Motion Judge will decide whether to grant the request for lengthier arguments to be heard on the Law and Motion Calendar, or will set the matter for special hearing.
(Rev. 7/1/97)
- (b) Oral testimony is ordinarily not allowed on the law and motion calendar. If oral testimony is desired, a request must be made to the Law and Motion Judge, pursuant to California Rules of Court, Rule 3.1306, who will either grant the request and leave the matter on the law and motion calendar, grant the request and direct that set the matter be specially set with the Calendar Secretary, for special hearing, or deny the request and insist that the matter be heard on declarations.
(Rev. 1/1/93) (Rev. 1/1/95) (Rev. 7/1/07)

Rule 2.4.04 Appearance at Hearing - Preempted by California Rule of Court 3.1304(d)
(Rev. 1/1/09)

Rule 2.4.05 Orders and Stipulations for County Funds - Preempted by California Rule of Court 3.20.
(Eff. 7/00)(Rev. 7/1/07)

Rule 2.4.06 Orders for Funds Held in Interest Bearing Account

For funds to be deposited with the Court in an interest bearing account, a Court order must be obtained specifying that the funds are to be held in an interest bearing account.
(Eff. 1/1/93)

Rule 2.4.07 Calendaring Demurrers in Unlawful Detainer Cases

1. Upon the service of an Unlawful Detainer Summons and Complaint the Defendant has five calendar days to either file an Answer or Demurrer.
2. All Demurrers filed within an Unlawful Detainer Action shall be set for hearing within ten calendar days consistent with California Rule of Court 3.1320(d). The Court finds good cause to set such hearings on a shortened time as Code of Civil Procedure Section 1170.5(a) expressly contemplates that the Court conduct expedited proceedings in such cases.

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3. Demurrers shall be served on the Plaintiff as follows:
 - i. If by personal service, at least five calendar days prior to the hearing.
 - ii. If served by mail, at least nine calendar days prior to the hearing.
4. Opposition to the demurrer shall be filed and served at least three calendar days prior to the hearing.
5. Service must be by personal delivery, facsimile transmission, express mail, or other means reasonably calculated to ensure delivery to the other party or parties no later than the close of business three calendar days before the hearing.
6. Should the demurrer be overruled, the defendant shall be granted five calendar days to file an answer.(Eff. 1/1/14)(Rev. 7/1/15)

Rule 2.5 MOTIONS FOR SUMMARY JUDGMENT
Preempted by California Rule of Court 3.1350-3.1354

Rule 2.6 TELEPHONE APPEARANCES

Rule 2.6.01 Telephone Appearances

Telephone appearance for Civil Law and Motion, Case Management, Probate matters, Civil and Probate *ex partes*, and trial setting conferences shall be held pursuant to Code of Civil Procedure Sections 367.5 and California Rule of Court 3.670.

(Eff. 1/1/89) (Rev. 1/1/98)(Rev. 1/1/09)(Rev. 7/1/14)

Rule 2.6.02 Program Overview

(a) The CourtCall Telephonic Appearance Program (CourtCall) [www.courtcall.com] organizes a procedure for telephonic appearance by attorneys and self-represented parties as a reasonable alternative to personal appearances in appropriate cases and situations. CourtCall is fully voluntary and no attorney or party is required to utilize CourtCall. Rather, CourtCall is available at a reasonable fee to use when circumstances are appropriate.

(b) CourtCall appearances are scheduled in advance by contacting CourtCall, LLC [(888) 882-6878]. CourtCall appearances are subject to the requirements of CourtCall, including payment of their fee. Several minutes prior to the hearing, all parties making a CourtCall appearance call the toll-free teleconference number provided to them and announce their appearance to the clerk and remain on the line until their case is called.

(b) Designated courts conduct hearings on calendar in the usual manner. Hearings are held in open court and parties appearing in the courtroom participate in the hearing

with the parties appearing telephonically. All present in the courtroom hear the discourse of those making CourtCall appearances.

(Eff. 1/1/98)(Rev. 7/1/2000)(Rev. 1/1/11)(Rev. 7/1/14)

Rule 2.6.03 Participation in CourtCall Appearances

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- (a) Subject to the Court's right to amend this list, the following matters are currently deemed unsuitable for CourtCall appearances.
 - a. Judgment debtor examinations
 - b. Judicial mediation
 - c. Settlement conferences
 - d. Hearings at which oral testimony may be presented
 - e. Hearings in which oral argument is anticipated to exceed 15 minutes.

- (c) The Court reserves the right, at any time, to deny any request for CourtCall appearance.

- (c) The Court shall also reserve the right to halt the telephonic hearing on any matter and order the parties to personally appear at a later date and time.

- (d) Existing rules and procedures regarding the making of the record by a court reporter or court electronic recording device, or obtaining a transcript after the hearing shall apply to hearings at which CourtCall appearances are made. No recordings may be made of telephonic appearances except in compliance with California Rule of Court, Rule 1.150.
(Eff. 1/1/98)(Rev. 7/1/07)(Rev. 1/1/11)(Rev. 7/1/14)

Rule 2.6.04 Appearance Procedure

- (a) A party making a CourtCall appearance shall:
 - 1. Eliminate to the greatest extent possible, all ambient noise from the caller's location;
 - 2. Speak directly into a telephone handset and not set the device to speaker;
 - 3. Not call in with cellular or cordless telephones, or through a personal computer.

- (b) A party making a CourtCall appearance shall call the designated toll-free teleconference line approximately five (5) minutes prior to the scheduled hearing time and check in with the clerk. Anyone calling after the check-in period shall be considered to be late for the hearing and shall be treated by the Court in the same manner as if the party had personally appeared late for the hearing.

- (c) Each party appearing telephonically shall state his or her name for the record each time the party speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. A party shall not utilize the hold button, as it is not within the policy of the Court to wait for a party to rejoin the line.

(Eff. 1/1/98)(Rev. 1/1/11)

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Rule 2.7.01 (Reserved)

Rule 2.7.02 Attorney Fees – California Rule of Court 3.1800(b)

- (a) When the Clerk is authorized to enter judgment pursuant to CCP Sec. 585(a) and, if the obligation sued upon provides for the recovery of a reasonable attorney's fee, the Clerk shall compute the attorney's fee by adding to the judgment, exclusive of costs, the following amounts unless a lesser sum is requested:

20 percent of the first \$ 1,000 with minimum fee of \$100.00

10 percent of the next \$ 9,000

5 percent of the next \$15,000

3 percent of the next \$40,000

2 percent of the next \$50,000

1 percent of the amount over \$100,000

- (b) Plaintiff shall have the right, in accordance with Sec.585(a) of the Code of Civil Procedure, to have the attorney's fee fixed by the Court in an amount different from that set forth above.

(Eff. 1/1/86) (Renumbered 7/1/07)(Rev. 1/1/09)

Rule 2.7.03 Stipulation to Commissioners

A party is deemed to stipulate that all matters heard in the Civil Department may be heard and disposed of by a Commissioner, acting as a temporary judge, by failing to file an objection in writing within thirty (30) days after the first pleading is filed in the action by that party, or at the first hearing on a motion heard in the Civil Department, if heard before the expiration of the thirty (30) days, whichever comes first.

(Eff. 12/03/03) (Renumbered 7/1/07)

Rule 2.7.04 Exhibit Formatting

Exhibit attachments to pleadings shall be separated by a standard size 8 ½ x 11 sheet of paper with a title identifying the sequence of the exhibit. This shall appear in the middle of the page using 36 pt. font. No tabs shall be included in any documents submitted for filing.

(New 7/1/16)

Rule 2.7.05 Electronic Filing

Beginning March 21, 2016 parties may file documents electronically in civil, family, probate, LPS, appellate (except felony appellate filings) and dependency cases types. Electronic filings of documents in these case types will be mandatory as of August 29, 2016. Electronic filing will be permitted in criminal and Department of Child Support Services cases at a date announced by the court. Electronically filed documents must comply with Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.250 through 2.261.

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(a) Filing Service Provider:

Electronic filing of documents shall occur through the court's electronic service provider(s) which is available on the court's website at www.santacruzcourt.org or www.efileca.com.

(b) Fees:

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

(c) Exceptions to Electronic Filing:

The following items are not subject to mandatory electronic filing under these rules:

1. Documents presented for filing by a self-represented party. Although electronic filing is not mandatory for self-represented parties, they are encouraged to electronically file documents.
2. Documents ordered by the court as exempt from electronic filing. A party may seek a court ordered exemption by ex parte application for reason of undue hardship, significant prejudice or other good cause.
3. Documents and other materials that are not feasibly converted to electronic form by scanning, imaging or other means.
4. Documents lodged with the court provisionally under seal pursuant to California Rules of Court 2.551 or lodged with the court as confidential documents.
5. Documents with jurisdictional time limits, including notices of appeal, motions for new trial, motions for JNOV, motions to quash service for personal jurisdiction, and petitions for writs. Although not required, electronic filing of these documents is encouraged.
6. Original documents required for a proceeding, including bench warrants, subpoenaed documents affidavits regarding real property of small value, bonds, undertakings, abstracts, financial documents submitted by a private professional conservator, letters (probate, guardianship, conservatorship), wills and codicils (for filing or safekeeping) and orders to deposit money and receipt of depository.
7. Documents presented for filing in cases under seal.

(d) Effective Date and Time of Electronic Filing:

Documents received by the court for electronic filing at or prior to 5:00 pm on any court day, which otherwise satisfy all requirements for filing, will be deemed filed on that court day as provided in California Rules of Court, rules 2.253(b)(7) and 2.259.

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The court will issue a confirmation that the document has been received and filed in accordance with California Rules of Court, rule 2.259. The confirmation shall serve as proof that the document(s) has been filed.

(e) Redaction of Confidential Information is the Filer's Responsibility:

The responsibility for redacting personal identifiers and privileged or confidential information rests solely with counsel and the parties. The clerk will not review pleadings or other documents for compliance with the law. The court may impose sanctions for violation of these requirements.

(f) Courtesy Copies:

The court may order the delivery of paper courtesy copies of electronically filed documents.

(g) E-Service: Unless otherwise ordered by the court, electronic service of electronically filed documents is optional as provided in California Rule of Court, rules 2.251 and 2.253.

(h) Electronic Signatures:

Signatures: California Rule of Court 2.257 should be followed regarding signatures on electronically filed documents. If allowable by CRC 2.257 documents may be submitted using/s/ or typing the person's name.

(New 7/1/16)

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Rule 3.1 GENERAL RULES

Rule 3.1.01 Local Civil Rules Applicable to Family Law

- (a) Except as otherwise provided in these rules, all provisions in the Local Civil Rules apply to Family Law proceedings.

(Rev. 1/1/93)(Rev. 1/1/95)(Rev. 1/1/09)(Rev. 1/1/13)

Rule 3.1.02 Telephone Appearance

- (a) Local rules 2.6.02 and 2.6.03 apply to family law matters (excluding ex partes).
(b) CourtCall may be used to appear at a status conference without prior approval of the court.
(c) An attorney, not a party to the case, may use CourtCall to appear at any court hearing.
(d) For all other family law matters a litigant must apply for prior approval to appear by phone by using local for SUP CV1093, no later than ten (10) calendar days before the hearing.

(New 1/1/13)(Rev. 7/1/14)

Rule 3.1.03 Meet and Confer Requirement

Prior to any hearing on the family law calendar, and prior to filing a status conference statement or settlement conference statement, counsel or parties in pro per must meet and confer, in person or by telephone, unless prohibited by a restraining order, on the following issues:

- (a) settlement possibilities;
(b) any proposed orders to be requested; and
(c) suitability of the case for case management, pursuant to Family Code Section 2450, et seq.

(Eff. 1/1/91) (Rev. 1/1/01)(Renumbered 1/1/13)

Rule 3.1.04 Completion of Forms

All Judicial Council Forms, including declarations, must be timely filed. All blanks on the forms must be answered. Notations such as "Unk." for Unknown, "Est." for Estimate, "N/A" for Not Applicable, and "None" should be used to avoid leaving any item blank.

(Eff. 1/1/91)(Renumbered 1/1/13)

Rule 3.1.05 Initial Status Conference

At the time a Petition for Dissolution, Petition for Nullity, Petition for Legal Separation, Petition for Dissolution/Nullity/Legal Separation of Domestic Partnership or a Complaint for Paternity (other than filed by the District Attorney) is filed, the Clerk shall append to the initial pleading a document entitled Notice of Status Conference stating the DATE, TIME and PLACE of the status conference. The conference date shall be set approximately 180 days from the date of filing of the initial pleading. It is the responsibility of the filing party to serve all other parties with notice of the Status Conference date. The conference date will automatically be vacated when a judgment is entered or a dismissal filed.

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(Eff. 1/1/99)(Rev. 1/1/09)(Renumbered Rev. 1/1/13)

Rule 3.1.06 Status Conference

- (a) After the initial status conference status conferences will be set as frequently as needed in order to expedite the completion of the case in compliance with CRC 5.83.
- (b) The parties must complete the Status Conference Statement, local form SUPCV 1034 to inform the court the progress they have made in their case. The form may be filed jointly. This must be filed no later than 10 days before the court date. Parties may attend the conference and discuss their progress towards case resolution with the court.
- (c) If the parties would like to move their Status Conference date or continue the date because they are in mediation this joint request needs to be made on the Stipulation and Application for Order to Change Status Conference, local form SUPCV 1013b. This needs to be filed no later than 10 days before the court date. In most circumstances the court will not grant more than a four month continuance.
- (d) If one party wants to continue the Status Conference date and the other party does not then both parties must complete the Status Conference Statement, local form SUPCV 1034 to inform the court the progress they have made in their case. This must be filed no later than 10 days before the court date. The court will decide at the Status Conference if the case will be continued to a further Status Conference date.
- (e) At the Status Conference the court will consider: Setting an ENE, continuing the case for further Status Conference or Family Centered Case Resolution Conference, severing or bifurcation causes of actions or issues, consolidating cases, dismissing the action for lack of progress, setting the case or bifurcated issues for trial, or taking steps to bring the parties into compliance with any previously ordered Family Case Centered Resolution plan.
- (f) Self represented litigant matters, after the initial Status Conference date, will be set on a separate Self Represented litigant calendar. They will be removed from this calendar if they either party becomes represented by an attorney
- (g) Privately Mediating parties, after the initial Status Conference date, will thereafter be scheduled for a Status Conference date no less frequently than every four months.
(Eff. 1/1/99) (Rev. 1/1/01) (Rev. 1/1/06) (Rev. 1/1/07)(Rev. 1/1/11)
(Renumbered and Rev. 1/1/13)

Rule 3.1.07 Trial and Settlement Conference Continuances

- (a) Either side may file a Request for Trial, local form SUPCV 1042. After receipt of this request the court will send out notices for the date of the Trial Setting. The Trial Setting court date will be scheduled within four weeks. Either trial counsel, or parties without an attorney, must be present at the trial setting.
- (b) It is the policy of the Court not to continue matters set for trial or settlement conference without good cause. Any stipulated request for such continuance must be accompanied by local form SUPCV 1013, with a declaration of cause. A stipulation is not alone sufficient to obtain a continuance. To be considered the declaration must also contain a time estimate for

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trial. Such a request must be submitted at least ten calendar days prior to the trial or settlement conference sought to be continued.

