

List of Effective Dates

TITLE 1  
GENERAL

RULE 1005 PAYMENT OF FEES	1-1-12
RULE 1010 APPLICATION BY VEXATIOUS LITIGANT TO FILE COMPLAINT	1-1-12
RULE 1015 CUSTODY OF PAPERS	1-1-12
RULE 1020 JUROR LISTS	1-1-12
RULE 1025 INTERPRETERS AND TRANSLATORS	1-1-12
RULE 1035 ATTORNEY FEES IN MINOR'S COMPROMISE CASES	1-1-12
RULE 1040 VIDEO RECORDATION (BLYTHE BRANCH ONLY)	1-1-12
RULE 1045 ENTRY OF JUDGMENT, COSTS AND FEES	1-1-12
RULE 1050 DIRECT FAX FILING	1-1-12
RULE 1055 EXHIBITS / LODGED DOCUMENTS	1-1-12
RULE 1060 COMMISSIONERS AS TEMPORARY JUDGES	1-1-12
RULE 1070 COLLECTION OF FINES	1-1-12
RULE 1075 STATEMENT OF FINANCIAL CONDITION	1-1-12

RULE 1080 1-1-12  
PAYMENT OF COURT ORDERED FINANCIAL OBLIGATIONS

TITLE 2  
RESERVED

TITLE 3  
CIVIL

DIVISION 1  
CIVIL CASE MANAGEMENT

RULE 3110 1-1-12  
EFFECTIVE DATE

RULE 3115 1-1-12  
WHERE TO FILE DOCUMENTS

RULE 3117 1-1-12  
CERTIFICATE OF COUNSEL

RULE 3120 1-1-12  
NEW CASE ASSIGNMENT AND CASE  
MANAGEMENT CONFERENCES

RULE 3130 1-1-12  
DUTIES OF LITIGANTS

RULE 3140 1-1-12  
SERVICE OF PLEADINGS

RULE 3150 1-1-12  
CASE MANAGEMENT CONFERENCE

RULE 3160 1-1-12  
COMPLEX LITIGATION

RULE 3170 1-1-12  
PETITIONS FOR EXTRAORDINARY WRITS

RULE 3180 1-1-12  
UNINSURED MOTORIST CASES

RULE 3185 1-1-12  
CANCELLATION OF INSTRUMENTS

RULE 3190 ATTORNEY FEE SCHEDULE	1-1-12
RULE 3195 INSTALLMENT JUDGMENTS	1-1-12
RULE 3197 JUDGMENT BY DEFAULT – DECLARATION	1-1-12
RULE 3199 CONSOLIDATION OF CASES	1-1-12

DIVISION 2  
ALTERNATIVE DISPUTE RESOLUTION

RULE 3200 POLICY	1-1-12
---------------------	--------

RULES APPLICABLE TO BOTH ARBITRATION AND MEDIATION

RULE 3210 APPLICABLE LAWS AND RULES	1-1-12
RULE 3215 ADR ADMINISTRATION AND ADR COMMITTEE	1-1-12
RULE 3218 DUTY TO MEET AND CONFER RE ADR PRIOR TO FIRST CASE MANAGEMENT CONFERENCE	1-1-12
RULE 3220 ADR ORDERS AND COMPLETION DATES	1-1-12
RULE 3225 MANDATORY ADR SESSIONS: SETTING AND LOCATION	1-1-12
RULE 3227 CONTINUANCE	1-1-12
RULE 3228 POST-ADR DUTIES; ADR REPORTS	1-1-12
RULE 3230 NON-APPEARANCE AT MANDATORY ADR SESSION; SANCTIONS	1-1-12

RULE 3231 1-1-12  
COSTS

RULE 3233 1-1-12  
ALTERNATIVE DISPUTE RESOLUTION COMPLAINT PROCEDURES

RULES APPLICABLE TO JUDICIAL ARBITRATION

RULE 3240 1-1-12  
INITIATION OF ARBITRATION

RULE 3243 1-1-12  
WITHDRAWAL FROM ARBITRATION

RULE 3246 1-1-12  
PRE-HEARING CONFERENCE

RULE 3250 1-1-12  
MANDATORY ARBITRATION STATEMENT

RULE 3253 1-1-12  
RIGHTS TO DISCOVERY IN ARBITRATION

RULE 3255 1-1-12  
ARBITRATION HEARING APPEARANCES REQUIRED

RULE 3258 1-1-12  
INTERPRETERS

RULE 3260 1-1-12  
AWARD

RULE 3263 1-1-12  
TRIAL AFTER ARBITRATION; ENTRY OF AWARD AS JUDGMENT

RULE 3265 1-1-12  
REIMBURSEMENT FOR ARBITRATION FEES TO SUPERIOR  
COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

RULE 3270 1-1-12  
DISPOSITION OF EXHIBITS

RULES APPLICABLE TO COURT-ORDERED MEDIATION

RULE 3273 1-1-12  
COURT-ORDERED MEDIATION: PRE-MEDIATION PROCEDURES

RULE 3275 1-1-12  
APPEARANCES REQUIRED AT MEDIATION; ATTENDANCE SHEETS

DIVISION 3  
CIVIL LAW AND MOTION

RULE 3316 1-1-12  
TENTATIVE RULINGS

RULE 3320 1-1-12  
CONDUCT OF HEARINGS

RULE 3370 1-1-12  
INSTRUCTIONS TO JURY

DIVISION 4  
TRIAL RULES AND PROCEDURES  
(RESERVED)

DIVISION 5  
UNLAWFUL DETAINERS

RULE 3510 1-1-12  
UNLAWFUL DETAINER AND SMALL CLAIMS TIME STANDARDS

RULE 3520 1-1-12  
CASE DESIGNATION AND NOTATION

RULE 3530 1-1-12  
SERVICE OF COMPLAINT

RULE 3536 1-1-12  
REQUEST FOR TRIAL IN UNLAWFUL DETAINER ACTIONS

RULE 3540 1-1-12  
REQUESTS FOR JURY TRIAL IN UNLAWFUL DETAINER ACTIONS

RULE 3560 1-1-12  
DECLARATION AND WORKSHEET FOR DEFAULT  
JUDGMENT – UNLAWFUL DETAINER

DIVISION 6  
SMALL CLAIMS

RULE 3635 1-1-12  
REQUEST FOR CONTINUANCE OF SMALL CLAIMS ACTIONS

TITLE 4  
CRIMINAL

RULE 4001 1-1-12  
WHERE TO FILE DOCUMENTS

RULE 4005 1-1-12  
DECLARATION IN SUPPORT OF ARREST WARRANT

RULE 4010 1-1-12  
PAYMENT OF INVESTIGATORS AND EXPERTS

RULE 4015 1-1-12  
BAIL REDUCTIONS OR INCREASES

RULE 4020 1-1-12  
FORFEITURE, REINSTATEMENT AND EXONERATION OF BAIL

RULE 4025 1-1-12  
COUNTER/FACSIMILE ARRAIGNMENT

RULE 4030 1-1-12  
MISDEMEANOR AND FELONY ARRAIGNMENTS

RULE 4035 1-1-12  
APPEARANCE IN MISDEMEANOR PROCEEDINGS  
BY COUNSEL/OWN RECOGNIZANCE RELEASE

RULE 4040 1-1-12  
REQUEST TO ADD A CASE ONTO CALENDAR

RULE 4045 1-1-12  
ACCEPTANCE OF PLEAS AND IMPOSITION OF SENTENCE  
IN THE ABSENCE OF DEFENDANT

RULE 4050 1-1-12  
CRIMINAL LAW AND MOTION

RULE 4055 1-1-12  
MOTIONS TO QUASH OR TRAVERSE WARRANTS

RULE 4060 SPEEDY TRIAL MOTIONS	1-1-12
RULE 4065 MOTIONS TO DISMISS PURSUANT TO P.C. 995	1-1-12
RULE 4070 EXTENSIONS OF MINOR OFFENSE VIOLATIONS	1-1-12

TITLE 5  
FAMILY AND JUVENILE RULES

DIVISION 1  
FAMILY RULES

RULE 5101 WHERE TO FILE DOCUMENTS	1-1-12
RULE 5105 FACSIMILE TRANSMISSION FILINGS	1-1-12
RULE 5110 REQUEST FOR ORDER PROCEDURE	1-1-12
RULE 5125 REQUEST FOR ORDER - CONTINUANCE	1-1-12
RULE 5141 REQUESTS TO DISMISS RESTRAINING ORDERS	1-1-12
RULE 5150 FAMILY LAW MANDATORY SETTLEMENT CONFERENCES AND TRIALS	1-1-12
RULE 5153 TRIAL RULES AND PROCEDURES	1-1-12
RULE 5155 MEDIATION OF CUSTODY AND VISITATION	1-1-12
RULE 5156 PEREMPTORY CHALLENGE OF A MEDIATOR	1-1-12
RULE 5160 APPEARANCE BY TELEPHONE FOR FAMILY LAW MATTERS	1-1-12

RULE 5165 1-1-12  
EX PARTE PROCEDURES IN FAMILY LAW MATTERS

RULE 5166 1-1-12  
SET-ASIDE DEFAULT TO ALLOW THE FILING OF AN AMENDED  
PETITION

RULE 5170 1-1-12  
MANDATORY SETTLEMENT CONFERENCES

RULE 5175 1-1-12  
COURT ORDERED CHILD CUSTODY EVALUATIONS

RULE 5180 1-1-12  
FORMAL JUDGMENT AND ADDENDA TO JUDGMENT

DIVISION 2  
JUVENILE RULES

RULE 5210 1-1-12  
APPLICATION

RULE 5220 1-1-12  
PRESIDING JUDGE

RULE 5225 1-1-12  
WHERE TO FILE DOCUMENTS

RULE 5230 1-1-12  
ACCESS TO FILES

RULE 5235 1-1-12  
ELECTRONIC RECORDING DEVICES

RULE 5240 1-1-12  
EX PARTE ORDERS

RULE 5245 1-1-12  
MULTIPLE PARTIES – CASE NAME

RULE 5250 1-1-12  
RELEASE OF INFORMATION

RULE 5251 1-1-12  
ACCESS TO JUVENILE COURT RECORDS BY APPLICATION

RULE 5252 JUVENILE AND FAMILY COURTS EXCHANGE OF INFORMATION	1-1-12
RULE 5253 DISSEMINATION OF RIVERSIDE CHILD ASSESSMENT TEAM (RCAT) AUDIO/VIDEO TAPES	1-1-12
RULE 5260 JUVENILE COURT MANAGEMENT OF CASES IN COMMON WITH OTHER DEPARTMENTS	1-1-12
RULE 5270 STANDARDS OF COUNSEL	1-1-12
RULE 5275 FILING AMENDED 300 AND 600 JUVENILE PETITIONS	1-1-12
RULE 5280 FILING REPORTS TIMELY	1-1-12
RULE 5281 FILING DE FACTO PARENT FORMS	1-1-12
RULE 5282 ATTACHMENTS, EXHIBITS AND OTHER DOCUMENTS	1-1-12
RULE 5283 CASA REPORTS	1-1-12
RULE 5284 COURT MINUTE ORDERS	1-1-12
RULE 5290 DISCOVERY	1-1-12
RULE 5295 POST-ADOPTION CONTACT MEDIATION	1-1-12
RULE 5299 MEDICAL EXAMINER FEE	1-1-12

TITLE 6  
RESERVED

TITLE 7  
PROBATE

DIVISION 1  
GENERAL PROVISIONS

(a)  
GENERAL PROCEDURE AND POLICY

RULE 7001 VENUE	1-1-12
RULE 7101 PLEADINGS AND PAPERS	1-1-12
RULE 7103 HEARINGS	1-1-12
RULE 7106 APPROVED MATTERS AND APPEARANCES	1-1-12
RULE 7109 CONTINUANCES	1-1-12
RULE 7112 LODGING OF REQUIRED DOCUMENTS FOR ACCOUNTINGS	1-1-12
RULE 7115 REQUESTS TO WAIVE COURT FEES AND COSTS BY A FIDUCIARY	1-1-12

(b)  
PROBATE REFEREES AND INVENTORIES

RULE 7120 PROBATE REFEREES	1-1-12
RULE 7123 INVENTORY AND APPRAISAL	1-1-12
RULE 7126 KINDS OF INVENTORIES	1-1-12

(c)  
MISCELLANEOUS PROBATE PETITIONS, NOTICES AND ORDERS

RULE 7129 DECLARATION RE: ASSET RECEIVED ON INVENTORY AND APPRAISAL	1-1-12
RULE 7130 APPLICATIONS FOR EX-PARTE ORDERS	1-1-12
RULE 7133 PETITION FOR AUTHORITY TO OPERATE BUSINESS	1-1-12
RULE 7136 MISCELLANEOUS PROVISIONS CONCERNING ORDERS	1-1-12
RULE 7140 REAL PROPERTY SALE – BROKER’S COMMISSION	1-1-12
RULE 7142 SALE OF SPECIFICALLY DEvised PROPERTY	1-1-12
RULE 7143 WRITTEN OVERBIDS	1-1-12
RULE 7145 PERSONAL PROPERTY MUST BE APPRAISED BEFORE SALE	1-1-12
<u>(e)</u> <u>ACCOUNTS, FEES, AND DISTRIBUTIONS</u>	
RULE 7150 TAXES	1-1-12
RULE 7153 DUPLICATING AND TELEPHONE COSTS	1-1-12
<u>DIVISION 2</u> <u>DECEDENT’S ESTATES</u>	
<u>(a)</u> <u>APPOINTMENT OF DECEDENT’S PERSONAL REPRESENTATIVE</u>	
RULE 7201 NOTICE OF PETITION TO ADMINISTER	1-1-12

RULE 7204 1-1-12  
CONFIDENTIAL SUPPLEMENT TO DUTIES AND LIABILITIES  
OF PERSONAL REPRESENTATIVE(S)

(b)  
SMALL ESTATE PROCEEDINGS

RULE 7210 1-1-12  
SMALL ESTATE WITHOUT ADMINISTRATION  
SUCCESSION PETITIONS  
SPOUSAL PROPERTY PETITIONS  
DEPOSIT OF WILL

(c)  
CREDITOR'S CLAIMS

RULE 7220 1-1-12  
PAYMENT OF INTEREST ON FUNERAL AND INTERMENT CLAIMS

DIVISION 3  
GUARDIANSHIPS

RULE 7301 1-1-12  
RELATIVE AND NON-RELATIVE GUARDIANSHIPS OF  
THE PERSON AND/OR ESTATE

RULE 7303 1-1-12  
DUTIES OF GUARDIAN – LIABILITY OF PARENTS  
TO SUPPORT CHILD

RULE 7306 1-1-12  
GUARDIAN'S ACCOUNTS

RULE 7309 1-1-12  
ESTABLISHING CHILD SUPPORT ORDERS IN A GUARDIANSHIP  
CASE (PROBATE CODE SECTION 1500 ET. SEQ. AND FAMILY  
CODE SECTION 3950, 4000 AND 17400 ET. SEQ.)

DIVISION 4  
CONSERVATORSHIPS

RULE 7401 1-1-12  
TEMPORARY CONSERVATORSHIPS

RULE 7403	1-1-12
CAPACITY TO GIVE INFORMED CONSENT TO MEDICAL TREATMENT	
RULE 7406	1-1-12
EMPLOYMENT OF CARE PROVIDERS	
RULE 7409	1-1-12
CONSERVATOR'S ACCOUNTS	
RULE 7412	1-1-12
INVENTORIES AND APPRAISALS	
RULE 7415	1-1-12
APPOINTMENT OF COUNSEL WHEN PETITION SEEKS DEMENTIA POWERS	
RULE 7418	1-1-12
FINDINGS REQUIRED REGARDING PAYMENT OF ATTORNEY FEES TO COURT APPOINTED COUNSEL	

DIVISION 5  
OTHER PROTECTIVE PROCEEDINGS – MINORS AND CONSERVATEES

RULE 7501	1-1-12
COMPROMISE OF DISPUTED CLAIMS – SPECIAL NEEDS TRUSTS	

TITLE 8  
APPEALS

RULE 8000	1-1-12
APPLICATION	
RULE 8005	1-1-12
WHERE TO FILE DOCUMENTS	
RULE 8010	1-1-12
RECORD ON APPEAL	
RULE 8015	1-1-12
APPOINTMENT OF COUNSEL	
RULE 8025	1-1-12
DISMISSAL	

RULE 8030	1-1-12
EXTENSION OR SHORTENING OF TIME; RELIEF FROM DEFAULT	
RULE 8035	1-1-12
APPEAL PROCESSING SCHEDULE	
RULE 8040	1-1-12
APPEAL –SMALL CLAIMS	

TITLE 9  
RESERVED

TITLE 10  
ADMINISTRATION

RULE 10005	1-1-12
TRANSFER OF POWERS, DUTIES, AND RESPONSIBILITIES FROM THE COUNTY CLERK TO THE EXECUTIVE OFFICER	
RULE 10010	1-1-12
PRESIDING JUDGE AND ASSISTANT PRESIDING JUDGE	
RULE 10015	1-1-12
EXECUTIVE COMMITTEE	
RULE 1020	1-1-12
DELEGATION OF JUDICIAL ADMINISTRATIVE RESPONSIBILITIES	
RULE 10025	1-1-12
COUNTYWIDE JUDGES MEETINGS	
RULE 10030	1-1-12
MEDIA INQUIRIES	

TITLE 1  
GENERAL

TABLE OF CONTENTS

RULE 1005  
PAYMENT OF FEES

RULE 1010  
APPLICATION BY VEXATIOUS LITIGANT TO FILE COMPLAINT

RULE 1015  
CUSTODY OF PAPERS

RULE 1020  
JUROR LISTS

RULE 1025  
INTERPRETERS AND TRANSLATORS

RULE 1035  
ATTORNEY FEES IN MINOR'S COMPROMISE CASES

RULE 1040  
VIDEO RECORDATION (BLYTHE BRANCH ONLY)

RULE 1045  
ENTRY OF JUDGMENT, COSTS AND FEES

RULE 1050  
DIRECT FAX FILING

RULE 1055  
EXHIBITS / LODGED DOCUMENTS

RULE 1060  
COMMISSIONERS AS TEMPORARY JUDGES

RULE 1070  
COLLECTION OF FINES

RULE 1075  
STATEMENT OF FINANCIAL CONDITION

RULE 1080  
PAYMENT OF COURT ORDERED FINANCIAL OBLIGATIONS

**TITLE 1  
GENERAL**

**RULE 1001  
WHERE TO FILE DOCUMENTS**

(Adopted 1-1-86; Moved to “Court Organization” 11-7-92, effective 1-1-93; Reinstated to Title 1 and Amended 9-29-01, effective 1-1-02; amended 1-1-03; amended 7-1-03; area code correction 1-1-05; designation correction 1-1-06; amended 4-17-09, effective 7-1-09; amended 5-3-10, effective 8-1-10; Renumbered from Rule 1.0015, 8-1-11, effective 1-1-12; Deleted 11-4-11; effective 1-1-12)

**RULE 1005  
PAYMENT OF FEES**

All fees shall be paid and all pleadings and papers shall be filed with the Clerk, before they will be considered by the Court.

(Adopted 1-1-86; Renumbered from Rule 1.0025, 8-1-11, effective 1-1-12)

**RULE 1010  
APPLICATION BY VEXATIOUS LITIGANT TO FILE COMPLAINT**

A person who has been found to be a vexatious litigant and is subject to a pre-filing order pursuant to California Code of Civil Procedure section 391.7(a) must file a written request to the Presiding Judge for leave to file any new litigation with the court. Pursuant to California Code of Civil Procedure section 391.7(b), the Presiding Judge shall permit the filing of said litigation only if it appears that the litigation has merit and has not been filed for the purposes of harassment or delay. Any person subject to this rule must file the written request on the most recent version of Judicial Council of California Form MC-701. Failure to use Form MC-701 may result in denial of the request.

(Adopted 5-4-11; Renumbered from Rule 1.0026, 8-1-11, effective 1-1-12)

**RULE 1015  
CUSTODY OF PAPERS**

- A. Restriction on Taking. No papers, documents or exhibits on file in the office of the Clerk of this Court shall be allowed to be taken from the custody of the Clerk except as hereinafter provided.
- B. Order. By order of a Judge of this Court entered in the minutes, any exhibit may be returned to the witness or party by whom it was produced, after the substitution of a photostatic copy thereof; provided, however, that such order

may dispense with such substitution in the case of an original record, paper or object taken from the custody of a public officer which is being returned to such officer, or in the case of an exhibit used only in making proof against a party whose default has been entered, or when a photostatic copy is impracticable, in which case a receipt shall be given, or when a written stipulation of all the parties consenting thereto is filed. The application for such an order shall be supported by an affidavit stating all the pertinent facts, except where it is made on stipulation.