- (c) Requests for continuances of status conferences, settlement conferences and trials will not be considered on the *ex parte* calendar.
- (d) Trials will not be set prior to the completion of discovery.
(Eff. 1/1/99) (Rev. 7/1/04) (Rev. 1/1/06) (Renumbered 1/1/07)(Rev. 1/1/09)(Renumbered
Rev. 1/1/13)

Rule 3.1.08 Early Neutral Evaluation (ENE) and Settlement Conference

- (a) The Court may establish programs for evaluative alternative dispute resolution (ADR) including ENE and Settlement Conferences. One or both of these methods of ADR may be available at any given time. Parties and their Counsel should select the most productive means of ADR available based on the facts and legal issues presented by each individual case.
- (b) Early Neutral Evaluation (ENE) will be conducted as follows.
 - 1. Parties may request ENE at any stage of the litigation. The Court encourages the parties to use this tool at the earliest opportunity.
 - 2. Early Neutral Evaluators will be volunteer attorneys, who agree to spend up to two hours on any case to which he/she is assigned. Volunteer attorneys are encouraged to conduct the ENE in an evaluative fashion, giving opinions as to the merits of issues when asked.
 - 3. The Court will set ENEs. At the same time, the Court will set further status Conference to occur three to four weeks after the ENE.
 - 4. The ENE may take place anywhere the parties and evaluator agree, including a private office or the Courthouse. If the ENE is to take place off-site (not in the Courthouse), the evaluator will advise the parties of the location in advance. If the ENE is scheduled at the Courthouse, the evaluator will advise Court staff in advance.
 - 5. No Court files will be removed from the Courthouse. Court files may be reviewed prior to the ENE if desired.
 - 6. Parties will submit a Statement to the evaluator in advance of the session. Ten (10) days prior to any ENE, each party shall file and serve a Statement specifying each distinct issue, the proposed disposition of that issue and the status of all settlement discussions.
 - 7. A written settlement shall be reduced to writing and submitted to the court.
 - 8. If the ENE does not occur on the set date or if the matter doesn't settle, the parties (or their counsel) must appear at the next Status Conference.

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(c) Settlement Conferences may be set at least four weeks prior to Trial. Prior to filing a Settlement Conference Statement, the parties are required to meet and confer as set out in Rule 3.1.03. Each party must provide to the Settlement Conference Judge pro tem at the settlement conference, the following:

1. If support is an issue and if financial information is not up to date each party shall bring current Income and Expense Declarations including the last three pay stubs, the last two years income tax returns, corporate income tax returns if applicable, W-2's, 1099's for the last two years and any and all information tending to assist the Court in deciding questions of income.
2. On one sheet of paper, set out how the property and debts should be divided and how any equalization payment should be handled.
3. A list of witnesses and a short statement as to what each will testify to.
4. A list of stipulated and/or undisputed facts and a description of which exhibits are agreed to be admissible.
5. Failure to comply with the procedure outlined above may subject the offending party/attorney to sanctions. Represented and Self-represented litigants are expected to comply with this Rule.

(Eff. 7/1/05) (Rev. 1/1/07)(Rev. 1/1/09)(Rev. 1/1/11)(Renumbered 1/1/13)

Rule 3.1.09 Judicial Mediation

- (a) The Court may conduct Judicial Mediations. The scope and content of the mediation is in the discretion of the judicial officer facilitating the mediation. Judicial Mediation will be facilitative in nature.
- (b) Counsel shall prepare and file or lodge a Mediation Brief at least five (5) court days prior to the mediation date. Counsel may lodge a confidential Mediation Brief or file and serve a non-confidential Mediation Brief. The brief shall not exceed five pages, excluding necessary exhibits. Failure to comply with this requirement may result in monetary sanctions, termination of the mediation, or both.

(New 1/01/07)(Rev. 1/1/11)(Renumbered 1/1/13)

Rule 3.1.10 Trial

- (a) Matters will not be set for trial until discovery has been completed.
- (b) Trials will be set directly on the Family Law Department Calendar.
- (c) Unless the Court states otherwise, trial briefs are required for any evidentiary hearing greater than 1 and ½ hours in length. Trial Briefs are due no later than four court days prior to the scheduled trial date.

(New 1/1/06) (Renumbered 1/1/07)(Rev. 1/1/09)(Renumbered 1/1/13) (Rev. 1/1/16)

Rule 3.1.11 Stipulation to Commissioner

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- (a) In some proceedings assigned to a Family Law department, the parties may be asked to stipulate that their matter be heard and decided by a Commissioner, acting as a temporary judge, including the power to punish for contempt.
(Eff. 7/1/05) (Renumbered 1/1/06) (Renumbered 1/1/07)(Rev. 1/1/09)(Renumbered 1/1/13)

Rule 3.1.12 Revoked 7/1/2013 (Renumbered 1/1/13)(Rev. 7.1.13)(Rev. 1/1/09) (New 1/1/08)

Rule 3.1.13 *Ex Partes* in Family Law

- (a) *Ex parte* Application (Domestic Violence filings, see item i below)

Ex parte Applications are extraordinary remedies. Most *Ex Parte* Applications are appropriate only when irreparable injury or immediate danger would result before the matter could be heard through the regular process of filing a motion (Request for Order). All *ex parte* Applications are handled on the documents submitted.

- (b) Notice of Application

The moving attorney or self-represented party must give notice of all *ex parte* applications to the opposing attorney or self-represented party prior to submission of the request, except where it is impossible to give notice, notice would frustrate the purposes of the order requested, and notice would result in irreparable injury or where no significant burden or inconvenience would result. The different types of notice accepted by the court are indicated on form Declaration Regarding Notice and Service of Request for Temporary Emergency (*Ex Parte*) Orders, FL-303. This notice must be given by 10:00 am the court day **before** the 1:00 pm *ex parte* hearing (notice given by 10:00 am Friday will result in a court day the next day the court is open). The same day you give notice you must call the *ex parte* clerk at the Watsonville court by 11:00 am to inform the clerk's office that you have an *ex parte* hearing the next day.

- (c) Submitting *Ex Partes*

All *ex parte* moving papers shall be submitted to the Clerk's Office. *Ex parte* moving papers must be delivered to the Watsonville court no later than 3:00 pm the day before the *ex parte* hearing.

- (d) Declaration Regarding Notice and Service of Request for Temporary Emergency (*Ex Parte*) Orders

The attorney or self-represented party requesting *ex parte* orders must submit Declaration Regarding Notice and Service of Request for Temporary Emergency (*Ex Parte*) Orders, FL-303, along with other moving papers.

THERE IS AN ABSOLUTE DUTY TO DISCLOSE IN YOUR MOVING PAPERS BOTH (1) THE FACT THAT A REQUESTED *EX PARTE* ORDER WILL RESULT IN A CHANGE OF STATUS QUO AND/OR (2) WHETHER ORDERS ARE ALREADY IN EFFECT REGARDING THE SAME ISSUE.

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- (e) The person filing for the *ex parte* must provide a copy of the moving papers to the other side no later than 3 pm the day before the *ex parte* hearing. The papers may be delivered in person, by fax or by email.

- (f) Opposition

Responding/opposing attorneys or self-represented parties shall submit their objections to the party moving for *ex parte* application and to the clerk's office as soon as possible after notice is received, but no later than 10:00 am the day of the hearing.

- (g) *Ex Parte* Hearings

All family law *ex parte* hearings are heard at the Watsonville court at 1:00 pm. The time of the hearing is subject to change. Parties will be notified by the clerk's office if there is a change in time for the *ex parte* calendar.

- (h) You must give a copy of your *ex parte* paperwork to the other side when you arrive at 1:00 at your *ex parte* hearing, if not already provided.

- (i) Domestic Violence Restraining Orders (Domestic Violence Prevention and Elder or Dependent Adult Abuse Prevention) must be filed with the clerk's office no later than 10:00 a.m. for the request to be considered that same day. If the initial papers are brought to the Santa Cruz Clerk's Office they will be scanned to the Watsonville Courthouse. All papers, other than the initial restraining order request, must be filed at the Watsonville Courthouse. All other papers must be filed at the Watsonville Courthouse.

(Rev. 1/1/09)(Rev. 1/1/11)(Renumbered Rev. 1/1/13)(Rev. 7/1/13)(Rev. 7/1/16)(Rev. 1/1/17)

Rule 3.1.14 Service by Publication or Posting for Summons

- (a) A Petitioner may serve a summons by publishing or posting only if service cannot be effectuated as outlined by the California Code of Civil Procedure § 415.10 through § 415.40. However, service by posting may be ordered only if the Petitioner is found to be indigent.

- (b) To request service by publication or posting, the Petitioner must follow the instructions, complete and submit to the court the following Judicial Council forms FL-980, FL-982, and when needed FL-985.

(New 1/1/09)(Rev. 1/1/11)(Renumbered 1/1/13)(Rev. 7/1/13)

Rule 3.2 FINANCIAL ISSUES

Rule 3.2.01 Financial Issues - General Rules

- (a) The Court's temporary spousal support guideline is based on the current Alameda County guidelines using the Dissomaster program. The suggested schedule is a guideline only and the Court will exercise its discretion and depart from the schedule upon a showing of good cause.
- (b) At the time of hearing on spousal and/or child support, each party will be expected to furnish evidence as to the earnings of the parties or explain his/her inability to secure same.

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- (c) The Court uses Dissomaster for its child support and temporary spousal support calculations. In DCSS cases, the Court uses the Department of Child Support’s web-based guideline calculator.
- (d) Except in DCSS cases, the Court discourages counting hours to determine timeshare. The Court will not use less than whole numbers in computing timeshare.
- (e) In most non-DCSS cases, the Court uses the following timeshare percentages:

one evening per week	7%
1-24 hr day per week	14%
alternate weekends	14%
split holidays	2%
1 week per year	2%
2 hours per week	1%

(Rev. 7/1/97) (Rev. 1/1/06)(Rev. 1/1/09)

Rule 3.3 CUSTODY ISSUES

Rule 3.3.01 (Reserved)

Rule 3.3.02 Child Custody Recommending Counseling (CCRC)

- (a) Meet and Confer: Parties shall make a good faith effort to arrive at an agreement regarding child custody or visitation before any Court hearing.
- (b) Child Custody Recommending Counseling: If there is disagreement over child custody or visitation in the matter before the Court, this issue may be referred to CCRC at no cost to the parties. Parties are allowed three free hours of CCRC every 12 months. After the first three hours court fees will be assessed. Failure to appear without 48 hours notice will result in assessment of fees.
- (c) Santa Cruz is a “recommending” jurisdiction.
- (d) All Child Custody Recommending Counseling proceedings shall be held in private, and all communications from the parties to the counselor shall be deemed official information within the meaning of Evidence Code Section 1040. In the absence of an agreement between the parties, the counselor will make recommendations to the Court as to the custody and visitation issues including, if appropriate, a recommendation for an investigation pursuant to Family Code Section 3110-3113.
- (e) No challenge of a court counselor shall be allowed.
- (f) No documents or pleadings shall be sent or provided to counselor unless requested by the counselor.
- (g) The day of your mediation date you will be required to come 30 minutes early to participate in FCS Orientation which consists of a video overview of the mediation process

(Eff. 1/1/2000) (Rev. 1/1/01)(Rev. 1/1/09)(Rev. 1/1/11)(Rev. 1/1/13)(Rev. 1/1/16)

Rule 3.3.03 Custody Investigation and Evaluation

- (a) In any case in which custody/visitation is in dispute the Court may order a custody

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investigation. Counsel will only be allowed to be present during any interview if specifically requested by the investigator.

- (b) No challenge of a Court-appointed investigator shall be allowed.
- (c) Except in extraordinary circumstances, including the potential for danger to the child, children will be informed that the information provided by the child will not be confidential.
- (d) A child may be seen alone, with one parent, and/or both, at the discretion of the investigator.
- (e) Interviews with siblings may be separate, at the discretion of the investigator.
- (f) All written reports and recommendations shall be served upon the parties or their attorneys.
- (g) Any written report or recommendation as part of the investigation shall be confidential and unavailable to any person except the Court, the parties, their attorneys and any person to whom the Court expressly grants access by written order made with prior notice to all parties.
- (h) Pursuant to Family 3111(a), any evaluation report generated by an evaluator may be considered by the court and admitted into evidence at any hearing or trial.
(Eff. 1/1/99) (Rev. 1/1/01)(Renumbered Rev. 1/1/09)(1/1/11)

Rule 3.3.04 Communication

- (a) No investigator or custody counselor may accept *ex-parte* communication from counsel or any party. No attorney or party shall contact the investigator or custody counselor unless in the presence of the opposing counsel or party or in writing. All writings provided to the investigator or custody counselor by one attorney or party shall be provided to the opposing counsel or party in a timely fashion.
- (b) No attorney or party shall request information regarding final recommendations from any investigator or custody counselor prior to the release of the final report. No investigator or custody counselor shall divulge final recommendations to either party or his or her attorney, separately. Final recommendations shall be made available in written form to all parties and their attorneys simultaneously.
- (c) No documents or pleadings shall be sent or provided to any evaluator unless requested by the evaluator.
(Rev. 7/1/95) (Rev. 1/1/01)(Renumbered Rev. 1/1/09)(Rev. 1/1/11)(Rev. 1/1/13)

Rule 3.3.05 Referrals

In some cases involving allegations of abuse, neglect or other serious unfitness of a parent, the investigation of these issues will be referred by the Court for an investigation under Welfare and Institutions Code Section 300. This referral may occur at any stage of the proceedings. Appointment of counsel under Family Code Sections 3150, et seq. will be

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considered.

(Rev. 7/1/95)(Renumbered Rev. 1/1/09)

Rule 3.3.06 Private Mediation

The parties may stipulate to have a private mediator or custody investigator attempt to help resolve their disputes regarding custody and visitation.

(Rev. 1/1/01)(Renumbered Rev. 1/1/09)(Rev. 1/1/11)

Rule 3.3.07 Complaint Process

- (a) Complaints regarding Family Court Services shall be registered in writing with the Court Executive Officer (CEO).
- (b) The CEO, or his or her designee, shall conduct an appropriate investigation of the matter including consultation with the individual. Within 30 days the CEO will respond. The date and action taken shall be recorded and the complainant shall be informed in writing.

(Rev. 1/1/01)(Renumbered Rev. 1/1/09)(Rev. 1/1/11)

Rule 3.4 CO-PARENT WORKSHOP

Rule 3.4.01 Co-Parent Workshop Program

- (a) After filing for dissolution, legal separation, paternity, nullity, or petition for custody and support, those parties with children will be required to attend an educational program designed to inform parents of the needs of children when their parents do not live together. This program is mandatory. Parties filing other case types may be ordered by the court to attend the program.
- (b) The parties may attend an in-person local class called The Co-Parenting Class or the Judicial Council's on-line Parenting after Separation Course or PAS (Families Change: <http://parenting.familieschange.ca.gov/>). There are no substitutions to these two options without prior judicial approval.

(Eff. 7/1/91) (Rev. 1/1/01)(1/1/11)(Rev. 1/1/16)(Rev. 7/1/16)

Rule 3.4.02 Attendance

- (a) Both parties must attend the program, however parties may attend separate sessions
- (b) In true Default cases (no response and no agreement/MSA) the Respondent is not required to take a class however the Court highly encourages it and may require that the Respondent complete the class in the future if they file any requests for orders regarding their children.
- (c) The parties may schedule the program before the first Court appearance.
- (d) The Court shall order the parties to register within 30 days of the first Court appearance if the parties have not already done so.
- (e) Parties should be prepared to present proof of completion at the first mediation

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appointment.

- (f) If a party attends the Co-Parenting Class in person, the Co-Parenting Class will send a certificate of completion to the court for the court file. If a party takes the on-line course, said party will be required to print out and file a copy of the certificate with the court. A certificate is required to be on file to complete the court case as stated in Local Rule 3.4.1(a).
(Eff. 7/1/91) (Rev. 1/1/01)(Rev. 1/1/11)(Rev. 1.1.16)

Rule 3.4.03 Information Sheet

A copy of the information sheet on the program shall be served with the summons and petition.

(Eff. 7/1/91)

Rule 3.5 OFFICE OF FAMILY LAW FACILITATOR
(Incorporated into Self Help Center)

(Rev. 1/1/09)

Rule 3.5.01 Duties

- (a) When performing duties under the Family Law Facilitator Act (Family Code Section 10000, et. seq.), in addition to the services provided by the family law facilitator set out in Family Code Section 10004, the duties of the facilitator may include any or all of the duties set out in Family Code Section 10005, as designated by the Court and subject to adequate funding.
- (b) The Court may assign duties to the Facilitator outside the scope of the Act if funding other than AB 1058 funding is available to expand the Facilitator's hours.

(Eff. 7/1/97, Rev. 1/1/2000)

RULE 3.6 TIME TO PREPARE ORDERS/JUDGMENTS

Rule 3.6.01 Order Preparation

The timeframe to prepare court orders, as set by the California Rule of Court Rule 5.125, do not start to run for litigants sent to the Self Help Center for assistance in preparing orders, until the date of their appointment.

(New 1/1/13)

RULE 3.7 COURT REPORTER

Rule 3.7.01 Court Reporters

The family court does not provide a court reporter in family law matters, except when possible a reporter will be provided for DCSS and restraining order matters. If you would like to have a court reporter present you will need to hire and pay all costs associated with the reporter.

(New 1/1/13) (Rev. 7/1/15)

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Rule 3.8 COUNSEL FOR MINOR CHILDREN

Rule 3.8.01: Appointment of Counsel:

If the family court appoints counsel for a minor child, the appointed attorney must file a Declaration (FL-322) with the court indicating compliance with all requirements, including education requirements, no later than 10 days after being appointed and before beginning work on the case. Order Appointing Counsel for a Child (FL-323) will be prepared by the court, by one of the parties or party's counsel, at the court's direction, after the appointment is made. See Family Code 3150 et seq. and CRC 5.240 et seq.

(New 7/1/14)

Rule 3.8.02: Complaint Process:

Any party or counsel may present a complaint about the performance of appointed counsel. The complaint must be in writing and served on counsel and self-represented parties. The complaint is to be directed to the court's Presiding Judge. A response to the complaint, if any, shall be directed to the court's Presiding Judge within seven days of service. The response must be in writing and served on all parties. The Presiding Judge, or his or her designated agent, shall respond by either setting the matter for hearing or issuing a written response within 30 days.

(New 7.1.14)

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Rule 4.1 PROBATE GENERAL RULES

Rule 4.1.01 Applicability of Rules

Except as otherwise provided in these rules, all provisions in the local general and civil law and motion rules apply to probate proceedings.

(Rev. 7/1/91)

Rule 4.1.02 Appearances

Appearances are required on all petitions for appointment of conservators/guardians, confirmation of sale of real or personal property, any petition which has objections filed, and minor's compromises.

If counsel does not appear on a matter, cases which are incomplete or questionable will be continued or will be dropped from the calendar, depending on the circumstances.

(Rev. 7/1/99) (Rev. 7/1/03)

Rule 4.1.03 Probate Examiner's Office

- (a) Matters appearing on the probate calendar are reviewed by the Probate Examiner three or more Court days prior to the hearing. Parties and counsel may view the Pre-Approval List on the Santa Cruz County Superior Court website three or more days prior to the hearing to determine if an appearance is necessary. The Probate Examiner may initiate contact with counsel or pro per petitioners concerning procedural defects, either by telephone or facsimile transmissions.
- (b) The Probate Examiner can be reached at 831-420-2204
(Rev. 1/1/96)(Rev. 7/1/03)(Rev. 1/1/08)(Rev. 1/1/09)(Rev. 1/1/11)

Rule 4.1.04 Trial on Contested Matters:

(a) Trial Setting. A contested matter requiring an evidentiary hearing will be set for trial in the probate department. Counsel are required to provide the court with reasonable and accurate time estimates for trial.

(b) Meet and Confer. No later than fourteen calendar days before the date set for trial, counsel must meet and confer, in person, in good faith. Although the petitioner has the duty to initiate the meet and confer process, the responding party(ies) must initiate it if the petitioner fails to timely do so.

(c) Trial Brief. No later than seven calendar days before the date set for trial, counsel shall file trial briefs. The trial brief must contain the following:

1. A complete and concise factual statement of the case;
2. A complete and concise statement of the contested issues;
3. Any points and authorities relevant to a particular contested issue;

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4. A list of witnesses that shall include the witness' name and business address, a brief statement of the substance of the witness' testimony, and a time estimate for direct and cross-examination;
5. A list of exhibits to be offered at trial; and
6. A reasonable and accurate time estimate for trial.

(Rev. 7/1/03)(Rev. 1/1/09)(Rev. 1/1/15)

Rule 4.1.04(b) Supporting Documents

All supporting documents and a proposed order must be submitted at least five (5) Court days prior to the hearing. In the event that procedural defects or other problems are noted by the Probate Examiner, documents remedying such defects must be filed by 11:00 a.m. on the day before the hearing.

(Eff. 7/1/99)(Rev. 1/1/09)

Rule 4.1.05 Correction of an Order

If an order has been filed, it can only be amended by Court order. Depending on the circumstances, the Court may approve an amended order upon a letter from counsel, or may require a verified petition setting forth the basis for the correction and requesting the judge to sign the amended order. Correction of an order shall be in the form of an amended order with all provisions of the original order restated.

(Rev. 7/1/91)(Rev. 7/1/99) (Renumbered 7/1/07)

Rule 4.1.06 Petitions

Except as otherwise specified herein, all petitions must be filed with the Clerk's Office at least 15 days prior to the hearing, except matters filed under Probate Code Section 2520, 9860, or 7200, et seq., which shall be filed at least 30 days prior. A Notice of Hearing on the mandatory Judicial Council form must be filed at the time of filing of the petition. Proof of Service of the Notice of Hearing must be filed not later than two court days prior to the hearing date.

(Rev. 7/1/01) (Renumbered7/1/07)(Rev. 1/1/09)

Rule 4.1.07 Orders

- (a) Proposed Orders: Except in the case of confirmation of sales and contested matters, counsel shall submit the order not later than the fifth Court day prior to the hearing date. Orders shall have the scheduled calendar day and time noted on the face sheet below the title of the document. The hearing date and time must be highlighted with a highlighter pen.
- (b) Form of Orders: All orders must be complete. The order shall be drawn so that its substance may be determined without having to refer to the petition on which it is based. For example, all orders of distribution shall include complete legal descriptions of the property being distributed. The order shall set forth all matters actually passed on by the Court and the relief granted.

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- (c) Orders in Contested Matters: The attorney preparing a final order following a contested hearing must provide opposing counsel an opportunity to review and approve the proposed order as to form and content before submitting the order to the court for signature. Objections to form or content relating to the proposed order may be made by letter or in pleading form accompanied by a proposed alternative form of order.
(Rev. 7/1/01) (Renumbered 7/1/07)(Rev. 1/1/09)

Rule 4.1.08 *Ex Parte* Matters – Probate

Ex parte matters which are appropriate for submission at 1:00 P.M. Monday - Friday include petitions for special administration, petitions for appointment of temporary conservators/guardians and orders shortening time. Counsel, or the pro per petitioner, must inform the Probate Examiner in advance of their intention to submit a petition at these signings by calling the Probate Examiner one court day in advance of their intention to submit an *ex parte* petition.

Telephone appearances at *ex parte* are governed by California Rule of Court 3.670. Other *ex parte* matters are to be submitted to the Clerk's Office. If a time urgency exists, a request to expedite the matter may be made.

(Rev. 7/1/03) (Renumbered 7/1/07)(Rev. 1/1/09)(Rev. 7.1.14)(Rev. 7/1/14)

Rule 4.1.09 Blocked Accounts

- (a) A petition and order to place assets in a blocked account shall state that "no withdrawals shall be made without prior Court order". A receipt acknowledged by the financial institution indicating the deposit of cash into a blocked account must be filed with the Clerk's Office within ten (10) days after the date of deposit.
- (b) A petition for withdrawal of funds may be submitted *ex parte*. The mandatory Judicial Council form must be used.
- (c) Monies in blocked accounts should not exceed the limit of Federal Deposit Insurance Corporation insurance for each individual bank or savings and loan association. The attorney, or petitioner in pro per, shall immediately file an *ex parte* petition for an order authorizing establishment of additional blocked accounts into which funds exceeding the insurance limit shall be deposited.
- (d) Petitioners and attorneys should carefully monitor the interest rates being earned on blocked funds. They should strive to earn the maximum amount of interest possible, even if it means obtaining an *ex parte* order from the Court to remove the funds from one institution to place them in another earning higher interest rates.
(Rev. 7/1/01) (Renumbered 7/1/07)(Rev. 1/1/09)

Rule 4.1.10 Appointment of Probate Referee

The Probate Referees for Santa Cruz County are Victor M. Campos, P.O. Box 838, Capitola, CA 95010. Telephone: (831) 438-2220, Fax: (831) 438-2221 and Brian A. Nicholson, 9020 Soquel Drive, Suite 101, Aptos, CA 95003.

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Telephone: (831) 684-1045, Fax: (831) 684-1062. Victor M. Campos will be assigned to all odd-numbered matters and Brian Nicholson will be assigned to all even-numbered matters.

(Rev. 1/1/96)(Rev. 1/1/07)(Renumbered 7/1/07)(Rev. 1/1/13)(Rev. 1/1/16)

Rule 4.2 PROBATE OF ESTATES

Rule 4.2.01 Letters of Special Administration

Petitions for Letters of Special Administration ordinarily will not be granted on less than 24 hours' notice to the surviving spouse, the person nominated as executor and any person the Court determines to be entitled to notice. In making the appointment, preference is given to the person entitled to letters, but if it appears that a contest exists, the Court may appoint a neutral person or corporation as special administrator.

(Rev. 7/1/91)

Rule 4.2.02 Petitions for Appointment

- (a) When a Petition for Probate of a Will or Codicil is filed, the original of the document being offered for probate shall whenever possible be filed prior to or concurrently with the petition. If the Will or any part thereof is handwritten, an exact typewritten copy of the handwritten portion must also accompany the petition.
- (b) If the Will is in a foreign language, a translation by an expert shall be submitted at the time of filing the Petition for Probate. An affidavit as to the expertise of the translator shall accompany the translation.
- (c) Petitions for probate of lost wills must clearly state on their face that the will is lost and both the published and mailed notice must so state. Evidence will be required to overcome the presumption of revocation under Probate Code section 6124. In those cases where there is no copy of the will, the petition for probate shall include a written statement of the testamentary words or their substance.
- (d) Attachment 8 must clearly identify the relationship of lineal descendants to predeceased heirs and beneficiaries.

(Rev. 7/1/01)

Rule 4.2.03 Declination of Executor

If a nominated executor declines to act, a signed declination must be filed prior to the hearing date.

(Eff. 7/1/91)

Rule 4.2.04 Duties and Liabilities of Personal Representative

“Duties and Liabilities of Personal Representative” must be filed with the court before the hearing of the Petition for Probate. The Judicial Council form, “Confidential Supplement to Duties and Liabilities of Personal Representative,” is not required to be filed.

(Rev.7/1/01)(Rev. 1/1/09)

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Rule 4.2.05 Consent of Representative(s)

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

(Rev. 1/1/91) (Rev. 7/1/03)(Rev. 1/1/09)

Rule 4.2.06 Notices

- (a) **Publication:** The Clerk DOES NOT handle the mailing and publication of notices. The Notice of Petition to Administer Estate must be filed with the Petition for Probate.
- (b) **Defective Notice:**
 - 1. **Publication Correct but Mailing Defective:** The hearing normally will be continued to allow enough time for the mailing of the required amended notice. Republication is not required.
 - 2. **Mailing Correct but Publication Defective:** The matter must be taken off calendar and a new notice must be given by publication and mailing.
- (c) In a Petition for Probate of a Will, all persons and organizations named in the Will or Codicils shall be listed in the appropriate attachment and noticed.
- (d) If the decedent had no known heirs, or heirs of a predeceased spouse pursuant to Probate Code Section 6402.5, a declaration to that effect shall be filed setting forth the basis for the declaration and the efforts made to locate any heirs.
- (e) All petitions for probate filed prior to the issuance of letters must be noticed pursuant to Probate Code Section 8100 et seq. including publication.
- (f) A petition for appointment of a successor personal representative does not require a Notice of Petition to Administer Estate. Notice shall be given in the manner provided in Probate Code Section 8100, et seq. Publication is not required.

(Rev. 7/1/01) (Rev 7/1/03)(Rev. 1/1/09)

Rule 4.2.07 Bond Waivers

If written waivers are filed with the Court, bond may be waived by the Court pursuant to Probate Code Section 8481, provided all heirs or beneficiaries are competent to act. If any such persons are incompetent (e.g., minors), an appropriate representative must waive bond on their behalf.

(Rev. 7/1/01)(Rev. 1/1/09)

Rule 4.2.08 Inventory and Appraisal

An Inventory and Appraisal must be filed within four months from when Letters are issued to the general Personal Representative. The Court will set a date for proof of filing the Inventory and Appraisal at the time the Order for Probate is granted. This proof date will not require an appearance in court. Compliance will be determined by the clerk's office. The

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Inventory and Appraisal must be filed five court days prior to the date set for proof of filing. If the Inventory and Appraisal is not timely filed the Clerk's office will set an Order to Show Cause hearing at which counsel will be required to personally appear and explain why the Inventory and Appraisal has not been timely filed.

(Eff. 1/1/91)(Rev. 7/1/01)(Rev. 1/1/09)

Rule 4.2.09 Continuances

Matters set by the Court, such as compliance hearings and status hearings, can be continued only by the Judge in open court on the date originally set. Continuances for these matters can be requested in writing by filing a formal declaration with the court ten court days before the hearing.

(Rev. 1/1/09)

Rule 4.2.10 Sale of Real Property

- (a) A copy of the contract of sale shall be attached to the petition for confirmation of sale.
- (b) Petitions for confirmation of sales of real property shall set forth the amount of bond in force at the time of the sale and the amount of property in the estate which should be covered by a bond. If no additional bond is required or if bond is waived, that fact should be alleged in the petition.
- (c) Where the estate owns only a fractional interest in the real property, the petition must state whether the sale is conditioned upon closing of a sale of the un-owned fraction.

The other fractional owner(s) shall be noticed of the hearing. If the whole parcel is being sold, only the fractional interest and its value shall be listed on the petition and used to calculate the overbid.

- (d) Overbids: All overbids in open Court must be in writing before the Court will accept the offer and grant the sale.
- (e) Reappraisals: When the date of the confirmation hearing is more than one year after date of death, a reappraisal for sale must be filed with the court before the confirmation hearing can proceed. Reappraisals must be made by the probate referee unless the court has waived appointment of the referee. The following information should be inserted in the reappraisal for sale immediately after the legal description of the real property:
 - (1) The appraised value as of the date of death.
 - (2) The appraised value as of the date of the appraisal.
- (f) Cash deposit on bids for real property: Bids for the purchase of real property must be accompanied by a minimum of ten percent of the amount bid. When an overbid is made in court, the bidder must submit cash, money order, or certified check at the time of the hearing in the amount of ten percent of the minimum overbid.

(Eff. 1/1/91)(Rev. 7/1/99)(Rev.7/1/03)(Rev. 1/1/09)

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Rule 4.2.11 Petitions for Instructions

A Petition for Instructions is appropriate only when no other procedure is provided by statute. For example, the Court will not determine the manner in which an estate should be distributed on a Petition for Instructions. Such direction can only be obtained by a petition for distribution or by a petition to determine persons entitled to distribution.

(Eff. 1/1/91)(Rev. 7/1/99)

Rule 4.2.12 Petitions for Distribution

- (a) *Ex Parte* Preliminary Distribution Petitions: *Ex parte* petitions for distribution must set forth the justification for such urgent action.
- (b) Description of Assets: Property to be distributed shall be listed and described in detail; description by reference to the Will or inventory is not acceptable. This applies to preliminary and final distributions with or without an accounting. If the distribution includes any interest in real property, the legal description, including the assessor's parcel number, must be included in the body of the decree or in an attachment incorporated by reference.
- (c) Specifically Bequeathed Property: If specifically bequeathed property is not in existence at the time of final distribution, the petition shall set forth a full explanation concerning that fact.
- (d) Description of Distributees: The names and present addresses of all persons entitled to receive property of the estate must appear in the petition for final distribution.
- (e) Allegations re Health Care Benefits: The first report of administration of a decedent's estate must contain allegations either that notice of decedent's death has been provided to the Director of Health Services required by Probate Code Sections 9202 Director of Health Services required by Probate Code Sections 9202 and 215 or that no such notice if required.
- (f) Distribution to Intestate Heirs: The relationship of heirs who take by intestacy should be sufficiently described in the petition for distribution to permit the Court to determine whether the laws of interstate succession have been properly applied. If an heir takes by right of representation, the petition must indicate parentage and the approximate date of the parent's death.
- (g) Interest on General Pecuniary Legacies: The Court will strictly enforce Probate Code Section 12003 and will order payment of interest at the statutory rate on all general pecuniary legacies not paid within one year from the date of decedent's death unless payment of interest is waived in the Will. Attorneys are responsible for determining the correct rate and computing the amount of interest.
- (h) Payment of Taxes: The petition for final distribution must address the question of the source of the payment of the federal estate tax if any. If prorated, the final report must show the computation and the order for final distribution must include the proration. All persons sharing the tax obligation shall be given notice of the hearing on the petition.