(Adopted 1-1-86; Amended 10-17-98, effective 1-1-99; Renumbered from Rule 1.0035, 8-1-11, effective 1-1-12)

**RULE 1020**  
**JUROR LISTS**

Pursuant to Code of Civil Procedure Section 198.5, jury lists for court locations shall be drawn from the following geographic areas within the County of Riverside:

A. Riverside/Corona/Hemet/Banning/Lake Elsinore/Perris and Temecula: All areas west of North-South line running through Whitewater; including the cities and unincorporated areas of Aguanga, Anza, Banning, Beaumont, Cabazon, Calimesa, Canyon Lake, Cherry Valley, Corona, El Cerrito, Glen Avon, Highgrove, Home Gardens, Homeland, Idyllwild, Jurupa, Lake Elsinore, Lakeview, Mead Valley, Menifee, Mira Loma, Moreno Valley, Mountain Center, Murrieta, Norco, Nuevo, Perris, Quail Valley, Rainbow, Rancho California, Riverside, Romoland, Rubidoux, San Jacinto, Sun City, Temecula, Wildomar and Winchester;

1. The juror draw for the following zip codes and/or designated local geographic area zip codes shall be distributed as follows: Zip codes 92570 and 92571 75% to Southwest Justice Center and 25% to Riverside.

2. Jury panels may be drawn from the below designated local geographic areas in which the charged offense occurred:

a. Banning Court local geographic area shall include residents of postal zip codes: 92220, 92223, 92230, 92320;

The juror draw for the these zip codes and/or designated local geographic area shall be distributed as follows: 50% to Banning and 50% to Riverside.

B. Southwest Justice Center local geographic area shall include residents of postal zip codes: 92302, 92306, 92343, 92344, 92349, 92383, 92396, 92530, 92531,

92532, 92536, 92539, 92543, 92544, 92545, 92546, 92548, 92549, 92562, 92563, 92564, 92567, 92572, 92581, 92582, 92583, 92584, 92585, 92586, 92587, 92589, 92590, 92591, 92592, 92593, 92595, 92599.

1. The juror draw for the these zip codes shall be distributed as follows: 80% to Southwest Justice Center and 20% to Riverside.
- C. Indio/Palm Springs: All areas east of North-South line running through Whitewater, and west of North-South line running through Desert Center; including the cities and unincorporated areas of Arabia, Bermuda Dunes, Cathedral City, Coachella, Desert Beach, Desert Hot Springs, Indian Wells, Indio, La Quinta, Mecca, North Shore, Oasis, Palm Desert, Palm Springs, Pine Meadow, Pinyon Pines, Rancho Mirage, Salton, Sky Valley, Thermal, Thousand Palms and Whitewater;
- D. Blythe: All areas east of North-South line running through Desert Center; including the cities of Blythe, Desert Center, Eagle Mountain, Ironwood, 100 Palms and Ripley.
- E. If, after the commencement of jury selection, the number of jurors in the local geographic area shall prove insufficient for the jury trial, the trial judge shall have the discretion to supplement the sub-panel with available jurors from the master list.

(Added 10-30-99; effective 1-1-00; amended 4-25-03, effective 7-1-03; Renumbered from Rule 1.0056, 8-1-11, effective 1-1-12)

## **RULE 1025 INTERPRETERS AND TRANSLATORS**

- A. General Information – All Languages
1. Interpreters shall be provided by the Court in criminal, traffic, juvenile, and family law domestic violence actions. Parties shall make necessary arrangements to provide their own interpreter in all other matters. The Court shall schedule and pay the costs of interpreters interpreting for prosecution witnesses during the witness' testimony only.
  2. In instances wherein the Court provides interpreters, parties must provide the Court with either a minimum forty-eight (48) hour (two business days) notice (for Spanish and Sign) or five (5) business days notice (for all other languages) to ensure that an interpreter will be available.
  3. Requests to the Court for interpreter services are to include the following information: date, time, and place interpreter is needed, case number, name of requesting attorney, whether requirement is for a trial, for a full

day or a half day, or for a short hearing such as pronouncement of judgment, etc.

4. If a court proceeding's time and/or date are changed or canceled by the parties, and interpreter services have been arranged by the Court for that proceeding, the party that requested the interpreter must notify the Court twenty-four (24) hours in advance of the change or cancellation. Timely notice of changes are absolutely necessary in order to cancel or reschedule an interpreter, thus precluding a needless trip by the interpreter and a fee payment by the Court.
5. Court-appointed interpreters shall be available and remain on call for those portions of either half or full day of retained service when initial assignments are completed.
6. In the event that an interpreter has two separate assignments in different court locations in Riverside County on the same day, that interpreter shall bill the Court at the full day rate rather than multiple half days.
7. Court-scheduled interpreters shall be compensated at the rate established by the Court.
8. A copy of the Interpreters' Fee Schedule shall be maintained in the Courts' Executive Office.

**B. Interpreters for Deaf and Hearing Impaired Persons**

The Court shall provide an interpreter for deaf or hearing impaired individuals for all court proceedings pursuant to Evidence Code 754.

(Adopted 1-1-86; Amended 10-16-98, effective 1-1-99; Renumbered from Rule 1.0060, 8-1-11, effective 1-1-12)

**RULE 1030  
ARBITRATOR'S FEES**

(Deleted 4-21-10, effective 7-1-10; Renumbered from Rule 1.0066, 8-1-11, effective 1-1-12)

**RULE 1035  
ATTORNEY FEES IN MINOR'S  
COMPROMISE CASES**

- A. A petition to compromise a minor's claim should contain the following information:

1. A brief statement which sets forth the facts which establish liability.
2. A statement which outlines all medical treatment furnished, to date, what future medical, if any, is expected to be required and the nature and extent of any permanent injuries sustained by the minor.
3. The total medical expenses incurred by the minor to date and the estimated cost of any anticipated medical attention which will be required in the future.
4. A reasonably detailed declaration setting forth all effort expended on behalf of the minor in obtaining the settlement and how it was expended. The declaration should address any or all of the following factors:
  - a. Was the case an obvious liability and policy limits case that just needed processing?
  - b. What was the degree of difficulty involved:
  - c. How much skill was needed and employed?
  - d. How much risk was there of a poor result for the amount of work done?
  - e. How much money did the attorney advance?
  - f. How many hours of work did the attorney do?
  - g. What result was achieved?
  - h. What time elapsed between the work and getting paid the attorney fees?
  - i. The fact that the attorney's fee is contingent on recovery.

For additional information see Niederer v. Ferriera, [1987] 189 Cal. App. 3d 1485.
5. Where the injuries (damages) clearly exceed the amount of the insurance policy being offered, the statement should also include a recitation of all steps taken to determine if any additional coverage or assets are available from which the minor could seek compensation.

Any additional information that may be of assistance to the court in determining if the petition should be granted or would assist the court in determining reasonable compensation for the attorney in the case.

- B. Structured Settlement. If the petition for approval of a claim under Section 3500(b) of the Probate Code relates to a structured settlement calling for future periodic payments, the petition shall state the cost of the annuity.

(Adopted 1-1-86; Amended 4-4-92, effective 7-1-92; Amended 4-1-95, effective 7-1-95; Amended effective 7-1-07; Renumbered from Rule 1.0070, 8-1-11, effective 1-1-12)

**RULE 1040**  
**VIDEO RECORDATION (Blythe Branch Only)**

The official record of proceedings in which audio/video equipment is used shall consist of two video tape recordings made simultaneously. One shall be labeled "A" and the other "B". To the extent possible, tape "A" shall be stored and used only if tape "B" is damaged. Tape "B" shall be used for purposes of copying and making a record on appeal.

All official proceedings using audio/video recordings shall be identified by date, court, department, and sequence (A,B,C,D). Recording C, D or dubbed audio/video tapes will be available to parties in the order in which they requested copies. A \$50.00 charge will be required for each audio/video tape.

A typed transcript of the proceedings shall be provided upon request in the same manner, form and cost as a transcript prepared and delivered by an official court reporter.

In each instance, the judge or his designee shall affix to the official audio/video tape recordings: 1) a log which accurately reflects the proceedings conducted and, in the judge's discretion, other events of notice, and 2) a certificate asserting the accuracy of the audio/video tape as reflected on the log.

(Added 10-21-89, effective 1-1-90; Amended 10-19-96, effective 1-1-97; correction 1-1-06; Renumbered from Rule 1.0073, 8-1-11, effective 1-1-12)

**RULE 1045**  
**ENTRY OF JUDGMENT, COSTS AND FEES**

(a) Entry of judgment

The clerk of this court does not maintain a judgment book. Therefore, in this court all judgments and amendments thereto are entered as of the date on which they are filed, pursuant to Code of Civil Procedure section 668.5.

(b) Entry of costs and fees

No entries of the particular amounts of costs and fees shall be made by alterations or additions on the face of a judgment. No party shall propose to amend a judgment solely to reflect the entry of the amount of any costs or fees. The entry of costs and fees shall

be in accordance with the provisions of Code of Civil Procedure section 685.090, California Rules of Court rules 8.104 and 8.751 describing what constitutes entry, and any other applicable provision of law. In cases where a party is entitled to costs because a motion to tax or strike a cost memo was not brought, such costs shall be deemed entered upon the expiration of the time for making the motion. The party entitled to such costs may file and serve a “notice of entry” of such costs. If requested by any party, costs and fees that the judgment creditor is entitled to collect shall be reflected in any abstract of judgment, writ of execution, writ of possession, or other appropriate post judgment forms issued by the clerk.

(Adopted effective 7-1-07; Renumbered from Rule 1.0086, 8-1-11, effective 1-1-12)

**RULE 1050  
DIRECT FAX FILING**

Pursuant to California Rules of Court, Rule 2.304 et. Seq., a party may file by fax directly with the appropriate court location using the facsimile numbers located on the court’s website at <http://riverside.courts.ca.gov/faxlist.shtml>. The first sheet transmitted shall be the Judicial Council *Facsimile Transmission Cover Sheet (Fax Filing)* (form MC-005), followed by any special handling instructions. Each document transmitted for direct filing with the court shall contain the phrase “BY FAX,” and if represented by an attorney, the attorney shall also include his or her facsimile machine telephone number, designated as a “fax” number, and his or her e-mail address immediately below the title of the document.