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- (i) Allegation re Character of Assets: The petition for distribution must contain an allegation as to the separate or community character of the property.
- (j) Closing Expenses: When closing expenses are requested, the petition and order must set forth the distribution of any unused portion thereof.
- (k) When there is insufficient cash in the estate to pay the statutory attorney's fees, the petition shall address the method of payment of the fees (e.g., via a lien on real property, or pursuant to outside agreement between the attorney and all residual beneficiaries, etc.). There shall be sufficient evidence to indicate that all beneficiaries affected are aware of the arrangement.

(Rev. 7/1/01) (Rev. 7/1/03)(Rev. 1/1/09)(Rev. 1/1/13)

Rule 4.2.13 Final Discharge

The "order" portion of the Declaration and Order for Final Discharge shall be completed in full except for the date and name of the judge.

(Eff. 1/1/91)

Rule 4.2.14 Removal of a Personal Representative

With the petition for removal, the petitioner shall submit a proposed order directing the clerk to issue a citation. The petitioner shall also submit the citation requiring the representative to appear personally and to show cause why the petition for removal should not be granted and letters revoked.

(Eff. 1/1/91)(Rev. 7/1/01)

Rule 4.2.15 Compensation of Personal Representatives and Attorneys in Probate Estates

- (a) Allowance on account of statutory compensation in-advance of final distribution must be in accordance with the work performed. Ordinarily, no more than 75% of the statutory compensation will be allowed before approval of final distribution. In the Court's discretion, the full amount may be allowed where the estate or heirs will benefit (e.g., to reduce income taxes) or where ordinary services have been completed and final distribution is delayed only in order to perform extraordinary services.
- (b) The Court may deduct from the personal representative's statutory commission any sums paid from estate funds for the performance of the representative's ordinary duties.
- (c) Community Property Election:
 - 1. If both halves of the community property are properly included in the probate proceeding, statutory compensation calculated on both halves of the community property will be allowed.
 - 2. In cases in which only one half of the community property is subject to probate, compensation for ordinary services may only be based upon the value of that part of the community property which is subject to probate.

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(d) Extraordinary Services:

1. Ordinarily, compensation for extraordinary services will not be allowed or paid before the final accounting has been approved by the Court.
2. Except as stated below for routine real property sales and federal estate tax work, applications for fees or commissions for extraordinary services shall include the information specified in CRC Rule 7.703

(e) Sales of Real Property: In determining the compensation of an attorney for extraordinary services rendered with respect to real property sales, the Court will consider the amount of time involved, whether or not a real estate broker was employed, the involvement of the attorney in negotiations, the nature of other services rendered (e.g., drafting of the sales agreement and its complexity, preparation of deeds and other documents) and other similar information. In cases where there is a confirmation of sale hearing, the Court will consider \$1,000 to be reasonable compensation. If that amount is requested, detailed information as to services rendered will not be required. This guideline only applies to attorneys' compensation, however, a personal representative may also request compensation for extraordinary services in regard to sales of real property.

(f) Preparation of Federal Estate Tax Return: In determining the compensation of a personal representative or an attorney for the preparation of a federal estate tax return, the Court will ordinarily consider the hours spent, the intricacy or peculiar nature of any of the issues or computations involved, the extent of any audit, the value of the gross estate, the amount of tax and other similar information.

If neither the personal representative nor an attorney provides the Court with such information the Court will assume that the sum of \$1,000 is a reasonable amount for the preparation of the Federal Estate Tax Return.

(g) Costs: Where reimbursement for costs incurred is requested by the personal representative or attorney, the cost items advanced by such party must be separately stated and described.

(h) Extraordinary Compensation When Statutory Compensation Exceeds \$20,000: Whenever statutory compensation exceeds \$20,000 and the attorney or Personal Representative requests extraordinary compensation that exceed the amounts of rules 4.2.15 (e) or (f) above, the request must be supported with a declaration that outlines all the ordinary and extraordinary services that were provided
(Eff. 1/1/91)(Rev. 7/1/01) (Rev. 7/1/03)(Rev. 1/1/09)

Rule 4.2.16 Accounts and Reports of Executors and Administrators

(a) Notation of omitted schedules: Where a particular schedule is unnecessary, it need not be included and that fact must be noted in the Summary of Account with the word "none" in the blank provided for the total from the schedule.

(b) Contents of account: The account and report must contain the following material:

- (1) The beginning and ending dates of the account.

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- (2) A detailed description of all receipts and all disbursements of the fiduciary.
- (3) An explanation either in the account, or in the report accompanying the account, for any item that is not self-explanatory.
- (4) Receipts indicating the date of receipt, the source of the payment, and the amount. Each receipt from a source that pays more frequently than once a year must be described; a lump sum amount is not permissible.
- (5) A description of all disbursements indicating the date of the expenditure and the nature of the expense, its purpose, and the amount.

(New 1/1/09)(Rev. 1/1/13)

Rule 4.3 CONSERVATORSHIPS AND GUARDIANSHIPS

Rule 4.3.01 Removed 7/1/16

Rule 4.3.02 Temporary Conservatorships and Guardianships

- (a) The petition for appointment of a temporary conservator and guardian may be filed with or after the filing of a petition for a permanent conservator/guardian. The petition must state facts establishing the urgency requiring the appointment of the conservator or guardian (e.g., situations requiring immediate action to protect the health, welfare or the estate of the proposed conservatee/minor). Notice shall be given as set forth in Probate Code section 2250(e), unless the Court for good cause otherwise orders. A temporary conservator/guardian will be appointed without notice only in emergency situations.
- (b) If the attorney is informed that the petition for appointment of a permanent conservator will be contested, all known potential objectors must be given at least 24 hours notice of the time and place the petition for appointment of the temporary conservator will be presented unless the Court for good cause waives this requirement.
- (c) Ordinarily the Court will require a bond or a blocked account for temporary conservators/guardians of the estate.
- (d) Good cause must be shown for special powers to be granted without a hearing. If special powers are sought, they must be specified in the petition and supported by factual allegations.

(Eff. 1/1/91)(Rev. 7/1/01)(Rev. 1/1/09)

Rule 4.3.03 Petitions for Appointment of Conservators/Guardians

Unless a temporary conservator or guardian has been appointed, forty-five (45) days notice is required on all petitions for appointment.

(Eff. 1/1/91)(Rev. 7/1/01)(Rev.1/1/09)

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Rule 4.3.04 Assessments

- (a) A \$750.00 fee for the services of the Court Investigator shall be imposed upon the initial filing of a guardianship or conservatorship petition and a \$250.00 fee for each investigation or review thereafter, unless waived pursuant to Probate Code Sections 1513.1(a) and 1851.5(b).
- (b) Assessments are charged to the conservatee's or ward's assets and shall be paid to Superior Court, 701 Ocean Street, Room 110, Santa Cruz, CA 95060.
- (a) All assessments must be paid before the Court will sign an order settling the final account. All previous waivers of assessments will be reviewed at that time to determine the ability to pay.

(Eff. 1/1/91)(Rev. 7/1/01)(Rev. 7.1.14)

Rule 4.3.05 Independent Powers

If independent powers under Probate Code Sections 2590 and 2591 are requested, an attachment to the petition shall specify the powers and the reasons requiring the powers requested. Only those powers necessary and proper shall be granted. The same powers must be attached to the proposed order or letters.

(Eff. 1/1/91)(Rev. 1/1/09)

Rule 4.3.06 Limited Conservatorships

- (a) If the proposed conservatee is a developmentally disabled person (Probate Code Section 1420), a petition for limited conservatorship is mandatory. However, pursuant to Probate Code Section 1828.5(d), upon investigation, the Court may find that a general conservatorship (as opposed to a limited conservatorship) is appropriate.
- (b) Appointment of counsel for a proposed limited conservatee is mandatory. To avoid continuance or delay an ex parte application and order for appointment of counsel should be submitted to room 110 to the attention of the Probate Examiner, prior to the hearing to avoid continuance or delay. If a Public Defender is requested, facts in the application must assert the proposed conservatee's financial inability to obtain private representation.

(Eff. 1/1/91)(Rev. 1/1/09)(Rev. 1/1/13)

Rule 4.3.07 Local Forms Required

- a. In every conservatorship and guardianship, Local Form SUPCV 714 "Notice of Residence", must be filed with the initial petition for appointment, and with all subsequent petitions. Judicial Council form GC-080, "Change of Residence Notice", shall be filed as and when appropriate.
- b. In every conservatorship, Local Form SUPCV 1085 "Contact Information Pursuant to Probate Code 2250.6(a)(1)(A)(B)(C), 1826(1)(2), 1851(a) CONFIDENTIAL", must be filed with the initial petition for appointment, and with all subsequent petitions.

(Eff. 1/1/91)(Rev. 7/1/01)(Rev.1/1/09) (Rev. 7/1/15)

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Rule 4.3.08 Declaration Under UCCJEA

In any guardianship of the person a declaration under the Uniform Child Custody Jurisdictional and Enforcement Act (Judicial Council form GC-120) shall be filed with the petition for appointment and at any time there is a change of address of the minor.

(Eff. 1/1/91)(Rev. 1/1/09)(Rev. 7/1/16)

Rule 4.3.09 Conservatee's Mental Capacity

A proposed conservatee who has made a nomination and/or waived the requirement of a bond, must prove to the Court that he or she has the capacity to understand the nature and significance of such actions. This may be done by oral representation at the hearing for appointment. A statement by counsel that the conservatee is present and does not object is not sufficient. This also applies where the proposed conservatee is the petitioner.

(Eff. 1/1/91)

Rule 4.3.10 Guardianship Funds for Support of Minor

In all cases where it is intended that guardianship funds be used for the ordinary expenses of supporting a minor and there is a parent living who has the obligation to support the minor, the guardian shall obtain Court approval prior to the expenditure of funds for that purpose (Probate Code Section 2422). A petition for authority to expend such funds must be presented in a separate petition, containing a detailed explanation, including financial statements, of the parents' inability to support the child.

(Eff. 1/1/91)(Rev. 1/1/09)

Rule 4.3.11 Inventory and Appraisal Required

An inventory shall be filed in all cases where there is a conservatorship/guardianship of the estate, even in a case where relief from the requirement of filing accountings may be sought under Probate Code Section 2628. When there are no assets in the hands of the fiduciary, the inventory shall so indicate and state who has possession of any assets.

(Eff. 1/1/91)(Rev. 7/1/01)(Rev.1/1/09)

Rule 4.3.12 Review Hearing for Inventory and Appraisal and for Accountings

The Inventory and Appraisal is due 90 days from appointment of the conservator or guardian. A proof of filing date will be set at the time of the appointment to confirm that the documents have been filed. A review hearing to monitor the timely filing of the first and subsequent accountings will also be set from the time of the initial appointment. No appearance is required for these proof of filing dates of the Inventory and Appraisal or for proof of filing of Accountings. However, if the Inventory and Appraisal or Accounting is not timely filed the clerk's office will set an Order to Show Cause hearing at which time sanctions or surcharges may be imposed for failure to timely file the required documents.

(Eff. 1/1/91)(Rev. 7/1/01)(Rev. 1/1/09)

Rule 4.3.13 Separate Accounting for Several Minors

When a guardianship of the estate has been instituted for more than one minor, the interests of each minor must be separately stated in the inventory and separate accounting schedules

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must be presented so that the receipts, disbursements and assets pertaining to each minor's estate are readily ascertainable.

(Eff. 1/1/91)

Rule 4.3.14 Successor Conservator/Guardian

- (a) The petition for a successor conservator/guardian shall be submitted on the same form approved by the Judicial Council for initial petitions.
- (b) Successor conservators/guardians of the estate shall file an accounting one (1) year after the successor appointment date and thereafter at least biennially.

(Eff. 1/1/91)

Rule 4.3.15

(Revoked 7-1-99)

Rule 4.3.16

(Revoked 7-1-99)

Rule 4.3.17 Accounts in Guardianship Proceedings

(a) Frequency of accounts

- (1) Guardianship accounts must be filed after the first anniversary of the establishment of the guardianship and biennially thereafter. The account must be filed within 60 days after the anniversary date.
- (2) Successor guardians must file an accounting one-year after the successor appointment date and biennially thereafter.

(b) Presence of ward necessary if final account waived

The court ordinarily will not approve a ward's waiver of the final account unless the ward is present at the time of hearing and competent to answer questions by the court.

(c) Reports accompanying accounts

In addition to the contents required by Probate Code section 1064, the report accompanying an account must contain the following:

- (1) A statement of the age, health, and the present address of the ward.
- (2) If income-producing property is inventoried in the guardianship and the account fails to indicate that income is being produced by the property, an explanation must appear in the report;
- (3) Whether any real property has been rented or leased to any court employee, or any person related by blood or marriage to a court employee, who has duties or responsibilities related to the appointment of a guardian or the processing of any documents related to a guardian;
- (4) Whether any personal property has been sold at a private sale, rented or leased to any court employee, who has duties or responsibilities related to the appointment

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of a guardian or any processing of any documents related to a guardian;

- (5) Whether the guardian, in exercising his or her duties, has hired or referred any business to an entity in which he or she has a financial interest as defined in Probate Code section 2351, subdivision (d) or Probate Code section 2401, subdivision (c); and
- (6) Whether the guardian has sold, leased, or rented any real or personal property to any person with whom the guardian has a family or affiliate relationship as defined in Probate Code section 2403, subdivision (c)(2).

(New 1/1/09)

Rule 4.3.18 Waiving of Accounts

- (a) Pursuant to the provisions of Probate Code Section 2628, the Court may waive the requirement of an accounting. Any prior grant of independent powers will be reconsidered at that time, and should be addressed by the petition. The petition must allege whether the conservatee or minor (over the age of 12) is aware of the request and agrees to the waiver. In conservatorships, a Notice of Residence is also required.
- (b) If the conditions of Probate Code Section 2628 are satisfied and the Court approves the petition to dispense with the accounting, no further filings of accounts will be necessary until such time as the provisions of Probate Code Section 2628(a) are no longer applicable. This must be explicitly set forth in the order. The petitioner must nevertheless continue to keep accurate records in order to prepare any accounts which may be required under Probate Code sections 2628(b) and (c).

(Eff. 1/1/91)(Rev. 7/1/01)(Rev.1/1/09)

Rule 4.3.19 Reports Accompanying Accounts in Conservatorships

In addition to the contents required by Probate Code section 1064, the report accompanying a conservatorship account must contain the following:

- (1) The present address of the conservatee;
- (2) If income-producing property is inventoried in the conservatorship and the account fails to indicate that income is being produced by the property, an explanation must appear in the report;
- (3) Whether any real property has been rented or leased to any court employee, or any person related by blood or marriage to a court employee, who has duties or responsibilities related to the appointment of a conservator or the processing of any documents related to a conservator;
- (4) Whether any personal property has been sold at a private sale, rented or leased to any court employee, or any person related by blood or marriage to a court employee, who has duties or responsibilities related to the appointment of a conservator or any documents related to a conservator;

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- (5) Whether the conservator, in exercising his or her duties, has hired or referred any business to an entity in which he or she has a financial interest as defined in Probate Code section 2351, subdivision (d) or Probate Code section 2401, subdivision (c); and
- (6) Whether the conservator has sold, leased, or rented any real or personal property to any person with whom the conservator has a family or affiliate relationship as defined in Probate Code section 2403, subdivision (c)(2).

(Rev. 1/1/09)

Rule 4.3.20 Termination of Conservatorships and Guardianships

- (a) Investigation Reports: When the conservatorship/ guardianship is being terminated for reasons other than death or attaining the age of majority, a hearing must be set at least forty-five (45) days in advance in order to allow time for an investigation report.
- (b) Notice: Notice must be given to a former minor or conservatee on the settlement of the final account.
Notice must also be given to the representative of a deceased ward or conservatee. If the representative of the estate is the same person as the guardian or conservator or if there is no such representative, notice must also be given to the heirs or devisees of the deceased ward or conservatee.
- (c) Discharge of a guardian: Discharge of a guardian will not be made in the order settling final account. A separate petition and order for final discharge (Form GC-395) must be submitted together with the receipt executed by the former minor. The petition must state the date on which the minor reached majority. A guardian is not entitled to a discharge until one year after the minor has attained majority.

(Eff. 1/1/91)(Rev. 7/1/01)(Rev. 1/1/09)(Rev. 1/1/11)

Rule 4.3.21 Fees and Commissions

- (a) The Court will evaluate the services as a whole rather than designate part of the services as "ordinary" and part of the services "extraordinary". Fee requests must comply with CRC Rule 7.751.
- (b) Attorney Fees:

In determining the reasonable attorney's fees to be granted in guardianships, conservatorships and trusts within the jurisdiction of the Court, the Court will require compliance with Section 6148 of the Business and Professions Code as follows:

1. In any such matter in which it is reasonably foreseeable that the total expenses to a client, including attorney fees will exceed one thousand dollars (\$1,000), there should be a written contract between the attorney and client for services in the matter containing all of the following:
 - a. The hourly rate and other standard rates, fees and charges applicable to the matter.
 - b. The general nature of the legal services.

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- c. The respective responsibilities of the attorney and the client as to the performance of the contract.
2. Such a written contract will not be required in any of the following situations:
 - a. Services are rendered in an emergency to avoid foreseeable prejudice to the rights or interests of the client or where a writing is otherwise impractical.
 - b. An arrangement as the fee implied by the fact as previously rendered to and paid for by the client.
 - c. If the client knowingly states in writing, after full disclosure of this section, that a writing concerning fees is not required.
 - d. If the client is a corporation or a public entity.
 3. In any guardianship, conservatorship or trust within the jurisdiction of the Court where there is no such written contract reasonable attorney's fees will be determined by the Court using hourly rates that are customary in Santa Cruz County.
 4. In any case, attorney's fees may be denied or reduced below reasonable or contractually agreed amounts if the Court determines that the services have not been performed in an efficient, timely or competent manner.
 5. Only legal fees for counsel appointed by the Court to represent the conservatee may be approved and included in the Order Appointing Conservator.
 6. Where an attorney is the fiduciary and is a member of a law firm, attorneys' fees will not be allowed unless a declaration is executed by the fiduciary agreeing that the fiduciary will not share in the attorneys' fees to be received by the firm.
- (Rev. 7/1/03)
- (c) Conservator or Guardian Commissions:
 - (1) In the event the attorney has performed bookkeeping and other services for an individual fiduciary, the Court may award the fiduciary's attorney a larger compensation and the individual fiduciary a lesser compensation.
 - (2) Ordinarily, reasonable compensation for guardians and conservators who are not private professional fiduciaries shall not exceed \$40 per hour.
 - (d) The fiduciary may employ tax counsel, accountants or other tax experts for the preparation of tax returns and for other tax related services and pay from the funds of the estate for such services. The Court may deduct from the fiduciary's commission any sums paid from estate funds for performance of the fiduciary's duties such as ordinary accounting and bookkeeping services.
- (Rev. 7/1/01) (Rev. 7/1/03)(Rev.1/1/09)

Rule 4.3.22 Registration of Private Professional Conservator

- (a) Registration information required: Any petition to appoint a conservator filed by a private professional conservator must include his or her State of California registration numbers and the date he or she registered. No petition by a private professional

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conservator will be heard unless he or she is currently registered with the State. Any private professional conservator must comply with all California state licensing requirements before he or she can be appointed in Santa Cruz County.

- (b) Disclosure of other proceedings required: The petitioner must disclose, by separate declaration, any proceedings, pending or concluded in Santa Cruz County or any other jurisdiction, where orders have been issued or are sought to be issued which in any way affect the ward or conservatee that is the subject of the proceedings in Santa Cruz County.

(New 1/1/09)(Rev. 7/1/16)

Rule 4.3.23 Consent of Conservator(s)

Where a petition seeks the appointment as conservator of one or more persons other than the petitioner, a consent to serve as conservator must be filed for each proposed conservator.

(New 1/1/13)

Rule 4.4 TRUSTS

Rule 4.4.01 Accounts filed by trustees must conform to the requirements of Rule 4.2.16

(Renumbered 1/1/09)

Rule 4.4.02 Contents of First Account

The first account filed must clearly reconcile the amount first chargeable with the decree of distribution of the estate from which the property was received.

(Renumbered 1/1/09)

Rule 4.4.03 Description of Principal and Income

Receipts and disbursements must be allocated between principal receipts and disbursements and income receipts and disbursements.

(Renumbered 1/1/09)

Rule 4.4.04 Frequency for Filing Accounts

Trustees must file accounts at least annually. The fact that an account covers more than a one-year period of time will not constitute grounds for deviation from any of the normal requirements of an account.

(Renumbered 1/1/09)

Rule 4.4.05 Service on Beneficiaries When Power Sought is Not Conferred

When the trustee seeks instructions to exercise a power not conferred by the will, a copy of the petition must be served by mail on all beneficiaries.

(Renumbered 1/1/09)

Rule 4.4.06 Bond for Trustee

Trustees appointed by the court are subject to the same rules as Personal Representatives pertaining to the posting of bond.

(Renumbered Rev. 1/1/09)

Rule 4.4.07 Petition for Confirmation of Trust Assets pursuant to *Estate of Heggstad* and pursuant to Probate Code 850.

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- (a) Copies of all testamentary instruments shall be attached to the petition.
- (b) Copies of pertinent and current documents of title to the assets in question shall be attached to the petition. Petitioner shall obliterate confidential information such as social security number before attaching the document to the petition.
- (c) If the assets to be confirmed are not clearly declared as trust assets in the instrument, or if title was transferred to the trustee and later transferred from the trustee, all persons named in any testamentary instrument and heirs at law must be listed in the petition and given notice, in addition to the notice required by Probate Code § 17203.
(New 7/1/01)(Renumbered 1/1/09)(Rev. 1/1/13)

Rule 4.4.08 Trustee Compensation

Compensation for the trustee will ordinarily be allowed as provided in the governing instrument, unless the Court fixes a greater or lesser amount pursuant to Probate Code section 15680(b). If the instrument is not specific, the Court will establish reasonable compensation. A fee of 1% of the fair market value of the ending on hand will ordinarily constitute reasonable compensation, prorated if services have been rendered for less than a full year. If compensation higher than 1% of the ending market value is requested, the request must be supported by a detailed description of the services rendered, their necessity, benefit to the estate, expertise required, time expended, and hourly rate.

(New 7/1/01)(Renumbered 1/1/09)

Rule 4.4.09 Attorney Fees

Compensation for attorney for the trustee will ordinarily be allowed as provided in the governing instrument. If the instrument is not specific, the Court will establish reasonable compensation, based on a detailed description of the services rendered, their necessity, benefit to the estate, expertise required, time expended, and hourly rate.

(New 7/1/01)(Renumbered 1/1/09)

Rule 4.4.10 Consent of Trustee

Where a petition seeks the appointment as trustee of one or more persons other than the petitioner, a consent to serve as trustee must be filed for each proposed trustee.

(New 1/1/13)

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DIVISION FIVE - CRIMINAL PRACTICE

Rule 5.1 CRIMINAL RULES

Rule 5.1.01 Criminal Departments

- (a) All felony and misdemeanor cases, including probation violations, will be assigned to a specific department, using a case management system
- (b) Consolidation motions shall be heard in the department which has the lowest numbered case sought to be consolidated. If consolidation is granted, all charges will be consolidated into the lowest numbered case file.
- (c) Cases involving probation violations based on new offenses occurring in Santa Cruz County shall be assigned as follows:
 - (1) If the new offense is filed as a felony, all matters will be assigned to the felony department in which the new felony case is assigned.
 - (2) If the new offense is filed as a misdemeanor, and there are any felony probation violations, all matters will be assigned to the felony department assigned to hear the felony probation violations.
 - (3) If the new offense is filed as a misdemeanor, and there are misdemeanor probation/conditional sentence violations only, all matters will be assigned to the misdemeanor department in which the new misdemeanor case is assigned.
(Eff. 1/1/95)(Rev. 1/1/99)(Rev.1/1/11)(Rev. 1/1/13)

Rule 5.1.02 Applicability of Title 4 of California Rules of Court.

The Criminal Rules as set forth in Title 4 of the California Rules of Court are fully applicable, in their entirety, to the local rules of this Court.

(New 1/1/09)

Rule 5.1.03 Format of Papers

Documents presented for filing shall comply with the California Rules of Court and Local Rule 1.2.02, including the requirement of pre-punched holes at the top of the document.

(Eff. 1/1/96)(Renumbered 1/1/09)

Rule 5.1.04 Motions

All written motions shall be supported by memorandum of points and authorities containing a specific statement of facts and a concise statement of law.

- (a) Except as otherwise provided by law or otherwise directed, all pretrial motions, including motions to suppress shall be served and filed at least ten (10) court days, all papers opposing the motion at least five (5) court days, and all reply papers at least two (2) court days before the time appointed for hearing. Proof of service of the moving papers shall be filed no later than five (5) court days before the time appointed for hearing. Failure of either party to file and serve the points and authorities may be deemed by the court to be a concession to the motion and/or that the motion is without merit. Where the review of a transcript is necessary, the pertinent transcript testimony

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must be summarized with a specific page and line reference cited.

(b) Penal Code 995 motions shall be set on a different date than other motions.

(Rev. 1/1/98)(Rev. 1/1/99)(Renumbered Eff.1/1/09)

Rule 5.1.05

Revoked 7/1/15

Rule 5.1.06 Jury Trials

(a) Trial Readiness Conference:

- (1) All felony criminal matters set for jury trial shall be called at 9:00 a.m. on the Wednesday before the date set for trial in the assigned department.
- (2) All misdemeanor criminal matters set for jury trial shall be called at 9:00 a.m. on the Wednesday before the date set for trial in the assigned department.

(b) No later than 1:30 p.m. on the Thursday before the trial date, the parties shall provide all in limine motions, witness lists, exhibit lists, and jury instructions to the assigned trial judge, or to the master calendar judge if the matter appears on the master calendar. Each party must submit two copies of the proposed jury instructions. The instructions must comply with Rule 2.1055 of the California Rules of Court.

(c) Motions in Limine: All in limine motions must be in writing. Each motion shall be limited to a single subject and the motions shall be numbered consecutively.

Responses shall address only the subject of the motion and shall be numbered the same as the motions.

(New 7/97)(Rev. 1/1/99)(Rev. 7/1/07)(Renumbered 1/1/09)(Rev. 1/1/13)(Rev. 7/1/2013)
(Rev. 7.1.14)

Rule 5.1.07 Bail Bond Forfeiture

Once forfeited, a \$50 fee will be imposed as a condition of setting aside the forfeiture.

(Rev.7/98)(Renumbered 1/1/09)

Rule 5.1.08 Real Property Bonds (Section 1298 P.C.)

Before a property bond may be accepted by the Court, a hearing must be held. In order to set the matter for hearing, a noticed motion with proof of service to the District Attorney must be filed in the Clerk's Office at least 10 days before the date set for hearing. The following documents must be submitted with the motion:

- (a) Application for Real Property Equity Bond and Declaration of Property Owner
- (b) Signed Promissory Note
- (c) Certified Copy of the Recorded Deed of Trust
- (d) Current Lot Book Guarantee (preliminary title report) concerning the property prepared by a recognized California title company

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- (e) Appraisal of the property by a certified appraiser
- (f) Statements from any and all mortgage companies having liens against the property, showing the amount of present obligations owed on the property.

A judge may require additional evidence in order to ascertain the true equity in the property held by the applicants. All costs incurred to process the property bond must be borne by the applicant.

(Rev. 1/1/91)(Renumbered 1/1/09)

Rule 5.1.09 Personal Surety Bonds (Sec. 1278 P.C., et seq.)

Personal Surety Bonds (Section 1278 P.C.) are not recommended and will not normally be allowed by Court.

(Eff. 1/1/91)(Renumbered 1/1/09)

Rule 5.1.10 Filing Fee

A reimbursement fee of up to \$150 may be charged, depending upon the petitioner's ability to pay, for all petitions for a change of plea or setting aside a verdict or sealing a record. (See Penal Code Sections 1203.4(c), 1203.4a and 1203.45(g)).

A diversion restitution fee of \$200 is required on all misdemeanor diversion cases and a diversion restitution fee of \$350 is required on all felony diversion cases.

(Eff. 1/1/91)(Renumbered 1/1/09)(Rev. 1/1/11)

Rule 5.1.11 Search Warrants

All requests for search warrants must be presented to the District Attorney's Office for review prior to being presented to a judge and must be approved by a deputy district attorney who has reviewed and approved the request.

(New 1/1/11)

Rule 5.1.12 Expert Witness Fees

An application for fees to engage an expert witness must include:

- a) A declaration from counsel showing that an expert is reasonably necessary (conclusory statements without supporting facts are insufficient);
- b) A resume of the expert whose services are being sought, unless the expert is on the appointment list or otherwise previously known to the court;
- c) A breakdown of the proposed costs, including fee per hour, number of hours necessary, etc.;
- d) A financial declaration, using Local Court Form SUPCRXXX, of the defendant showing the defendant's inability to pay for the expert must be completed. The fact that the Court has appointed counsel is not a finding that the defendant is indigent for all purposes. A financial declaration filed within the previous six (6) months of the current request will be considered timely for purposes of this rule;

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- e) The declaration must contain information from which the County Criminal Defense Conflict Administrator may conclude that the proposed fees are reasonable. A conclusory statement such as “the proposed fee per hour is reasonable and the average” is not sufficient. If the proposed expert is Court appointment list, this section will not apply and hourly rates consistent with any preapproved rates established by the Court will be utilized;

- f) If an application is for an expert not located within a 200 mile radius of the county, the application must state the efforts made to retain a local expert and why an out-of-area expert is necessary.

Each application for an expert or additional defense fees must be numbered. Each application must attach copies of all prior applications in that case, whether granted or denied, or include in the declaration a statement containing this information. If it is the first application for fees, the application must so state.

An application submitted without these required items may be summarily denied.

(New 1/1/11)(Rev. 7/1/13)(Rev. 7/1/16)

Rule 5.1.13 Habeas Corpus Writs

All petitions for writs of habeas corpus or coram nobis shall be assigned to the Presiding Judge of the Appellate Division. The provisions of Penal Code section 1473 and California Rules of Court 4.550 through 4.552 fully define the procedures to be followed by this Court in the determination of petitions for writs of habeas corpus or coram nobis.

(New 1/1/13)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ
DIVISION SIX - JUVENILE COURT RULES
Rule 6.1 GENERAL PROVISIONS

Rule 6.1.01 Supplement to Statutes and Rules

These local rules are intended to supplement state statutes which are principally found in the Welfare and Institutions Code. In addition they supplement the California Rules of Court relating to Juvenile Court matters (see CRC 5.501). Unless otherwise expressly stated, all local rules of civil procedure apply to juvenile matters. These rules cover Juvenile Court law, but not Juvenile traffic hearings or traffic hearing appeals.

(Eff. 1/1/93)(Rev. 7/1/95) (Rev. 7/1/07)

Rule 6.1.02 Judicial Administration

- (a) Presiding Judge of the Juvenile Court. There shall be a Presiding Judge of the Juvenile Court.
- (b) The Juvenile Court Clerk's Office is located at 1 Second Street, Watsonville, California.
- (c) Viewing of Files. Juvenile Court case files may be viewed in the Juvenile Court Clerk's Office during regular court hours. Advance arrangement to review files must be made by calling 831-786-7200.

(Eff. 1/1/93)(Rev. 7/1/2000)(Rev. 1/1/08)(Rev. 1/1/11)

Rule 6.1.03 Filing of Papers

- (a) All letters, documents and pleadings shall have an identifying case number and name. Motions should indicate Court date. Documents related to Juvenile matters shall be filed in the Watsonville Courthouse. All juvenile Court documents and pleadings except documents filed under Welfare & Institutions Code section 903.4 and 730.7 must include the following warning on the face of the document:

*Confidential Document! By Court order, these documents
are confidential. If you copy, distribute or disclose these
records, you may be subject to contempt of Court.*

- (b) Documents filed and/or recorded under Welfare & Institutions Code section 903.4 shall not name the minor in the document.
- (c) Original pleadings must be submitted for each individual file. Siblings or co-participants are not considered one file unless ordered consolidated by the Court, therefore original documents must be submitted for each case.
- (d) Juvenile restitution orders enforceable as civil judgments under Welfare & Institutions Code Section 730.6 shall be filed in the Watsonville Court.