Parties may register on-line at <http://riverside.courts.ca.gov/faxregister.shtml> or may complete form RI-M01 to register for the court’s direct fax filing program. The form is located on the court’s website at <http://riverside.courts.ca.gov/localfrms/ri-m01.pdf>

**Court Locations Accepting  
Direct Fax Filings**

**Case Types Heard**

**Desert Region**

Blythe  
265 N. Broadway  
Blythe, CA 92225

Civil, Criminal, Family Law, Small Claims,  
Traffic, Unlawful Detainers

Larson Justice Center  
46-200 Oasis Street  
Indio, CA 92201

Civil, Criminal, Family Law, Adoptions, Small  
Claims, Traffic, Unlawful Detainers

Indio Juvenile  
47-671 Oasis Street  
Indio, CA 92201

Juvenile

Palm Springs  
3255 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Probate

**Mid County Region**

Hemet  
880 N. State Street  
Hemet, CA 92543

Civil, Family Law, Adoptions, Small Claims,  
Traffic, Unlawful Detainers

Southwest Justice Center  
30755-D Auld Road  
Murrieta, CA 92563

Criminal, Juvenile, Unlawful Detainers

Temecula  
41002 County Center Drive #100  
Temecula, CA 92591

Civil, Small Claims, Traffic

**Western Region**

Banning  
135 N. Alessandro Road  
Banning, CA 92220

Civil, Criminal, Small Claims, Traffic,  
Unlawful Detainers

Hall of Justice  
4100 Main Street  
Riverside, CA 92501

Appeals, Criminal

Historic Courthouse  
4050 Main Street  
Riverside, CA 92501

Civil, Probate, Guardianships

Moreno Valley  
13800 Heacock Street  
Building D, #201  
Moreno Valley, CA 92553

Small Claims, Traffic, Unlawful Detainers

Riverside Family Law  
4175 Main Street  
Riverside, CA 92501

Family Law, Adoptions

Riverside Juvenile  
9991 County Farm Road  
Riverside, CA 92503

Juvenile

(Added 4-4-92, effective 7-1-92; amended 4-3-93, effective 7-1-93; amended 10-19-96,

effective 1-1-97; amended 4-19-97, effective 7-1-97; amended 10-17-98, effective 1-1-99; amended 1-1-03; amended 7-1-03; area code correction 1-1-05; amended effective 7-1-09; Renumbered from Rule 1.0091, 8-1-11, effective 1-1-12)

**RULE 1055**  
**EXHIBITS/LODGED DOCUMENTS**

Prior to expiration of time for appeal, “exhibits” and/or “lodged documents” shall not be released to attorneys or any other parties without order of the Court.

(Added 4-25-98, effective 7-1-98; amend. 10-17-98, effective 1-1-99; Renumbered from Rule 1.0092, 8-1-11, effective 1-1-12)

**RULE 1060**  
**COMMISSIONERS AS TEMPORARY JUDGES**

All Commissioners are appointed as Temporary Judges. Their Oaths of Office are available at the Executive Office of the Court.

(Adopted 4-28-06, effective 7-1-06; Renumbered from Rule 1.0115, 8-1-11, effective 1-1-12)

**RULE 1065**  
**CASE MANAGEMENT POLICY**

(Added 10-23-93, effective 1-1-94; Moved from Title 7 (Rule 7.0005) and Title 11 (Rule 11.0030), 10-17-98, effective 1-1-99; amend. 10-18-02, effective 1-1-03; Renumbered from Rule 1.0200, 8-1-11, effective 1-1-12; Deleted 11-4-11; effective 1-1-12)

**RULE 1070**  
**COLLECTIONS OF FINES**

On July 1, 1992, the Executive Officer/Clerk shall assume responsibility for management of the Revenue and Recovery Unit (now called Enhanced Collections Division) presently assigned to the County Executive Office. Also, on this date, the Executive Officer/Clerk shall assume responsibility for the collection of all fines ordered in criminal proceedings.

- A. Effective July 1, 1992, all fines ordered on criminal matters as a part of Terms and Conditions of Probation shall be ordered paid to the Clerk of the Court.
- B. The Probation Officer and Executive Officer/Clerk shall establish procedures to insure the Court is properly informed of compliance or failures to comply with the payment of court ordered fines.

(Added 4-25-98; effective 7-1-98; moved from Title 7 (Rule 7.0039) 10-17-98, effective 1-1-99; Renumbered from Rule 1.0210, 8-1-11, effective 1-1-12)

**RULE 1075**  
**STATEMENT OF FINANCIAL CONDITION**

- A. In all cases in which a defendant requests court appointed counsel at public expense, defendant shall be required to complete a financial statement, under penalty of perjury, disclosing all assets and liabilities, incomes from any and all sources, and expenses in a form approved by this Court. After receipt by the Court, a finding will be made in accordance with the guidelines set forth by Administrative Order.

A defendant's failure to comply with the provisions of this rule shall be sufficient ground for denial of court appointed counsel at public expense.

- B. If an in custody defendant at the time of his/her arraignment requests court appointed counsel at public expense, his/her custodial status shall constitute a prima facie showing of his/her indigency. No further showing pursuant to paragraph A, above, need be made. However, this appointment is deemed conditional and upon the release of the defendant, or upon request of appointed counsel or the court, he/she shall be required to fully comply with this rule, no later than his/her next court appearance.

Failure to comply with this subsection shall be sufficient ground for denial of court appointed counsel at public expense.

(Adopted 1-1-86; Amended 10-23-93, effective 1-1-94; moved from Title 7 (Rule 7.0040) 10-17-98, effective 1-1-99; Renumbered from Rule 1.0215, 8-1-11, effective 1-1-12)

**RULE 1080**  
**PAYMENT OF COURT ORDERED FINANCIAL OBLIGATIONS**

All court ordered financial obligations, including fines, fees, cost of probation and victim restitution, are to be paid forthwith or in a manner to be determined by the courts' Enhanced Collections Division.

(Added 4-25-98, effective 7-1-98; moved from Title 7 (Rule 7.0041) 10-17-98, effective 1-1-99; Renumbered from Rule 1.0220, 8-1-11, effective 1-1-12)

**TITLE 2  
RESERVED**

**TITLE 3  
CIVIL**

**TABLE OF CONTENTS**

**DIVISION 1  
CIVIL CASE MANAGEMENT**

**RULE 3110  
EFFECTIVE DATE**

**RULE 3115  
WHERE TO FILE DOCUMENTS**

**RULE 3117  
CERTIFICATE OF COUNSEL**

**RULE 3120  
NEW CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCES**

**RULE 3130  
DUTIES OF LITIGANTS**

**RULE 3140  
SERVICE OF PLEADINGS**

**RULE 3150  
CASE MANAGEMENT CONFERENCE**

**RULE 3160  
COMPLEX LITIGATION**

**RULE 3170  
PETITIONS FOR EXTRAORDINARY WRITS**

**RULE 3180  
UNINSURED MOTORIST CASES**

**RULE 3185  
CANCELLATION OF INSTRUMENTS**

RULE 3190  
ATTORNEY FEE SCHEDULE

RULE 3195  
INSTALLMENT JUDGMENTS

RULE 3197  
JUDGMENT BY DEFAULT – DECLARATION

RULE 3199  
CONSOLIDATION OF CASES

DIVISION 2  
ALTERNATIVE DISPUTE RESOLUTION

RULE 3200  
POLICY

RULES APPLICABLE TO BOTH ARBITRATION AND MEDIATION

RULE 3210  
APPLICABLE LAWS AND RULES

RULE 3215  
ADR ADMINISTRATION AND ADR COMMITTEE

RULE 3218  
DUTY TO MEET AND CONFER RE ADR PRIOR TO  
FIRST CASE MANAGEMENT CONFERENCE

RULE 3220  
ADR ORDERS AND COMPLETION DATES

RULE 3225  
MANDATORY ADR SESSIONS: SETTING AND LOCATION

RULE 3227  
CONTINUANCE

RULE 3228  
POST-ADR DUTIES; ADR REPORTS

RULE 3230  
NON-APPEARANCE AT MANDATORY ADR SESSION; SANCTIONS

RULE 3231  
COSTS

RULE 3233  
ALTERNATIVE DISPUTE RESOLUTION COMPLAINT PROCEDURES

RULES APPLICABLE TO JUDICIAL ARBITRATION

RULE 3240  
INITIATION OF ARBITRATION

RULE 3243  
WITHDRAWAL FROM ARBITRATION

RULE 3246  
PRE-HEARING CONFERENCE

RULE 3250  
MANDATORY ARBITRATION STATEMENT

RULE 3253  
RIGHTS TO DISCOVERY IN ARBITRATION

RULE 3255  
ARBITRATION HEARING APPEARANCES REQUIRED

RULE 3258  
INTERPRETERS

RULE 3260  
AWARD

RULE 3263  
TRIAL AFTER ARBITRATION; ENTRY OF AWARD AS JUDGMENT

RULE 3265  
REIMBURSEMENT FOR ARBITRATION FEES TO SUPERIOR  
COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

RULE 3270  
DISPOSITION OF EXHIBITS

RULES APPLICABLE TO COURT-ORDERED MEDIATION

RULE 3273  
COURT-ORDERED MEDIATION: PRE-MEDIATION PROCEDURES

RULE 3275  
APPEARANCES REQUIRED AT MEDIATION; ATTENDANCE SHEETS

DIVISION 3  
CIVIL LAW AND MOTION

RULE 3316  
TENTATIVE RULINGS

RULE 3320  
CONDUCT OF HEARINGS

RULE 3370  
INSTRUCTIONS TO JURY

DIVISION 4  
TRIAL RULES AND PROCEDURES  
(RESERVED)

DIVISION 5  
UNLAWFUL DETAINERS

RULE 3510  
UNLAWFUL DETAINER AND SMALL CLAIMS TIME STANDARDS

RULE 3520  
CASE DESIGNATION AND NOTATION

RULE 3530  
SERVICE OF COMPLAINT

RULE 3536  
REQUEST FOR TRIAL IN UNLAWFUL DETAINER ACTIONS

RULE 3540  
REQUESTS FOR JURY TRIAL IN UNLAWFUL DETAINER ACTIONS

RULE 3560  
DECLARATION AND WORKSHEET FOR DEFAULT  
JUDGMENT – UNLAWFUL DETAINER

DIVISION 6  
SMALL CLAIMS

RULE 3635  
REQUEST FOR CONTINUANCE OF SMALL CLAIMS ACTIONS

**TITLE 3  
CIVIL**

**DIVISION 1  
CIVIL CASE MANAGEMENT**

**RULE 3110  
EFFECTIVE DATE**

Except as otherwise provided herein, these Local Rules in Title 3, Division 1, Civil Case Management shall apply to all general civil cases as set forth in California Rules of Court 3.712(a) that are filed on or after January 1, 2009. In addition, they shall apply to general civil cases filed prior to that, as ordered by the Court. These Local Rules in Title 3, Division 1, Civil Case Management do not apply to Uninsured Motorist cases or Collections cases, pursuant to California Rules of Court 3.712, and do not apply to Complex cases, pursuant to California Rules of Court 3.750.

(Added 11-9-87, effective 1-1-88; Moved to Title 1 (Rule 1.0200) 10-17-98, effective 1-1-99; reinstated and amended 10-18-02, effective 1-1-03; amended 10-24-08, effective 1-1-09; Moved from Title 11 and renumbered from Rule 11.0010, 8-1-11, effective 1-1-12)

**RULE 3115  
WHERE TO FILE DOCUMENTS**

(a) Geographical Regions

- (1) Documents initiating civil actions or special proceedings shall be filed at the courthouse(s) specified below based on the zip code of the area in which the cause of action arose. Except for documents pertaining to appeals, all subsequent documents related to that action or special proceeding shall also be filed in the specified courthouse. Documents pertaining to appeals shall be filed as provided for in Title 8.
- (2) For purposes of determining where a civil cause of action arose, the court applies the venue provisions set forth in Code of Civil Procedure sections 392 through 401.
- (3) Self-represented litigants may visit a self-help center at any court location in the county for assistance in filing documents at the proper courthouse.
- (4) Actions and proceedings will usually be heard in the courthouse in which they were filed. To maximize efficient use of court resources, the court may order an action or proceeding transferred for hearing to another courthouse.

(b) Unlimited Civil Cases. Except as specified in Subdivisions (d), (e), and (f) of this rule, all unlimited civil cases, including petitions for extraordinary relief, shall be filed in the following courthouses based on the zip code of the area in which the cause of action arose:

(1) Riverside Historic Courthouse located at 4050 Main Street, Riverside, 92501

Zip Code(s)	Cities / Communities
91752	Eastvale (also 92880), Mira Loma
92223	Banning, Poppet Flat, Silent Valley Beaumont, Cherry Valley, Highland Springs
92230	Cabazon
92282	Cabazon, Whitewater
92320	Calimesa
92501-92509, 92513-92519, 92521-92522	Arlington, Casa Blanca, El Cerrito, Glen Avon, Highgrove, Home Gardens, La Sierra, Mira Loma, Pedley, Riverside, Rubidoux
92530-92532	Alberhill, Lake Elsinore, Lakeland Village
92536	Aguanga, Redec
92539	Anza
92543-92546	Hemet, Sage, Valle Vista
92548	Homeland
92549	Idyllwild, Pine Cove
92551-92557	Edgemont, Moreno Valley
92561	Mountain Center
92562-92564	Murrieta
92567	Lakeview, Nuevo
92570-92572, 92599	Glen Valley, Mead Valley, Meadowbrook, Perris
92581-92583	Gilman Hot Springs, San Jacinto, Soboba Hot Springs
92584-92587	Canyon Lake, Menifee, Quail Valley, Romoland, Sun City
92589-92593	Temecula, Vail Lake
92595	Sedco, Wildomar
92596	Winchester
92860	Norco
92877-92883	Corona

(2) Larson Justice Center located at 46-200 Oasis Street, Indio, 92201

Zip Code(s)	Cities / Communities
92201-92203	Bermuda Dunes, Indio
92210-92211	Indian Wells, Palm Desert
92234-92236	Cathedral City, Coachella
92239-92241	Desert Center, Desert Hot Springs, Eagle Mountain
92247-92248, 92253	La Quinta, Pinyon Pines
92254-92255	Mecca, Palm Desert
92258	North Palm Springs
92260-92264	Palm Desert, Palm Springs
92270	Rancho Mirage
92274-92276	North Shore, Oasis, Salton City, Thermal, Thousand Palms

(3) Blythe Courthouse located at 265 N. Broadway, Blythe, 92225

Zip Code(s)	Cities / Communities
92225-92226, 92280	Blythe, Ripley, Vidal

(c) Limited Civil Cases. All limited civil cases shall be filed in the following courthouses based on the zip code of the area in which the cause of action arose:

(1) Riverside Historic Courthouse located at 4050 Main Street, Riverside, 92501

Zip Code(s)	Cities / Communities
91752	Eastvale (also 92880), Mira Loma
92501-92509, 92513-92519, 92521-92522	Arlington, Casa Blanca, El Cerrito, Glen Avon, Highgrove, Home Gardens, La Sierra, Mira Loma, Pedley, Riverside, Rubidoux
92551-92557	Edgemont, Moreno Valley
92860	Norco
92877-92883	Corona

(2) Banning Courthouse located at 135 N. Alessandro Road, Banning, 92220

Zip Code(s)	Cities / Communities
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92220	Banning, Poppet Flat, Silent Valley
92223	Beaumont, Cherry Valley, Highland Springs
92230	Cabazon
92282	Cabazon, Whitewater
92320	Calimesa

(3) Hemet Courthouse located at 880 N. State Street, Hemet, 92543

Zip Code(s)	Cities / Communities
92536	Aguanga, Redec
92539	Anza
92543-92546	Hemet, Sage, Valle Vista
92549	Idyllwild, Pine Cove
92561	Mountain Center
92581-92583	Gilman Hot Springs, San Jacinto, Soboba Hot Springs

(4) Temecula Courthouse located at 41002 County Center Drive #100, Temecula, 92591

Zip Code(s)	Cities / Communities
92530-92532	Alberhill, Lake Elsinore, Lakeland Village
92548	Homeland
92562-92564	Murrieta
92567	Lakeview, Nuevo
92570-92572, 92599	Glen Valley, Mead Valley, Meadowbrook, Perris
92584-92587	Canyon Lake, Menifee, Quail Valley, Romoland, Sun City
92589-92593	Temecula, Vail Lake
92595	Sedco, Wildomar
92596	Winchester

(5) Larson Justice Center located at 46-200 Oasis Street, Indio, 92201

Zip Code(s)	Cities / Communities
92201-92203	Bermuda Dunes, Indio
92210-92211	Indian Wells, Palm Desert

Superior Court of California  
County of Riverside

92234-92236	Cathedral City, Coachella
92239-92241	Desert Center, Desert Hot Springs, Eagle Mountain
92247-92248, 92253	La Quinta, Pinyon Pines
92254-92255	Mecca, Palm Desert
92258	North Palm Springs
92260-92264	Palm Desert, Palm Springs
92270	Rancho Mirage
92274-92276	North Shore, Oasis, Salton City, Thermal, Thousand Palms

(6) Blythe Courthouse located at 265 N. Broadway, Blythe, 92225

Zip Code(s)	Cities / Communities
92225-92226, 92280	Blythe, Ripley, Vidal

(d) Petitions for restraining orders pursuant to Code of Civil Procedure sections 527.6, 527.7, and 527.8. All petitions for civil restraining orders pursuant to Code of Civil Procedure sections 527.6, 527.7, and 527.8 shall be filed in the following courthouses based on the zip code of the area in which the cause of action arose.

(1) Riverside Historic Courthouse located at 4050 Main Street, Riverside, 92501

Zip Code(s)	Cities / Communities
91752	Eastvale (also 92880), Mira Loma
92501-92509, 92513-92519, 92521-92522	Arlington, Casa Blanca, El Cerrito, Glen Avon, Highgrove, Home Gardens, La Sierra, Mira Loma, Pedley, Riverside, Rubidoux
92551-92557	Edgemont, Moreno Valley
92860	Norco
92877-92883	Corona

(2) Banning Courthouse located at 135 N. Alessandro Road, Banning, 92220

Zip Code(s)	Cities / Communities
92220	Banning, Poppet Flat, Silent Valley
92223	Beaumont, Cherry Valley, Highland Springs
92230	Cabazon

92282 92320	Cabazon, Whitewater Calimesa
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(3) Hemet Courthouse located at 880 N. State Street, Hemet, 92543

Zip Code(s)	Cities / Communities
92536	Aguanga, Redec
92539	Anza
92543-92546	Hemet, Sage, Valle Vista
92549	Idyllwild, Pine Cove
92561	Mountain Center
92581-92583	Gilman Hot Springs, San Jacinto, Soboba Hot Springs

(4) Temecula Courthouse located at 41002 County Center Drive #100, Temecula, 92591

Zip Code(s)	Cities / Communities
92530-92532	Alberhill, Lake Elsinore, Lakeland Village
92548	Homeland
92562-92564	Murrieta
92567	Lakeview, Nuevo
92570-92572, 92599	Glen Valley, Mead Valley, Meadowbrook, Perris
92584-92587	Canyon Lake, Menifee, Quail Valley, Romoland, Sun City
92589-92593	Temecula, Vail Lake
92595	Sedco, Wildomar
92596	Winchester

(5) Larson Justice Center located at 46-200 Oasis Street, Indio, 92201

Zip Code(s)	Cities / Communities
92201-92203	Bermuda Dunes, Indio
92210-92211	Indian Wells, Palm Desert
92234-92236	Cathedral City, Coachella
92239-92241	Desert Center, Desert Hot Springs, Eagle Mountain
92247-92248, 92253	La Quinta, Pinyon Pines
92254-92255	Mecca, Palm Desert
92258	North Palm Springs

92260-92264 92270 92274-92276	Palm Desert, Palm Springs Rancho Mirage North Shore, Oasis, Salton City, Thermal, Thousand Palms
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(6) Blythe Courthouse located at 265 N. Broadway, Blythe, 92225

Zip Code(s)	Cities / Communities
92225-92226, 92280	Blythe, Ripley, Vidal

(e) Name Change Petitions. All name change petitions shall be filed in the following courthouses based on the zip code of the area in which the petitioner resides:

(1) Riverside Historic Courthouse located at 4050 Main Street, Riverside, 92501

Zip Code(s)	Cities / Communities
91752	Eastvale (also 92880), Mira Loma
92220	Banning, Poppet Flat, Silent Valley
92223	Beaumont, Cherry Valley, Highland Springs
92230	Cabazon
92282	Cabazon, Whitewater
92320	Calimesa
92501-92509, 92513-92519, 92521-92522	Arlington, Casa Blanca, El Cerrito, Glen Avon, Highgrove, Home Gardens, La Sierra, Mira Loma, Pedley, Riverside, Rubidoux
92530-92532	Alberhill, Lake Elsinore, Lakeland Village
92548	Homeland
92551-92557	Edgemont, Moreno Valley
92562-92564	Murrieta
92567	Lakeview, Nuevo
92570-92572, 92599	Glen Valley, Mead Valley, Meadowbrook, Perris
92584-92587	Canyon Lake, Menifee, Quail Valley, Romoland, Sun City
92589-92593	Temecula, Vail Lake
92595	Sedco, Wildomar
92596	Winchester
92860	Norco
92877-92883	Corona

(2) Hemet Courthouse located at 880 N. State Street, Hemet, 92543

Zip Code(s)	Cities / Communities
92536	Aguanga, Redec
92539	Anza
92543-92546	Hemet, Sage, Valle Vista
92549	Idyllwild, Pine Cove
92561	Mountain Center
92581-92583	Gilman Hot Springs, San Jacinto, Soboba Hot Springs