(Eff. 1/1/93)(Rev. 7/1/2000)(Rev. 1/1/11)

SUPERIOR COURT OF CALIFORNIA
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Rule 6.1.04 Motions

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

(Eff. 1/1/93)

Rule 6.1.05 Motions for Continuances

- (a) Requests for continuances must comply with California Rules of Court, Rule 5.550.
- (b) The Court shall, in all cases, strictly enforce Penal Code Section 1050. A written notice as required by Penal Code Section 1050 shall be filed and served on all parties to the proceeding at least two (2) court days before the hearing to be continued, together with affidavits or declarations detailing specific facts showing that a continuance is necessary. Accompanying affidavit or declaration shall state the following:
 - 1. Position of opposing counsel or party to the motion to continue;
 - 2. Proposed new date of hearing or trial, and availability of all material witnesses for the proposed new date; and
 - 3. Number of times the matter has been continued, by which party(ies), and reasons for prior continuance(s).
- (c) As a guide to practitioners, the following will generally not be considered sufficient cause to grant a continuance:
 - 1. Counsel or the parties agree to a continuance;
 - 2. The case has not previously been continued;
 - 3. The case will likely settle if a continuance is granted;
 - 4. Unavailability of a witness, unless due diligence in securing the witness's attendance is shown; or
 - 5. Discovery has not been completed, unless the moving party has made reasonable efforts to obtain discovery.
- (d) The following will generally be considered sufficient cause to grant a continuance:
 - 1. Sudden medical emergency or death of a party, counsel, or material witness;
 - 2. Facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the Court, would likely cause undue hardship or possibly miscarriage of justice if the trial is required to proceed as scheduled; and/or
 - 3. Unanticipated absence of a material witness for either party

(Eff. 1/1/93) (Rev. 07/1/07) (Rev. 01/1/15)

Rule 6.1.06 Applications for *Ex Parte* Orders

- (a) Ex parte matters are governed by California Rule of Court 3.1200.
- (b) Dependency ex parte matters shall be presented to the Watsonville Courthouse for processing.

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- (c) Delinquency *ex parte* matters shall be presented to the Juvenile Court Judge. Attorneys and/or parties requesting an order must make an appointment with the Court at least 24 hours in advance.
(Eff. 1/1/93)(Rev. 7/1/2000)(Rev 7/1/07)(1/1/11)

Rule 6.1.07 Disclosure of Juvenile-Related Documents

Disclosure of juvenile-related documents is governed by Section 827 of the Welfare and Institutions Code.

(Eff. 7/1/95)(Rev. 1/1/09)

Rule 6.2 DEPENDENCY MATTERS

Rule 6.2.00 Collaborative Court

Unless there is a contested issue of fact or law, dependency proceedings must be conducted in a non-adversarial manner. CRC 5.534.

(New 1/1/09)

Rule 6.2.01 Confidentiality

Dependency matters are confidential proceedings, and therefore the public must not be admitted to a juvenile court hearing. The court may permit those whom the court deems to have a direct and legitimate interest in the case or in the work of the court. W & I 346, CRC 5.530 and 5.534.

(New 1/1/09)

Rule 6.2.02 Settlement Conferences

- (a) Settlement Conferences shall be held prior to every contested hearing, unless there has been a previous mediation or unless expressly deemed unnecessary by the judicial officer setting the contested hearing.
- (b) The trial attorneys shall be present at the settlement conference and shall be authorized to make decisions on behalf of their clients.
- (c) Prior to the settlement conference the parties or their attorneys shall meet in order to determine the issues to be tried and any areas of agreement.

(Eff.1/1/93)(Rev. 7/98)(Renumbered 1/1/09)

Rule 6.2.03 Access to Minors

- (a) No party or attorney in a dependency proceeding shall interview the minor about the events relating to the allegations in the petition(s) on file without permission of the minor's attorney or Court order.
- (b) All dependency investigators in Child Protective Services, all attorneys representing parties in a dependency case in which child abuse has been alleged and other participants in the case, including a child advocate, shall attempt to minimize the number of interviews they take of the minor relating to the events surrounding the alleged abuse. To this end anyone wishing to learn facts about the alleged incident shall first review the comprehensive interview taken by the investigating officer.

(Eff. 1/1/93)(Renumbered 1/1/09)

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Rule 6.2.04 Calendar Priority

Cases in which children are present, or CASA court advocates who are appointed to appear on a dependency matter are present, shall be given priority on the Court's calendar, whenever possible.

(New 1/1/09)

Rule 6.2.05 Presence of Child in Court

- (a) All children are entitled to attend Court hearings. Every child four (4) years or older shall be told of his right to attend Court hearings by the investigating/supervising probation officer/social worker.
- (b) No child shall be brought to Court solely for the child to confer with his or her attorney or for a visit with a parent, relative or friend.
- (c) If the child is present, the judicial officer hearing the case may view and speak with the child.

(Eff. 1/1/93)(Renumbered 1/1/09)

Rule 6.2.06 Appointment of Attorneys: Screening and Training
(W & I Code 317.6; Cal. Rules of Court, Rule 5.660)

Attorneys who are appointed to represent parties in dependency matters must have completed at least eight hours of training or education in the area of juvenile dependency. The Judge of the Dependency Court shall screen attorneys before they are appointed and make a determination of competency based upon the minimum standard for training and experience as outlined herein.

(New 7/1/96) (Rev. 7/1/07)(Renumbered 1/1/09)

Rule 6.2.07 All Attorneys: Qualifications and Continuing Education
(W & I 317.5, CRC 5.660)

- (a) Every attorney who represents a party in dependency matters must be competent and have training or education in the area of juvenile dependency law. Retained Counsel who has not practiced in dependency law must complete the required initial education within sixty days of their first appearance in a case and complete a Declaration of Eligibility for Representation in Dependency Court form provided by the Santa Cruz Superior Court and submit it to the Dependency Court Judge.
- (b) Every attorney who represents a party in dependency matters, including appointed counsel, must, within every three years, complete at least eight hours of continuing education related to dependency proceedings.
- (c) Attorneys must submit proof of Compliance by completing a Declaration of Eligibility for Representation in a Dependency Court form provided by the Santa Cruz Superior Court and submit it to the dependency court judge.

(Eff. 7/1/96)(Rev. 7/1/2000)(Renumbered 1/1/09)(Rev. 1/1/11)

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Rule 6.2.08 Client Complaints

When counsel is appointed in a dependency matter, complaints or questions by a party against may be submitted to the dependency judge orally on the record or in writing. Written complaints regarding the performance of an attorney will be reviewed by the Juvenile Court, and, if appropriate, may be set for hearing.

(New 7/1/96)(Renumbered 1/1/09)

Rule 6.2.09 Procedures in Contested Matters

- (a) All contested hearings including jurisdictional/dispositional hearing, six month, twelve month or eighteen month reviews shall be set in Dependency Court. Any long hearings/trials may be sent to the Civil Long Cause Master Calendar on Friday at 1:30 p.m. to be assigned out for trial.
- (b) At the time the contested hearing is set the parties shall agree on the record to dates for exchange of discovery and witness lists prior to the trial date.
- (c) No continuance shall be granted that is contrary to the interest of the minor. In considering the minor's interests, the court shall give substantial weight to a minor's need for stability and prompt resolution of custody status, and the damage to a minor of prolonged temporary placements. Continuances shall be granted only upon a showing of good cause and only for that period of time shown to be necessary. W & I 352, CRC 5.550.

(Eff. 7/1/96)(Rev. 7/1/2000)(Renumbered 1/1/09)(Rev. 7/1/2013)

Rule 6.2.10 Dependency Mediation
(W & I 350)

Dependency matters may be set for confidential mediation to develop a plan in the best interest of the child.

- (a) Upon the request of any party or upon the Court's own motion a case may be referred for mediation.
- (b) The party requesting mediation shall complete the mediation Referral and Report form and submit it to the juvenile Court clerk at the time the referral is made.
- (c) The mediation shall be confidential and shall be conducted by trained and neutral mediators through Family Court Services. Parties and counsel for all parties shall attend the mediation except that participation by the minor shall be at the mediators' discretion.
- (d) If the case does not resolve at mediation, the case will be set on the next dependency court calendar to schedule the contested hearing.

(New 7/98)(Renumbered 1/1/09)(Rev. 1/1/11)

Rule 6.2.11 Mexican Consulate's Access to Juvenile Court Records

- A. The persons and agencies designated in Welfare and Institutions Code sections 362.5, 827, and 827.10 will be given access to juvenile court records as provided by statute. In addition, the Mexican Consulate, and Consulate staff members working on behalf of the Mexican Consulate, may have access to juvenile court records when seeking the records of a child who is in protective

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custody and/or is before the court for a dependency action, and one of the following conditions apply:

- (1) The child is a Mexican national,
- (2) The child has a parent who is a Mexican national, or
- (3) The child has relatives (as defined in Welfare and Institutions Code Section 319) who are Mexican nationals.

- B. The Mexican Consulate may receive access and/or photocopies of juvenile court records, without prior court order, if the conditions in section (A) are met. Persons receiving records under this rule must not disclose such records to another person or agency unless authorized to do so by the Juvenile Court. Any unauthorized disclosure may be punishable as provided by applicable laws.
- C. For purposes of this rule, “juvenile court records” include a petition filed in a juvenile court proceeding, reports of the social worker, and all other documents filed in that case or made available to the social worker in making his or her report, or to the judge, or other hearing officer, and thereafter retained by the social worker, judge, or other hearing officer.

(New 1/1/17)

Rule 6.3 COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)
(W & I 356.5, CRC 5.655)

Rule 6.3.01 The Advocate Program

- (a) The Superior Court may appoint child advocates to represent the interests of dependent children. In order to qualify for appointment the child advocate must be trained by and function under the auspices of a Court appointed special advocate program, formed and operating under the guidelines established by the National Court Appointed Special Advocate Association. (W & I Code section 356.5)

(Eff. 1/1/93)(Rev. 1/1/09)

Rule 6.3.02 Child Advocates (W & I 102)

An advocate is an officer of the Court and shall be sworn in by a Superior Court Judge/Commissioner before beginning his/her duties.

- (a) Advocates' Functions. Advocates serve at the pleasure of the Court having jurisdiction over the proceeding in which the advocate has been appointed. In general, an Advocate's functions are as follows:
 - 1. Provide independent factual information to the court regarding the case(s) he/she has been appointed to;
 - 2. To communicate the child's needs and desires to the Court in written reports and oral recommendations. If a written report is prepared, it shall be submitted to the court two days before the hearing the report was prepared for;
 - 3. To the fullest extent possible, to communicate and coordinate efforts with the case manager (probation officer/social worker) the advocate, case manager, child's attorney, attorneys for parents, relatives, foster parents and any therapist for the child, and teachers or educators.
 - 4. Monitor the case to assure that court's orders have been fulfilled.(Eff.1/1/93) (Rev. 1/1/09)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ

DIVISION SEVEN - ARBITRATION/MEDIATION

Rule 7.1 ARBITRATION/MEDIATION RULES

Rule 7.1.01 Policy Statement

It is the policy of this Court to assign all appropriate cases to arbitration or mediation. As a general policy statement, the Court prefers mediation but recognizes that each case must be evaluated separately. No cases will be ordered to mediation without the stipulation of all parties

(Rev. 1/1/97) (Rev. 7/1/05)(Rev. 1/1/09)

Rule 7.1.02 Judicial Mediation

- (a) The Court has an established Judicial Mediation Program. Parties may request Judicial Mediation by indicating their preference on the Case Management Conference Statement. (Eff. 7/1/05)

- (b) Each Civil Department will devote one week per month or eight half-day sessions per month to Judicial Mediation. (Eff. 7/1/05)

- (c) If the case is appropriate for Judicial Mediation and all parties agree to mediate, the Court will set the Judicial Mediation for a single session. Parties may agree to Judicial Mediation at the Case Management Conference or by submitting local form SUPCV-1012, Stipulation and Order to Attend Judicial Mediation or Private Arbitration, at least 10 days before the Case Management Conference. The Case Management Judicial Officer will conduct the mediation. (Eff. 7/1/05)(Rev. 7/1/15)

- (d) In agreeing to Judicial Mediation, the parties waive any conflict with the mediator in the event the case is returned to the Case Management Judicial Officer (who has served as mediator) for any purpose, including trial. (Eff. 7/1/05)

- (e) Continuance of Judicial Mediation is disfavored. Absent good cause, any Request for Continuance filed less than ten days before the scheduled mediation date will be denied. Form SUPCV1013 and a separate Declaration will be required for consideration of a Request for Continuance. (Eff. 7/1/05)

- (f) At the conclusion of an unsuccessful mediation, if the matter has not been set for trial, it will be set for the earliest practical date. (Eff. 7/1/05)

- (g) At the conclusion of a successful mediation, a return Case Management Conference will be set. No appearance will be necessary if a Request for Dismissal has been filed by the return date. Otherwise, each party must file a CMC Statement explaining what has transpired since the successful mediation. (Eff. 7/1/05)

SUPERIOR COURT OF CALIFORNIA
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Rule 7.1.03 Pro-Tem Panel Arbitration (also known as Judicial Arbitration) and Panel
Mediation

- (a) Cases may be sent to Panel arbitration or Panel mediation from the Case Management Conference Calendar, pursuant to CCP 1141.10, et seq., California Rule 3.810 et seq, CCP 1775 et seq., California Rule 3.850 et seq.
These local rules may be amended as necessary to describe the Panel Arbitration and Panel Mediation process in more detail.

(Eff. 7/1/05)(Rev.7/1/07)(Rev. 1/1/09)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ
DIVISION EIGHT - SUPERIOR COURT APPELLATE DIVISION

Rule 8.1 APPELLATE DIVISION PROCEDURES

Rule 8.1.01 General Rules

The provisions of Code of Civil Procedure section 77 and California Rules of Court 8.800 through 8.891 apply fully to these local rules.

(New 1/1/13)(Rev. 1/1/15)

Rule 8.1.02 Notice of Appeal

All Civil, Criminal, and Traffic Appeals: The notice of appeal and subsequent appeal papers shall be filed with the Appeals Clerk in Room 110 at the Santa Cruz Court facility.

Juvenile Dependency Appeals: The Notice of Appeal shall be filed with the Dependency Clerk at the Watsonville Court facility.

(New 7/1/97) (Rev. 1/1/11)(Renumbered 1/1/13)

Rule 8.1.03 *Ex Parte* Applications

Ex parte applications for extensions of time filed either before certification to the Appellate Department or after, and all other *ex parte* applications relating to other routine matters shall be submitted to the Appeals Clerk in Room 110, who shall present the application to the Presiding Judge of the Appellate Division for review and decision.

(Rev. 1/1/99)(Renumbered 1/1/13)

Rule 8.1.04 Writ Proceedings

All writs within the original jurisdiction of the Appellate Division shall be processed in accordance with California Rules of Court 8.930 through 8.936.

(Rev. 1/1/99)(Rev. 1/1/11) (Rev. & Renumbered 1/1/13)

Rule 8.1.05 Infraction Cases

Infraction cases only: The provisions of Code of Civil Procedure section 77 (h) and California Rules of Court 8.900 through 8.929 further define the procedures followed by the Appellate Division for infraction cases.

(New 1/1/11)(Rev. & Renumbered 1/1/13)

Rule 8.1.06 Appellate Record

(a) Pursuant to California Rules of Court section 8.833 (a), the original trial court file may be used instead of a clerk's transcript in limited civil cases.

(b) Pursuant to California Rules of Court section 8.914 (a), the original trial court file may be used instead of a clerk's transcript in infraction cases.

(c) Pursuant to California Rules of Court section 8.863 (a), the original trial court file may be used instead of a clerk's transcript in misdemeanor cases.