(3) Larson Justice Center located at 46-200 Oasis Street, Indio, 92201

Zip Code(s)	Cities / Communities
92201-92203	Bermuda Dunes, Indio
92210-92211	Indian Wells, Palm Desert
92234-92236	Cathedral City, Coachella
92239-92241	Desert Center, Desert Hot Springs, Eagle Mountain
92247-92248, 92253	La Quinta, Pinyon Pines
92254-92255	Mecca, Palm Desert
92258	North Palm Springs
92260-92264	Palm Desert, Palm Springs
92270	Rancho Mirage
92274-92276	North Shore, Oasis, Salton City, Thermal, Thousand Palms

(4) Blythe Courthouse located at 265 N. Broadway, Blythe, 92225

Zip Code(s)	Cities / Communities
92225-92226, 92280	Blythe, Ripley, Vidal

(f) Unlawful detainees (including those where the amount in dispute makes the case unlimited) and small claims. All unlawful detainer complaints and small claims plaintiff's claims shall be filed in the following courthouses based on the zip code of the area in which the petitioner resides:

(1) Moreno Valley Courthouse located at 13800 Heacock St., Bldg. D #201, Moreno Valley, 92553

Zip Code(s)	Cities / Communities
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91752 92501-92509, 92513-92519, 92521-92522	Eastvale (also 92880), Mira Loma Arlington, Casa Blanca, El Cerrito, Glen Avon, Highgrove, Home Gardens, La Sierra, Mira Loma, Pedley, Riverside, Rubidoux
92551-92557 92860 92877-92883	Edgemont, Moreno Valley Norco Corona

(2) Banning Courthouse located at 135 N. Alessandro Road, Banning, 92220

Zip Code(s)	Cities / Communities
92220	Banning, Poppet Flat, Silent Valley
92223	Beaumont, Cherry Valley, Highland Springs
92230	Cabazon
92282	Cabazon, Whitewater
92320	Calimesa

(3) Hemet Courthouse located at 880 N. State Street, Hemet, 92543

Zip Code(s)	Cities / Communities
92536	Aguanga, Redec
92539	Anza
92543-92546	Hemet, Sage, Valle Vista
92549	Idyllwild, Pine Cove
92561	Mountain Center
92581-92583	Gilman Hot Springs, San Jacinto, Soboba Hot Springs

(4) Southwest Justice Center located at 30755-D Auld Road, Murrieta, 92563 (Unlawful Detainers) / Temecula Courthouse located at 41002 County Center Drive #100, Temecula, 92591 (Small Claims)

Zip Code(s)	Cities / Communities
92530-92532	Alberhill, Lake Elsinore, Lakeland Village
92548	Homeland
92562-92564	Murrieta
92567	Lakeview, Nuevo
92570-92572, 92599	Glen Valley, Mead Valley,

92584-92587	Meadowbrook, Perris Canyon Lake, Menifee, Quail Valley, Romoland, Sun City
92589-92593	Temecula, Vail Lake
92595	Sedco, Wildomar
92596	Winchester

(5) Larson Justice Center located at 46-200 Oasis Street, Indio, 92201

Zip Code(s)	Cities / Communities
92201-92203	Bermuda Dunes, Indio
92210-92211	Indian Wells, Palm Desert
92234-92236	Cathedral City, Coachella
92239-92241	Desert Center, Desert Hot Springs, Eagle Mountain
92247-92248, 92253	La Quinta, Pinyon Pines
92254-92255	Mecca, Palm Desert
92258	North Palm Springs
92260-92264	Palm Desert, Palm Springs
92270	Rancho Mirage
92274-92276	North Shore, Oasis, Salton City, Thermal, Thousand Palms

(6) Blythe Courthouse located at 265 N. Broadway, Blythe, 92225

Zip Code(s)	Cities / Communities
92225-92226, 92280	Blythe, Ripley, Vidal

(Adopted 11-4-11, effective 1-1-12)

**RULE 3117  
CERTIFICATE OF COUNSEL**

When an original pleading or application is submitted for filing, it shall bear or be accompanied by a Certificate of Counsel designating the proper branch of the Court in which the matter should be tried or heard, together with reason(s) therefore. Local Rule 3115 designates all proper branches of the Court.

(Adopted 11-4-11, effective 1-1-12)

**RULE 3120**  
**NEW CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCES**

- A. The Court utilizes a Master Trial Calendar Department to facilitate the prosecution of civil actions. Upon the filing of a complaint, or other initial pleading, the Court shall assign the action to a Case Management Department. At any time thereafter, the Court may reassign the case to another judge, commissioner, temporary judge, or referee for any purpose authorized by law. Unless otherwise reassigned, the Case Management Department will hear pretrial law and motion matters. For purposes of trial, the Master Trial Calendar Department shall assign the case a trial date and trial department. A Case Management Conference hearing date will be set pursuant to California Rules of Court Rule 3.722.
- B. The plaintiff or cross-complainant shall serve a copy of the Notice of Assignment to Case Management Department, Notice of Case Management Conference on all defendants/cross defendants named or added to the complaint, and shall file proof of service thereof.

(Added 11-9-87, effective 1-1-88; amended 10-27-90, effective 2-1-91; amended 10-4-91, effective 1-1-92; amended 10-23-94, effective 1-1-94; amended 4-16-94, effective 7-1-94; amended 10-17-98, effective 1-1-99; amended 10-20-00, effective 1-1-01; amended 10-18-02, effective 1-1-03; amended 10-28-06, effective 1-1-07; amended 10-24-08, effective 1-1-09; Moved from Title 11 and renumbered from Rule 11.0060, 8-1-11, effective 1-1-12)

**RULE 3130**  
**DUTIES OF LITIGANTS**

- A. Any party filing pleadings or motions thereby assumes the duty to insure that such proceedings progress without delay. Any party required to respond is charged with the duty of so doing without delay.
- B. The duty to immediately notify the Court of a resolution of the case, as required by Rule 225 of the California Rules of Court, shall be strictly enforced.

(Added 11-9-87, effective 1-1-88; amended 10-17-98, effective 1-1-99; amended 10-24-08, effective 1-1-09; Moved from Title 11 and renumbered from Rule 11.0070, 8-1-11, effective 1-1-12)

**RULE 3140**  
**SERVICE OF PLEADINGS**

If a plaintiff fails to serve the complaint or cross-complaint and to file proof of service within the time specified by the California Rules of Court, the court shall issue an order to show cause, directing the plaintiff to appear and show cause why either the action

should not be dismissed or monetary sanctions should not be imposed on plaintiff or plaintiff's counsel.

(Adopted 1-1-86; amended 11-9-87, effective 1-1-88; amended 10-21-89, effective 1-1-90; amended 7-1-90; amended 10-4-91, effective 1-1-92; amended 11-7-92, effective 1-1-93; amended 4-16-94, effective 7-1-94; amended 10-16-96, effective 1-1-97; amended 10-17-98, effective 1-1-99; amended 10-18-02, effective 1-1-03; CRC number corrected 1-1-07; amended effective 7-1-07; Moved from Title 11 and renumbered from Rule 11.0100, 8-1-11, effective 1-1-12)

**RULE 3150  
CASE MANAGEMENT CONFERENCE**

- A. A Case Management conference shall be set no later than 180 days from the date of filing. Each party who has appeared in the action must be present at the Case Management Conference unless otherwise ordered by the court.
- B. Pursuant to California Rules of Court 3.725, no later than 15 calendar days before the date set for the Case Management Conference, each party must file a Case management Statement. Whenever possible the parties should submit a joint Case Management Statement.
- C. Failure to comply with subsections (a) or (b) may result in sanctions.
- D. Parties may call the appropriate court department no sooner than 48 hours prior to the scheduled Case Management Conference to determine if it will be held.

(Adopted 1-1-86; amended 11-9-87, effective 1-1-88; amended 10-21-89, effective 1-1-90; amended 10-27-90, effective 1-1-91; amended 11-7-92, effective 1-1-93; amended 10-23-93, effective 1-1-94; amended 4-16-94, effective 7-1-94; amended 10-17-98, effective 1-1-99; amended 10-18-02, effective 1-1-03; CRC number corrected 1-1-07; phone number eliminated 7-6-09; Moved from Title 11 and renumbered from Rule 11.0110, 8-1-11, effective 1-1-12)

**RULE 3155  
SETTLEMENT CONFERENCES**

(Added 10-30-99; effective 1-1-00; amend. 10-20-00, effective 1-1-01; amend. 10-18-02, effective 1-1-03; amend 4-21-10, effective 7-1-10; Moved from Title 1 and renumbered from Rule 1.0106, 8-1-11, effective 1-1-12; Deleted 11-4-11, effective 1-1-12)

**RULE 3160**  
**COMPLEX LITIGATION**

- A. This rule covers cases designated complex pursuant to California Rules of Court, rules 3.400, *et seq.*
- B. When an action is designated as a complex case by plaintiff in a *Civil Case Cover Sheet* pursuant to California Rules of Court, rule 3.401, the court shall set an Initial Case Management Conference as provided by California Rules of Court, rule 3.750 within 60 days after the filing of the complaint. Plaintiff must serve the complaint and Notice of Initial Case Management Conference on all defendants no later than 30 days prior to the conference. Discovery shall be stayed pending further order of the court.

The parties shall meet and confer prior to the conference to discuss the items specified in California Rules of Court, rule 3.750(a) and prepare a joint statement of matters agreed upon, matters upon which the court must rule at the conference, and a description of the major legal and factual issues involved in the litigation. The joint statement shall be filed no later than five (5) calendar days before the conference.

At the conference, the court shall make its determination whether the action is a complex case as required by California Rules of Court, rule 3.403.

- C. If plaintiff does not designate a case as complex but defendant files a counter *Civil Case Cover Sheet* designating the action as a complex case pursuant to California Rules of Court, rule 3.402(b), the court shall set a status hearing no later than 30 days after the filing of the counter designation. At the status hearing, the court shall make its determination whether the action is a complex case as required by California Rules of Court, rule 3.402(b).

If the court determines that the action is a complex case, the court shall set the initial Case Management Conference as provided by California Rules of Court, rule 3.750.

The parties shall meet and confer prior to the Initial Case Management Conference to discuss the items specified in California Rules of Court, rule 3.750(a) and prepare a joint statement of matters agreed upon, matters upon which the court must rule at the conference, and a description of the major legal and factual issues involved in the litigation. The joint statement shall be filed no later than five (5) calendar days before the conference.

(Added 11-9-87, effective 1-1-88; amended 10-27-90, effective 1-1-91; amended 4-4-92, effective 7-1-92; amended 10-23-93, effective 1-1-94; deleted 10-17-98; effective 1-1-99; amended 10-18-02, effective 1-1-03; CRC number corrected 1-1-07; amended 10-

24-08, effective 1-1-09; amended 4-21-10, effective 7-1-10; Moved from Title 11 and renumbered from Rule 11.0130, 8-1-11, effective 1-1-12)

**RULE 3170**  
**PETITIONS FOR EXTRAORDINARY WRITS**

- A. This rule covers petitions for writs of review, mandate and prohibition filed in the civil division of the superior court. It does not apply to petitions for extraordinary relief filed in the appellate division or the criminal division of the superior court.
- B. A petition for extraordinary writ may be filed without a proof of service, but unless otherwise ordered by the court, no action can be taken on the petition until it has been served. The petition should be served on all respondents and real parties in interest within 30 days of filing.
- C. In actions seeking prohibition or mandamus relief, it is not necessary to obtain an alternative writ. The motion procedure, pursuant to *e.g.* Civil Procedure Code section 1094, California Rules of Court, rule 3.1103(a)(2), is preferred and should be used whenever possible.

The court will schedule a status conference within 60 days of the filing of the petition to facilitate the use of the motion procedure and promote the efficient and timely resolution of the case. Petitioner must provide notice of the status conference on all parties at least 15 days before the conference.

At the conference, the parties must be prepared to address the following issues: whether all parties have been served, whether any additional parties may be added or the pleadings amended, the deadline for filing any remaining pleadings and service of additional parties, in connection with a mandamus petition, whether the petition seeks traditional mandamus or administrative mandamus, whether an administrative record will be necessary, the estimated time within which such record will be available, and an appropriate briefing schedule and hearing date.

The opening brief and moving papers should not be filed until the court provides the parties with a briefing schedule and a hearing date. An order providing a briefing schedule and hearing date eliminates the need for a formal motion and notice of motion.

- D. All factual assertions in the briefs filed by the parties must be supported by citations to the record, to evidence submitted in support of or opposition to the petition, or to requests for judicial notice. The parties must state the scope of the court's review (*e.g.*, substantial evidence, independent judgment) in the briefs filed in support of and in opposition to the issuance of the writ. All briefs, papers, and exhibits must be filed at least two weeks before the hearing unless otherwise directed by the court.

- E. In actions that require an administrative record, the record must be lodged with the court 30 days before the hearing.
- F. [Hearing] The hearing on the petition is the trial of the case. In cases where evidence before the court is not confined to an administrative record, evidence shall be presented by declarations, exhibits, deposition testimony, etc. and not by oral testimony unless the court, in its discretion permits it.

(Added 4-21-10, effective 7-1-10; Moved from Title 11 and renumbered from Rule 11.0135, 8-1-11, effective 1-1-12)

**RULE 3180**  
**UNINSURED MOTORIST CASES**

- A. Cases shall be designated as “General Civil–U M” if they are actions for damages which are principally being sought under the uninsured motorist coverage of the plaintiff’s auto insurance policy. Any complaint designated General Civil–U M shall be accompanied by a declaration by plaintiff; or if represented by plaintiff’s attorney, a statement for the basis of such designation.
- B. Any case so designated by the plaintiff may be redesignated as General Civil by the Court on its own motion or by ex parte application of any party which shall be accompanied by a declaration stating facts showing the case does not meet the criteria stated in subsection A of this section.
- C. Two hundred-forty (240) days after such a complaint has been filed a Status Conference shall be set unless:
  - 1. A declaration has been filed by plaintiff stating that the case is being settled, or
  - 2. A declaration has been filed by plaintiff stating that a demand for arbitration has been made pursuant to the terms of the applicable policy of insurance, and recites the status of the arbitration proceeding.
- D. If the Court favorably considers a declaration filed under subdivision(2) of subsection C above, plaintiff shall within one hundred eighty (180) days after the filing of its earlier declaration(s) file additional declaration(s) under subdivisions(1) and (2) of subsection c, above, covering any subsequent one hundred eighty (180) day period.
- E. If coverage is denied in any responsive pleading to a complaint designated General Civil–U M or if any plaintiff seeks to add new parties, the case shall be immediately redesignated by the Clerk as General Civil and a Case Management Conference date will be set forthwith.

(Added, effective 1-1-89; amended 10-27-90, effective. 2-1-99; amended. 10-23-93, effective. 1-1-94; amended 10-17-98, effective. 1-1-99; amended 10-18-02, effective 1-1-03; Moved from Title 11 and renumbered from Rule 11.0145, 8-1-11, effective 1-1-12)

**RULE 3185  
CANCELLATION OF INSTRUMENTS**

When a written instrument sued on is received in evidence, the same shall, unless otherwise ordered, be marked as an exhibit, and in case judgment be ordered thereon, the Clerk shall, at the time judgment is ordered, unless otherwise directed, note over his/her official signature across the face of the instrument, the fact that judgment is ordered thereon, with the date of the order and title of the Court.

(Adopted 1-1-86; Amended 10-17-98, effective 1-1-99; Moved from Title 1 and Renumbered from Rule 1.0030, 8-1-11, effective 1-1-12)

**RULE 3190  
ATTORNEY FEE SCHEDULE**

In default cases in which attorney’s fees are awardable, the court may consider the following schedule, but shall not be bound by it:

DEFAULT CASES	
IF THE TOTAL AMOUNT OF THE JUDGMENT IS:	ATTORNEY’S FEES
\$0 - \$1,000	25% of judgment.
\$1,001 - \$7,500	15% of the amount in excess of \$1,000 plus \$250.
\$7,501 - \$15,000	10% of the amount in excess of \$7,500 plus \$1,225.
\$15,001 - \$25,000	4% of the amount in excess of \$15,000 plus \$1,975.
Over \$25,000	2% of the amount in excess of \$25,000 plus \$2,275.

(Adopted 1-1-86; amended 4-1-95, effective 7-1-95; amended 4-20-96, effective 7-1-96; amended 4-19-97, effective 7-1-97; amended 4-25-98, effective 7-1-98; amended 10-30-99, effective 1-1-00; amended 10-28-06, effective 1-1-07; Moved from Title 1 and Renumbered from Rule 1.0065, 8-1-11, effective 1-1-12)

**RULE 3195  
INSTALLMENT JUDGMENTS**

- A. Application. Every application for the issuance of execution of an order or judgment payable in installments shall be by affidavit or declaration under penalty of perjury, setting forth:
1. All pertinent provisions of the order or judgment;
  2. An itemization of each payment alleged to be due, and the date when it fell due;
  3. An itemization of each payment made, and the date when it was made;
  4. The total amount of principal alleged to be due;
  5. If interest is claimed, the amount of each installment of interest, and the date when it fell due;
  6. The total amount of interest alleged to be due;
  7. The total amount for which the writ of execution is sought to be issued.
- B. Issuance. The issuance of a writ of execution shall be made only upon order of the Court.

(Adopted 1-1-86; Moved from Title 1 and Renumbered from Rule 1.0080, 8-1-11, effective 1-1-12)

**RULE 3197  
JUDGMENT BY DEFAULT – DECLARATION**

Except where otherwise prohibited or ordered by the court, all judgments by default shall be by declaration.

(Adopted 4-25-98, effective 7-1-98; moved from Title 1 (Rule 1.0082) 1-1-99; amended 4-30-04, effective 7-1-04; Moved from Title 2 and renumbered from Rule 2.0100, 8-1-11, effective 1-1-12)

**RULE 3199  
CONSOLIDATION OF CASES**

- A. Designation of Type of Consolidation.

- 1. Upon issuance of an order for consolidation under which the pleadings are to be regarded as combined and interrelated, one verdict or one statement of decision shall be given and one judgment shall be rendered, except as hereinafter provided.
- 2. For those actions where consolidation is sought but the pleadings, verdicts, statement of decision and judgments should be kept separate, even though the actions are tried together, it shall be the duty of counsel to so advise the Court and request that a master file not be designated.

B. Designation of Master File.

- 1. Except as provided in Rule 2.0045(A), when an order for consolidation is issued, the case with the lowest number shall be designated as the master file. Subsequently, all original pleadings and other original papers shall be filed only in the master file, and each pleading or paper filed shall contain the numbers of all the consolidated actions, with "MF" beside the number designated as the master file.
- 2. The title of the master file shall be set forth in the caption, followed by a box containing the words, "AND CONSOLIDATED CASE(S)". For example:

JOHN JONES,	)	NO. 1234567
	)	1234789
Plaintiff,	)	1234001 MF
	)	
vs.	)	MOTION FOR CONTINUANCE
	)	OF TRIAL
RICHARD SMITH,	)	
	)	
Defendant.	)	Dept. 1
	)	Jan. 1, 1986
	)	8:30 AM
<u>AND CONSOLIDATED CASES</u>	)	5 Minutes

C. Order for Consolidation.

Any motion or stipulation for consolidation shall include, on a form provided by the Clerk's Office or a reasonable facsimile thereof, the appropriate consolidation order.

(Adopted 1-1-86; Amended, effective 1-1-88; Moved from Title 2 and renumbered from Rule 2.0045, 8-1-11, effective 1-1-12)

**DIVISION 2**  
**ALTERNATIVE DISPUTE RESOLUTION**

**RULE 3200**  
**POLICY**

The Court finds that it is in the best interest of civil litigants to participate in alternatives to traditional litigation and trial at the earliest appropriate date. Therefore, the Court elects to participate in mandatory court-ordered mediation and judicial arbitration for eligible cases as specified below. For all other long cause general civil actions the Court expects litigants to participate in an Alternative Dispute Resolution (ADR) process before requesting a trial date and to participate in a settlement conference prior to trial.

(Adopted 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0000, 8-1-11, effective 1-1-12)

**RULES APPLICABLE TO BOTH ARBITRATION AND MEDIATION**

**RULE 3210**  
**APPLICABLE LAWS AND RULES**

- A. This chapter covers ADR rules for general civil cases as defined in Rule 1.6 of the California Rules of Court (CRC) and Court-annexed mandatory ADR programs for court-ordered mediation and judicial arbitration. This chapter does not apply to contractual arbitration pursuant to Code of Civil Procedure section 1280, et seq.
- B. Court-Ordered Mediation: The Court elects to participate in mandatory court-ordered mediation and adopts Title 11.6 of Code of Civil Procedure (CCP) §§ 1775 through 1775.15 (Civil Action Mediation) and CRC Rules 3.870 – 3.878.
- C. Limited Civil Cases: Except as otherwise provided herein, limited civil cases may be submitted to judicial arbitration or to court-ordered mediation. The Court will determine on a case-by-case basis whether a limited civil case shall be sent to judicial arbitration or court-ordered mediation or whether it should be exempt from mandatory ADR.
- D. The mandatory ADR forms and procedures are set forth on the Court's ADR website: <http://riverside.courts.ca.gov/adr/adr.shtml>

(Adopted 1-1-86; Amended 10-23-93, eff. 1-1-94; amended 4-1-95, eff. 7-1-95; amended 10-17-98, eff. 1-1-99; area code corrected 1-1-05; amended 10-26-07,

effective 1-1-08; amended 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0010, 8-1-11, effective 1-1-12)

**RULE 3215**  
**ADR ADMINISTRATION AND ADR COMMITTEE**

A. ADR COMMITTEE

The Court has established an ADR Committee in accordance with CRC, Rule 10.783 (b). The ADR Committee is responsible for overseeing the Court's ADR programs for general civil cases, including those prescribed for the Court's judicial arbitration program as specified in Rule 3.813 (b) of the California Rules of Court.