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(d) When requested by appellants pursuant to CRC § 8.835, CRC § 8.868, or CRC § 8.917, transcripts of electronically recorded proceedings will be provided to parties in electronic form only (pdf), not in paper form.(New 1/1/13)(Rev. 7/1/16)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ
DIVISION NINE - MISCELLANEOUS

Rule 9.1.01 Tape Recordings as Evidence

Whenever a tape recording is offered for admission into evidence, an accurate written transcription must accompany it, unless otherwise ordered by the trial/hearing Judicial Officer.
(Eff. 1/1/88)(Rev. 1/1/13)

Rule 9.1.02 Notice of Availability of Official Reporting Services

Consistent with California Rules of Court, Rule 2.956(b)(1), the Court must enumerate the departments in which the services of official court reporters are normally available. At this time, Court reporters are normally available in the following departments:

Santa Cruz

- Department 3
- Department 6
- Department 7

Watsonville

- Department A
- Department B
- Department of Child Support Services (DCSS) and Restraining Order Hearings (Dept. D/C)

Although an official court reporter is not normally available in Santa Cruz for Departments 1, 2, and 10, each of these departments is equipped with electronic recording devices for recording *criminal misdemeanor, infractions and limited civil* the proceedings.

Official court reporters are also provided in the following departments for the following types of court matters:

Santa Cruz

- Department 4 - Law and Motion and Probate
- Department 5 - Law and Motion only

(Rev. 1/1/11)(Rev. 7.1.14)(Rev. 7/1/15)

Rule 9.1.03 Requests for Official Court Reporters for Civil Trials and notices to parties

The Santa Cruz Superior Court does not provide official court reporters for civil trials. The party or parties desiring an official court reporter must arrange for or hire an official court reporter for any civil trials.

See CRC Rule 2.956, Section (c) and (d) for rules governing procuring reporters

(New 1/1/11)(Rev. 1/1/13)

SUPERIOR COURT OF CALIFORNIA
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Rule 9.2 RECORDING IN COURT

Rule 9.2.01 Recording in court:

Requests for media coverage of any type must comply with CRC Rule 1.150 and requests must be submitted to the trial judge in advance using the appropriate Judicial Council form (MC 500).

See CRC Rule 1.150 for rules about photographing, recording, and broadcasting in court

(Rev. 1/1/11)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ
DIVISION TEN - ELECTRONIC RECORDING OF PROCEEDINGS

Rule 10.1 ELECTRONIC RECORDING OF COURT PROCEEDINGS

Rule 10.1.01 Authority For and Use of Electronic Recording

Electronic recording of Court proceedings in limited civil cases and misdemeanor or infraction cases is authorized under Government Code Section 69957. When electronic recording is utilized, the rules of this Division shall apply.

(Rev. 1/1/99)(Rev. 1/1/13)

Rule 10.1.02 Equipment

Equipment shall meet or exceed the standards set by the Judicial Council as specified in California Rule of Court 2.952 and 2.954.

(Eff. 1/1/90)(Rev. 7/1/07)(Rev. 1/1/09)

Rule 10.1.03 Monitors

Each department which utilizes electronic recording as the official record of the proceedings shall designate a monitor, as defined in California Rule of Court 2.952(b)(2), to operate the recording equipment, to make appropriate notations to identify the proceedings, to play back portions of the record when requested, to mark and prepare the recordings for storage and to perform other duties as the Court may designate.

(Eff. 1/1/90)(Rev. 1/1/09)

Rule 10.1.04 Monitor's Certificate

At the close of each day's proceedings, designated monitor shall execute a certificate as specified in California Rule of Court 2.952.

(Eff. 1/1/90) (Rev 1/1/98)(Rev. 7/1/07)(Rev. 1/1/09)

Rule 10.1.05 Maintenance of Recordings

The original designated monitor's certificate, tape and monitor's notes shall be maintained and stored under direction of the Clerk of the Court.

(Rev. 1/1/91) (Rev. 1/1/98)(Rev. 1/1/09)

Rule 10.1.06 Transcripts

Transcripts of electronically recorded proceedings will only be accepted by the court if prepared by the transcriber selected and authorized by the court. If a party has purchased an electronic recording of a proceeding, and then later determines a need for a transcript that can be submitted to the court, the party shall request that the court order the transcript. The cost of transcript preparation shall be borne by the requestor. The transcriber shall execute an affidavit certifying that the transcript is an accurate recording of the proceeding.

(Rev. 1/1/99)(Rev 7.1.14)

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Rule 10.1.07 Transcription of Record

A transcript of the audio recording is prima facie evidence of the proceedings when certified as being an accurate recording.

(Rev. 1/1/90)

Rule 10.1.08 Official Court Reporters

No presently employed Court reporter shall have his or her hours of employment reduced as a result of the use of electronic recording nor shall be required to prepare a transcript of a proceeding electronically recorded.

(Renumbered 1/1/08)(Eff. 1/1/90) (Rev. 1/1/95)

Rule 10.1.09 Requests for Tapes

Requests for recording shall be made to the Court, at the Judges' Chambers Office.

(Renumbered 1/1/08)(Rev. 1/1/98)(Rev. 1/09)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ
DIVISION 11 – EXHIBITS

Rule 11.1.01 The Court's Acceptance of Exhibits

- (a) Evidence admitted in any case before any court shall be only those items required in the case and shall be retained by the court for the minimum time required by law, unless good cause is shown to retain the evidence. The Executive Officer/Clerk of Santa Cruz County will not accept or retain exhibits that are bulky¹, heavy², or designated as hazardous or toxic waste material³ or any biological material⁴.
- (b) Pursuant to Penal Code Section 1417.3(b) and upon a finding of good cause, certain toxic materials may be brought into a courtroom and introduced into evidence provided they remain at all times in a sealed condition and properly labeled as to the exact contents thereof. Unless otherwise ordered by the court, the person bringing the evidence into the courtroom shall retain it and shall be responsible for the storage of the evidence and for the production and substitution of a photographic record in lieu of the evidence.
- (c) In the event the court does not order the substitution of a photograph and/or technical report for the actual controlled substance evidence, the evidence shall be stored by the person delivering it into the courtroom until it is eligible for destruction.
- (d) Additional exhibits which are not to be sent to the courts' exhibits custodian, unless there is a court order for the court to retain them, include the following:
 - (1) Any type of explosive powder.
 - (2) Any explosive chemical such as toluene, ethane, etc.
 - (3) Any explosive device such as a pipe bomb, hand grenade, etc.
 - (4) Any flammable device such as Molotov cocktail, gasoline, etc.
 - (5) Any canister containing tear gas, spray paint, mace, etc.
 - (6) Any corrosive liquid.
 - (7) Any rags soaked with any flammable liquid which is still damp or wet.
 - (8) Dry P.C.P. in other than airtight package, i.e., plastic.
 - (9) Any liquid P.C.P.
 - (10) Exhibits purporting to contain samples of blood, urine, human or animal fluids or tissues, or other items requiring refrigeration and/or humidity controlled storage.
 - (11) All controlled substances as defined in Section 11007 of the California Health and Safety Code (which refers to schedules of controlled substances listed in H&S Sections 11054, 11055, 11056, 11057 and 11058) have been designated by the court as hazardous waste materials.
- (e) Exhibits which fall into one of the above classifications are not to be sent to the courts' exhibits custodian. Photographs, technical reports or identical dummy objects shall be used in lieu of the original object. Foam boards or enlarged photographs that are used in a case shall be replaced by 8 ½" x 11" photographs or copy of photographs at the end of the case. The court will not store foam boards at the conclusion of a case. Audio/video capabilities to display and

¹ "bulky" objects are those exceeding 1 cubic foot in volume.

² "heavy" objects are those exceeding 3 lbs. by weight.

³ All controlled substances listed in Health & Safety Code Sections 110454, 11055, 11056, 11057, and 11058 are considered to be hazardous waste material.

⁴ Any material that may be subject to forensic deoxyribonucleic acid (DNA) testing per Penal Code 1405(a) such as blood, urine, human or animal tissue or other items requiring refrigeration and /or humidity controlled storage is considered biological material.

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enlarge exhibits are available for use by attorneys and parties in each of the courtrooms. This rule shall not apply to capital cases.

Local form SUPAD051, Stipulated Order to Return Exhibits and Depositions, shall be used when requesting to have Exhibits returned.

(New 1/1/11)(Rev. 1/1/15)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ
THE LAWYER'S PLEDGE

In order to raise the standards of civility and professionalism among counsel and between the Bench and the Bar, I hereby pledge the following:

1. To at all times comply with the California Rules of Professional Conduct;
2. To honor all commitments;
3. To be candid in all dealings with the Court and counsel;
4. To uphold the integrity of our system of justice and not compromise personal integrity for the sake of a client, case or cause;
5. To seek to accomplish the client's legitimate goals by the most efficient and economical methods possible;
6. To act in a professional manner at all times, to be guided by a fundamental sense of fair play in all dealings with counsel and the Court, and to be Courteous and respectful to the Court;
7. To be on time;
8. To be prepared for all Court appearances – to be familiar with all applicable Court rules;
9. To adhere to the time deadlines set by statute, rule, or order;
10. To avoid visual displays of pique in response to rulings by the Court;
11. To discourage and decline to participate in litigation or tactics that are without merit or are designed primarily to harass or drain the financial resources of the opposing party;
12. To avoid any communications with the judge concerning a pending case unless the opposing party or lawyer is present, or unless permitted by Court rules or otherwise authorized by law;
13. To refrain from impugning the integrity of the judicial system, its proceedings, or its members;
14. To treat all Court personnel with the utmost civility and professionalism;
15. To remember that conflicts with opposing counsel are professional and not personal – vigorous advocacy is not inconsistent with professional Courtesy;
16. To refrain from derogatory statements or discriminatory conduct on the basis of race, religion, gender, sexual orientation or other personal characteristic;
17. To treat adverse witnesses and litigants with fairness and due consideration;
18. To conduct discovery proceedings as if a judicial officer were present;
19. To meet and confer with opposing counsel in a genuine attempt to resolve procedural and discovery matters;
20. To not use discovery to harass the opposition or for any other improper purpose;
21. To not arbitrarily or unreasonably withhold consent to a just and reasonable request for cooperation or accommodation;
22. To not attribute to an opponent a position not clearly taken by that opponent;
23. To avoid unnecessary "confirming" letters and to be scrupulously accurate when making any written confirmation of conversations or events;
24. To not propose any stipulation in the presence of the trier of fact unless previously agreed to by the opponent;
25. To not interrupt an opponent's legal argument;
26. To address opposing counsel, when in Court, only through the Court;
27. To not seek sanctions against or disqualifications of another lawyer to attain a tactical advantage or for any other improper purpose;
28. To not schedule the service of papers to deliberately inconvenience opposing counsel;
29. To refrain, except in extraordinary circumstances, from using the fax machine to demand immediate responses for opposing counsel.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ
THE JUDGES' PLEDGE

As a member of the judiciary who desires to improve relations among counsel and between the Bench and the Bar, I pledge as follows:

1. To be Courteous, respectful and civil to the attorneys, parties, and witnesses who appear before the Court;
2. To exercise my authority to ensure that all the attorneys, parties, and witnesses conduct themselves in a civil manner;
3. To refrain from any conduct or statement which discriminates on the basis of race, religion, gender, sexual orientation or other personal characteristic of attorneys, parties, or witnesses;
4. To instruct all Court personnel to act civilly toward attorneys, parties, and witnesses;
5. To refrain from the use of abusive, demeaning or humiliating language and opinions in oral or written communication with attorneys, parties, and witnesses;
6. To be punctual in covering all hearings, meetings, and conferences;
7. To give full consideration to the papers and arguments presented by counsel;
8. To make a reasonable effort to decide promptly all matters presented for decision;
9. To be aware of the time restraints and pressures imposed upon attorneys by the exigencies of litigation practice, while nevertheless endeavoring to resolve disputes efficiently;
10. To make every effort to adhere to the statutes and Court rules which are intended to establish uniformity among all of the Courts;
11. To consider the legitimate calendaring conflicts of attorneys, parties, and witnesses in the administration of those matters before the Court;
12. To avoid conduct which would give an appearance of favoritism to any particular counsel or party;
13. To be mindful that the Court is the servant of the people and its purpose is the administration of justice.

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LOCAL RULES OF COURT (Effective 1/1/17)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ
701 Ocean Street, Santa Cruz, California 95060

DIVISION ONE -- GENERAL RULES

Rule 1.1 ADMINISTRATION AND DISTRIBUTION OF BUSINESS

Rule 1.1.01 Application of Local Rules
(Rev. 1/1/99)(Eff. 1/1/95)

Rule 1.1.02 California Rules of Court
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Rule 1.1.03 Presiding Judge of Superior Court
(Rev. 1/1/01)(Eff. 1/1/95)

Rule 1.1.04 Assistant Presiding Judge
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Rule 1.1.07 Duties of the Presiding Judge
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(Renumbered 7/1/07)(Rev. 7/1/04)(Rev. 1/1/2000)(Rev. 1/1/11)(Rev. 7/1/13)(Rev. 7/1/14)(Rev. 7/1/16)

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(Rev. 1/1/09)(Rev. and Renumbered 7/1/02)(Eff. 1/1/92)(Rev. 7/1/15)

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Rule 2.1.04 Request to Advance Case Management Conference

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(Renamed Rev. 1/1/11)(Rev. 1/1/09)(Rev.1/1/95)(Eff. 1/1/80)

Rule 2.2.04 Settlement Conferences

(Rev. 1/1/09)(Rev.1/1/95)(Rev. 1/1/93)

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(Rev. 1/1/09)(Rev. 7/1/07)(Rev. 1/1/99)

Rule 2.2.06 Trial Briefs in Civil Cases

(Rev. 1/1/11)(Rev. 1/1/09)(Eff. 1/1/87) (Renumbered 1/1/95)

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Rule 2.2.07 Continuances of Trials

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Rule 2.2.08 Complex Litigation – Preempted by California Rule of Court 3.400-3.403, 3.501-3.550)

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Rule 2.2.09 Complex Litigation – Preempted by California Rule of Court 3.400-3.403, 3.501-3.550)

(2.2.09 Deleted)(Renumbered to 2.2.08 1/1/11)(Rev. 1/1/09)(Rev. 7/1/07)(Rev. 7/1/04)(Rev. 7/1/02)

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(a) (Rev. 7/1/97)

(b) (Rev. 7/1/07)(Rev. 1/1/95)(Rev. 1/1/93)

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(Deleted 1/1/09)(Eff. 1/1/88)

Rule 2.4.05 Orders and Stipulations for County Funds

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(Eff. 1/1/93)

Rule 2.4.07 Calendaring Demurrers in Unlawful Detainer Cases

(Eff. 1/1/14)(Rev. 7/1/15)

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Preempted by California Rule of Court 3.1350-3.1354 (Rev. 1/1/09)(7/2000)

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(Rev. 1/1/09)(Rev. 1/1/98)(Eff. 1/1/89)(Rev. 7/1/14)

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Rule 2.7.02 Attorney Fees - California Rule of Court 3.1800(b)

(Rev. 1/1/09)(Renumbered 7/1/07)(Eff. 1/1/86)

Rule 2.7.03 Stipulation to Commissioners – Civil Department

(Renumbered 7/1/07)(Eff. 12/3/03)

Rule 2.7.04 Exhibit Formatting

(New 7/1/16)

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(Rev. 1/1/09)(Rev. 1/1/95)(Rev. 1/1/93)(Rev. 1/1/13)

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(New 1/1/13)(Rev. 7/1/14)

Rule 3.1.03 Meet and Confer Requirement

(Rev. 1/1/01; Eff. 1/1/91)(New/Renumbered 1/1/13)

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Rule 3.1.04 Completion of Forms

(Eff. 1/1/91)(Renumbered 1/1/13)

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(Rev. 1/1/11) (Rev. 1/1/09)(Rev. 1/1/07)(Rev. 1/6/06)(Rev. 1/1/01)(Eff. 1/1/99)(Renumbered Rev. 1/1/13)

Rule 3.1.07 Trial and Status Conference Continuances

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Rule 3.1.08 Early Neutral Evaluation (ENE) and Settlement Conference

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Rule 3.1.09 Judicial Mediation

(Rev. 1/1/11)(New 1/1/07)(Renumbered 1/1/13)

Rule 3.1.10 Trial

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Rule 3.3 CUSTODY ISSUES

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Rule 3.3.02 Child Custody Recommending Counseling (CCRC)

(Rev. 1/1/11)(Rev. 1/1/09)(Rev. 1/1/01)(Eff. 1/1/2000)(Rev. 1/1/13)(Rev. 1/1/16)

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Rule 3.3.05 Referrals

(Renumbered 1/1/09)(Rev. 7/1/95)

Rule 3.3.06 Private Mediation

(Rev. 1/1/11)(Renumbered 1/1/09)(Rev. 1/1/01)

Rule 3.3.07 Complaint Process

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Rule 3.4 CO-PARENT WORKSHOP

Rule 3.4.01 Co-Parent Workshop Program

(Rev. 1/1/11)(Rev. 1/1/09)(Rev. 1/1/01)(Eff. 7/1/91)(Rev. 1/1/16)(Rev. 7/1/16)

Rule 3.4.02 Attendance

(Rev. 1/1/11)(Rev. 1/1/01)(Eff. 7/1/91)(Rev. 1/1/16)

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Rule 3.5 OFFICE OF FAMILY LAW FACILITATOR

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Rule 3.5.01 Duties

(Rev. 1/1/2000)(Eff. 7/1/97)

Rule 3.6 TIME TO PREPARE ORDERS/JUDGMENTS

(Replaced 1/1/13)

Rule 3.6.01 Order Preparation

(Replaced/New 1/1/13)

Rule 3.6.01 Personnel in Clerk's Office

(Eff. 1/1/06)(Removed 1/1/13)

Rule 3.6.02 Self-Represented Litigants

(Rev. 1/1/09)(Eff. 1/1/06)(Removed 1/1/13)

Rule 3.7 COURT REPORTERS

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Rule 4.2 PROBATE OF ESTATES

Rule 4.2.01 Letters of Special Administration

(Rev. 7/1/91)

Rule 4.2.02 Petitions for Appointment

(Rev. 7/1/01)

Rule 4.2.03 Declination of Executor

(Eff. 7/1/91)

Rule 4.2.04 Duties and Liabilities of Personal Representative

(Rev. Renamed 1/09)(Rev.7/1/01)

Rule 4.2.05 Consent of Representative(s)

(Rev. 1/1/09)(Rev. 7/1/03)(Rev. 1/1/91)

Rule 4.2.06 Notices

(Rev. 1/1/09)(Rev. 7/1/03)(Rev. 7/1/01)

Rule 4.2.07 Bond Waivers

(Renamed 1/09)(Rev. 7/1/01)

Rule 4.2.08 Inventory and Appraisal

(Rev. 1/1/09)(Rev. 7/1/01)(Eff. 1/1/91)

Rule 4.2.09 Continuances

(Rev. Renamed 1/1/09)

Rule 4.2.10 Sale of Real Property

(Rev. 1/1/09)(Rev. 7/1/03)(Rev. 7/1/99; Eff. 1/1/91)

Rule 4.2.11 Petitions for Instructions

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Rule 4.2.13 Final Discharge

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(Rev. 7/1/01)(Eff. 1/1/91)

Rule 4.2.15 Compensation of Personal Representatives and Attorneys in Probate Estates

(Rev. Renamed 1/1/09)(Rev. 7/1/03)(Rev. 7/1/01)(Eff. 1/1/91)

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(Rev. 1/1/09)(Rev. 7/1/01)(Eff. 1/1/91) (Removed 7/1/16)

Rule 4.3.02 Temporary Conservatorships and Guardianships
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Rule 4.3.03 Petitions for Appointment of Conservators/Guardians
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Rule 4.3.08 Declaration Under UCCJEA (Rev. 1/09)
(Rev. 1/1/09)(Eff. 1/1/91)(Rev. 7/1/16)

Rule 4.3.09 Conservatee's Mental Capacity
(Eff. 1/1/91)

Rule 4.3.10 Guardianship Funds for Support of Minor
(Rev. 1/1/09)(Eff. 1/1/91)

Rule 4.3.11 Inventory and Appraisal Required
(Rev. Renamed 1/1/09)(Rev. 7/1/01)(Eff. 1/1/91)

Rule 4.3.12 Review Hearing for Inventory and Appraisal and for Accountings.
(Rev. 1/1/09)(Rev. 7/1/01)(Eff. 1/1/91)

Rule 4.3.13 Separate Accounting for Several Minors
(Eff. 1/1/91)

Rule 4.3.14 Successor Conservator/Guardian
(Eff. 1/1/91)

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Rule 4.3.15 (Revoked 7-1-99)

Rule 4.3.16 (Revoked 7-1-99)

Rule 4.3.17 Accounts in Guardianship Proceedings (New 1/1/09)

Rule 4.3.18 Waiving of Accounts
(Rev. 1/1/09)(Rev. 7/1/01)(Eff. 1/1/91)

Rule 4.3.19 Reports Accompanying Accounts in Conservatorships
(New 1/09)

Rule 4.3.20 Termination of Conservatorships and Guardianships
(Rev. 1/1/11)(Rev. 1/1/09)(Rev. 7/1/01)(Eff. 1/1/91)

Rule 4.3.21 Fees and Commissions
(Rev. 1/1/09)(Rev. 7/3/03)(Rev. 7/1/01)

Rule 4.3.22 Additional Contents for Petitions Filed by Private Professional Conservators
(New 1/1/09)(Rev. 7/1/16)

Rule 4.3.23 Consent of Representative(s)
(New 1/1/13)

Rule 4.4 TRUSTS

Rule 4.4.01 Accounts Filed by Trustees Must Conform to the Requirements of Rule 4.2.16.
(Rev. Renamed Renumbered 1/1/09)(New 7/1/01)

Rule 4.4.02 Contents of First Account
(Rev. Renamed Renumbered 1/1/09_(New 7/1/01)

Rule 4.4.03 Description of Principal and Income
(Rev. Renamed Renumbered 1/1/09)(New 7/1/01)

Rule 4.4.04 Frequency for Filing Accounts
(New 1/1/09)

Rule 4.4.05 Service on Beneficiaries When Power Sought is Not Conferred
(New 1/1/09)

Rule 4.4.06 Bond for Trustee
(New 1/1/09)

Rule 4.4.07 Petition for Confirmation of Trust Assets Pursuant to Estate of Heggstad
(New 1/1/09)(Rev. 1/1/13)

Rule 4.4.08 Trustee Compensation
(New 1/09)

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Rule 4.4.09 Attorney Fees
(New 1/1/09)

Rule 4.4.10 Consent of Trustee
(New 1/1/13)

Rule 4.5 ADOPTIONS (Deleted 1/09)

Rule 4.5.01 Adoptions
(Deleted 1/1/09)(Renumbered 7/1/01)(Eff. 1/1/91)

DIVISION FIVE - CRIMINAL PRACTICE

Rule 5.1 CRIMINAL RULES

Rule 5.1.01 Criminal Departments
(Rev. 1/1/11) (Rev. 1/1/09)(Rev. 1/1/99)(Eff. 1/1/95)(Rev. 1/1/13)

Rule 5.1.02 Applicability of Title 4 of California Rules of Court
(New Renumbered 1/09)

Rule 5.1.03 Format of Papers
(Renumbered 1/1/09)(Eff. 1/1/96)

Rule 5.1.04 Motions
(Rev. Renumbered 1//09)(Rev. 1/1/99)(Rev. 1/1/98)

Rule 5.1.05 Revoked 7/1/15

Rule 5.1.06 Jury Trials
(Rev. Renumbered Renamed 1/1/09)(Rev. 7/98)(/Rev. 1/1/13)(Rev. 7/1/14)

Rule 5.1.07 Bail Bond Forfeiture
(Rev. Renumbered Renamed 1/1/09)

Rule 5.1.08 Real Property Bonds (Section 1298 P.C.)
(Renumbered 1/1/09)(Rev. 1/1/91)

Rule 5.1.09 Personal Surety Bonds (Sec. 1278 P.C., et seq.)
(Renumbered 1/1/09)(Eff. 1/1/91)

Rule 5.1.10 Filing Fee
(Rev. 1/1/11)(Eff. 1/1/91)

Rule 5.1.11 Search Warrants
(New 7/97) (Renumbered 7/1/07)(Rev. 1/1/99) (Deleted Renumbered 1/1/09)(New 1/1/11)

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Rule 5.1.12 Expert Witness Fees

(New 1/1/11)(Rev. 7/1/13)(Rev. 7/1/16)

Rule 5.1.13 Habeas Corpus Writs

(New 1/1/13)

DIVISION SIX - JUVENILE COURT RULES

Rule 6.1 GENERAL PROVISIONS

Rule 6.1.01 Supplement to Statutes and Rules

(Renumbered 7/1/07)(Rev. 7/1/95)(Eff. 1/1/93)

Rule 6.1.02 Judicial Administration

(Rev. 1/1/11)(Rev. 1/1/08)(7/1/2000)(Eff. 1/1/93)

Rule 6.1.03 Filing of Papers

(Rev. 1/1/11)(Rev. 7/1/2000)(Eff. 1/1/93)

Rule 6.1.04 Motions

(Eff. 1/1/93)

Rule 6.1.05 Motions for Continuances

(Rev. 7/1/07)(Eff. 1/1/93)(Rev. 1/1/15)

Rule 6.1.06 Applications for Ex Parte Orders

(Rev. 1/1/11)(Rev. 7/1/07)(Rev. 7/1/2000)(Eff. 1/1/93)

Rule 6.1.07 Disclosure of Juvenile-Related Documents

(Rev. 1/1/09)(Eff. 7/1/95)

Rule 6.2 DEPENDENCY MATTERS

Rule 6.2.00 Collaborative Court

(New 1/1/09)

Rule 6.2.01 Confidentiality

(New 1/1/09)(Rev. 7/98; Eff. 1/1/93)

Rule 6.2.02 Settlement Conferences

(Rev. Renumbered 1/1/09)(Renumbered 7/1/07; Eff. 1/1/93)

Rule 6.2.03 Access to Minors

(Renumbered 1/1/09)(Eff. 1/1/93)

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Rule 6.2.04 Calendar Priority

(New 1/1/09)(Eff. 1/1/93)

Rule 6.2.05 Presence of Child in Court

(Renumbered 1/1/09)

Rule 6.2.06 Appointment of Attorneys: Screening and Training

(W & I Code 317.6; Cal. Rules of Court, Rule 5.660)

(Rev. Renumbered 1/1/09)(Rev. 7/1/07; New 7/1/96)

Rule 6.2.07 All Attorneys: Qualifications and Continuing Education

(Rev. 1/1/11)(Rev. Renumbered 1/1/09)(Rev. 7/1/2000; Eff. 7/1/96)

Rule 6.2.08 Client Complaints

(Rev. Renumbered 1/1/09)(New 7/1/96)

Rule 6.2.08 Advisement of Interests of the Child

(Deleted 1/1/09)(New 7/1/96)

Rule 6.2.09 Procedures in Contested Matters

(Rev. 1/1/09)(Rev. 7/1/2000; Eff. 7/1/96)

Rule 6.2.10 Dependency Mediation

(Rev. 1/1/11)(Rev. 1/1/09)(New 7/98)

Rule 6.2.11 Mexican Consulate's Access to Juvenile Court Records

(New 1/1/17)

Rule 6.3 COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)

(W & I 356.5, CRC 5.655)

Rule 6.3.01 The Advocate Program

(Rev. 1/1/09)(Eff. 1/1/93)

Rule 6.3.02 Child Advocates

(Rev. 1/1/09)(Eff. 1/1/93)

Rule 6.3.03 Sworn Officer of the Court

(Deleted 1/1/09)(Eff. 1/1/93)

Rule 6.3.04 Specific Duties

(Deleted 1/1/09)(Eff. 1/1/93)

Rule 6.3.05 Release of Information to Advocate

(Deleted 1/1/09)(Eff. 1/1/93; Rev. 7/1/97; Eff. 1/1/93)

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Rule 6.3.06 Report of Child Abuse
(Deleted 1/1/09)(Eff. 1/1/93)

Rule 6.3.07 Communication
(Deleted 1/1/09)(Eff. 1/1/93)

Rule 6.3.08 Right to Timely Notice
(Deleted 1/1/09)(Eff. 1/1/93)

Rule 6.3.09 Calendar Priority
(Deleted 1/1/09)(Eff. 1/1/93)

Rule 6.3.10 Visitation Throughout Dependency
(Deleted 1/1/09)(Eff. 1/1/93)

Rule 6.3.11 Family Law Advocacy
(Deleted 1/1/09)(Eff. 1/1/93)

Rule 6.3.12 Right to Appear
(Deleted 1/1/09)(Eff. 1/1/93)

DIVISION SEVEN - ARBITRATION/MEDIATION

Rule 7.1 ARBITRATION/MEDIATION RULES

Rule 7.1.01 Policy Statement
(Rev. 1/1/09)(Rev. 7/1/05)(Rev. 1/1/97)

Rule 7.1.02 Judicial Mediation
(Eff. 7/1/05)(Rev. 7/1/15)

Rule 7.1.03 Pro-Tem Panel Arbitration (Also known as Judicial Arbitration) and Panel Mediation
(Rev. 1/1/09)(Eff 7/1/07)(Rev 7/1/07)

DIVISION EIGHT - SUPERIOR COURT APPELLATE DIVISION

Rule 8.1 APPELLATE DIVISION PROCEDURES

Rule 8.1.01 General Rules
(Renumbered/New 1/1/13)(Rev. 1/1/15)

Rule 8.1.02 Notice of Appeal
(Rev. 1/1/11) (New 7/1/97)(Renumbered 1/1/13)

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Rule 8.1.03 Ex Parte Applications

(Rev. 1/1/99)(Renumbered 1/1/13)

Rule 8.1.04 Writ Proceedings

(Rev. 1/1/11) (Rev. 1/1/99)(Renamed/Renumbered Rev. 1/1/13)

Rule 8.1.05 Infraction Cases

(New 1/1/11) (Renumbered Rev. 1/1/13)

Rule 8.1.06 Appellate Record

(New 1/1/13)(Rev. 7/1/16)

DIVISION NINE - MISCELLANEOUS

Rule 9.1.01 Tape Recordings as Evidence

(Eff. 1/1/88)(Rev. 1/1/13)

Rule 9.1.02 Notice of Availability of Official Reporting Services

(Rev. 1/1/11)(Repealed 7/1/07)(Rev. 7/1/02)(Eff. 1/1/94)(Rev. 7/1/14)

Rule 9.1.03 Requests for Official Court Reporters for Civil Trials and notices to parties

(New 1/1/11) (Rev. 1/1/13)

Rule 9.2.01 Recording in Court

(Rev. 1/1/11)(Eff. 7/1/05)

DIVISION TEN - ELECTRONIC RECORDING OF PROCEEDINGS

Rule 10.1 ELECTRONIC RECORDING OF COURT PROCEEDINGS

Rule 10.1.01 Authority For and Use of Electronic Recording

(Rev. 7/1/07; Rev. 1/1/99)(Rev. 1/1/13)

Rule 10.1.02 Equipment

(Rev. 1/1/09)(Eff. 1/1/90)

Rule 10.1.03 Monitors

(Rev. 1/1/09)(Eff. 1/1/90)

Rule 10.1.04 Monitor's Certificate

(Rev. 1/1/09)(Rev. 7/1/07)(Rev. 1/1/98)(Eff.1/1/90)

Rule 10.1.05 Maintenance of Recordings

(Rev. Renamed 1/1/09)(Rev. 1/1/98)(Rev. 1/1/91)

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Rule 10.1.06 Transcripts

(Rev. 1/1/99)(Rev. 7/1/14)

Rule 10.1.07 Transcription of Record

(Eff. 1/1/90)

Rule 10.1.08 Official Court Reporters

(Renumbered 1/1/08; Rev. 1/1/95)(Eff. 1/1/90)

Rule 10.1.09 Requests for Tapes

(Rev. 1/1/09)(Renumbered 1/1/08)(Rev. 1/1/98)

DIVISION ELEVEN – EXHIBITS

Rule 11.1 EXHIBITS PRESENTED TO THE COURT

Rule 11.1.01 The Court’s Acceptance of Exhibits

(New 1/1/11)(Rev. 1/1/15)