B. ADR ADMINISTRATOR

Management of the Court's ADR programs is under the supervision of the ADR Administrator, who is appointed by the Presiding Judge of the Court.

C. ADMINISTRATION OF COURT ADR PANELS

The ADR Administrator maintains policies pertaining to the Civil Mediation Panel and Judicial Arbitration Panel and lists of panel members approved by the Court.

A mediator who is not on the Civil Mediation Panel and who is selected by the parties is not considered "recommended, selected, or appointed" by the Court within the meaning of CRC Rules 3.851 (a) (2) and 3.865.

(Adopted 1-1-86; amended 10-21-89, effective 1-1-90; amended 11-17-92, eff. 1-1-93; amended 10-23-93, eff. 1-1-94; amended 4-1-95, eff. 7-1-95; amended 5-10-02, effective 7-1-02; amended 10-18-02, effective 1-1-03; amended 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0015, 8-1-11, effective 1-1-12)

**RULE 3218**  
**DUTY TO MEET AND CONFER RE ADR PRIOR TO FIRST CASE MANAGEMENT CONFERENCE**

In addition to the requirements of CRC Rules 3.724 and 3.727, at least 30 days before the first Case Management Conference, parties in all general civil actions shall meet and confer to discuss (1) the case's eligibility for mandatory judicial arbitration or court-ordered mediation; (2) possible stipulation to an ADR process and to an arbitrator or mediator; and (3) a proposed ADR completion date, considering reasonable discovery and necessary motions to make the selected ADR process productive. Pursuant to CRC Rules 3.221 and 3.726, parties who reach a stipulation to participate in ADR shall file the ADR Stipulation (Form) with the Court. Parties are encouraged to file the ADR Stipulation along with their Case Management Statement.

(Adopted 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0018, 8-1-11, effective 1-1-12)

**RULE 3220**  
**ADR ORDERS AND COMPLETION DATES**

The Court shall determine on a case-by-case basis in consultation with the parties, the suitability of a particular case for court-ordered mediation or judicial arbitration or whether the case is exempt from ADR.

The Court specifically exempts from court-ordered mediation cases valued at \$50,000 or more per case; complex or consolidated cases; and short cause cases as defined in Rule 3.735 (a).

Counsel or self-represented parties not appearing at the Case Management Conference waive the right to participate in the selection of judicial arbitration or court-ordered mediation.

Whenever the Court orders judicial arbitration or court-ordered mediation, it will set the date for completion in consultation with the parties.

(Deleted 4-17-99, eff. 7-1-99; new rule adopted 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0020, 8-1-11, effective 1-1-12)

**RULE 3221**  
**SELECTION OF ADR NEUTRAL; GROUNDS FOR DISQUALIFICATION**

(Added 4-25-98, eff. 7-1-98; amended 10-30-99; eff. 1-1-00; amended 10-18-02, effective 1-1-03; amended 10-26-07, effective 1-1-08; deleted 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0021, 8-1-11, effective 1-1-12)

**RULE 3225**  
**MANDATORY ADR SESSIONS: SETTING AND LOCATION**

- A. The parties shall cooperate with each other and with their mediator or arbitrator in scheduling the ADR session.
- B. Within five (5) days after the notice of assignment of the arbitrator for judicial arbitration or acceptance of the case by the mediator for court-ordered mediation, the plaintiff shall notify the arbitrator or mediator of at least three (3) dates for the ADR session that are agreeable to all parties; unless the arbitrator or mediator directs the defendant to do so. In the alternative, the arbitrator or mediator may schedule the ADR session or instruct the parties to select from several dates.

- C. Within 30 days after the notice of appointment of the arbitrator for judicial arbitration or acceptance of the case by the mediator for court-ordered mediation, the arbitrator or mediator shall notify each party in writing of the time, date, and place set for the ADR session.
- D. Except upon the agreement of all parties and the arbitrator for judicial arbitration or mediator for court-ordered mediation
  - 1. The ADR session must not be set on Saturdays, Sundays or legal holidays.
  - 2. The ADR session must take place in appropriate facilities within the County of Riverside.
- E. Sanctions: If the arbitrator or mediator is unable to schedule the ADR session before the ADR Completion Date due to the lack of cooperation of the parties, the parties may be subject to sanctions pursuant to Local Rule 3230; 3255 and/or 3290.

(Adopted 1-1-86; Amended 10-21-89, eff. 1-1-90; amend. 11-7-92, eff. 1-1-93; deleted 10-23-93, eff. 1-1-94; new rule adopted 10-2-6-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0025, 8-1-11, effective 1-1-12)

**RULE 3227  
CONTINUANCE**

- A. Judicial Arbitration: Requests for continuances of arbitration hearings shall comply with Rule 3.818 of the California Rules of Court. Such requests shall be submitted to the arbitrator at least 5 days prior to the scheduled date of hearing.
- B. Court-Ordered Mediation: Requests for continuance of a scheduled mediation session shall be in accordance with Rule 3273(k). Requests for continuance of a mediation completion date shall be in accordance with Rule 3273(l).

(Added 10-21-89, eff. 1-1-90; amended 11-7-92, effective 1-1-93; CRC Rule number corrected 1-1-07; amended 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0027, 8-1-11, effective 1-1-12)

**RULE 3228**  
**POST- ADR DUTIES; ADR REPORTS**

- A. Judicial arbitration awards shall be filed in accordance with Rule 3.825 of the California Rules of Court.
- B. In all court-ordered mediations and private mediations, the mediator shall file the Statement of Agreement or NonAgreement (Judicial Council Form 100) in accordance with Rule 3.895 of the California Rules of Court. This rule applies to mediations conducted by Civil Mediation Panel members and to mediations conducted by non-Civil Mediation Panel members.
- C. All parties who participate in mediation, arbitration or any other ADR process shall complete and submit to the ADR Administrator the survey forms provided by the Court within ten (10) days after completion of the ADR session.

(Added 10-21-89, effective 1-1-90; amended 11-7-92, effective 1-1-93; amended 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0028, 8-1-11, effective 1-1-12)

**RULE 3230**  
**NON-APPEARANCE AT MANDATORY ADR SESSION; SANCTIONS**

- A. Failure to Provide Notice of Cancellation When Case Settles Before ADR Session

The plaintiff, or other party seeking affirmative relief must give the mediator, arbitrator or other ADR neutral involved in the case at least two (2) days notice that a scheduled judicial arbitration, court-ordered mediation or other mandatory ADR session is cancelled because the case has settled. Failure to provide this notice subjects the party after notice and an opportunity to be heard, to monetary sanctions, including, but not limited to, suitable compensation to the mediator, arbitrator or other ADR neutral and to the parties who appeared at a scheduled hearing or session, plus attorney's fees to make the request for sanctions. The court may order the party to compensate the mediator, arbitrator, or other ADR neutral up to \$150.

- B. Failure to Provide Notice of Cancellation for Any Reason

Any party, attorney, or person necessary for the mediation, arbitration or other mandatory ADR session to proceed to meaningful conclusion must give the mediator, arbitrator or other ADR neutral involved in the case, and all other

persons scheduled to attend a judicial arbitration, court-ordered mediation or other mandatory ADR session at least two (2) days notice that they will not be attending the session. Failure to provide this notice subjects the person(s), after notice and an opportunity to be heard, to monetary sanctions, including but not limited to, suitable compensation to the mediator, arbitrator or other ADR neutral and to the parties and attorneys who appeared at the session, plus attorney's fees to make the request for sanctions.

C. Compensation to the Neutral

Members of the Court's Civil Mediation Panel, Judicial Arbitration Panel, or other court-connected ADR panels who wish to submit fee requests for scheduled mandatory ADR sessions which did not occur due to the circumstances described in A or B must submit the Declaration In Support of OSC re: Sanctions (Non-Appearance at Mandatory ADR Session) to the ADR Director within 30 days of the scheduled ADR session. If a dismissal has been filed, the Court maintains jurisdiction to hear the OSC re: Sanctions for Non-Appearance at Scheduled ADR Session.

(Adopted 1-1-86; CRC number corrected 1-1-07; amended 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0030, 8-1-11, effective 1-1-12)

**RULE 3231**  
**COSTS**

A. Judicial Arbitration:

1. There are no costs to parties in cases ordered to judicial arbitration pursuant to Rule 3.811 (a) (1), (3) or (5).
2. The actual costs of compensation of arbitrators in any proceeding which would not otherwise be subject to the provisions of mandatory judicial arbitration but in which arbitration is conducted solely because of the stipulation of the parties shall be paid in equal shares by the parties unless any party presents proof of substantial economic hardship in which case that party's share of costs shall be paid by the Court.

B. Court-Ordered Mediation:

There are no costs to parties in cases ordered to mediation for the first three (3) hours of mediation with a Civil Mediation Panel member. Panel members may bill parties for additional time without Court contribution or involvement if the mediator and parties sign a written agreement for additional fees before the mediation

begins. Panel members may not charge parties ordered to court-ordered mediation for costs or services other than actual time spent mediating after the first three (3) hours.

(Adopted 10-2607, effective 1-1-08; amended 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0031, 8-1-11, effective 1-1-12)

**RULE 3233**  
**ALTERNATIVE DISPUTE RESOLUTION COMPLAINT PROCEDURES**

I. Mediator Complaint Procedures

- A. The purpose of this section is to establish a procedure for addressing complaints against mediators who are listed on the court's mediation panel. Such procedure is established pursuant to Rules of Court 3.865-3.872, effective July 1, 2009.
- B. The complaint coordinator shall be the Director of ADR Programs for the court, and that person shall proceed in accordance with paragraphs (a), (b), and (c) of Rule 3.869. In addition, if the matter is not resolved or closed through preliminary review the complaint coordinator shall send the notice required by subparagraph (d)(1) of Rule 3.869.
- C. The investigation described in subparagraph (d)(2)(A) of Rule 3.869 may be performed by the Presiding Judge, unless the Presiding Judge does not have experience as a mediator, in which case the Presiding Judge shall delegate the investigation to any other judge or judges who do have such experience. In the alternative, if the Presiding Judge does have such experience but finds it necessary or convenient to delegate such investigation to another judge or judges with such experience, the Presiding Judge may do so. Any judge performing such investigation shall become familiar with the rules of conduct referenced in said subparagraph. At the Presiding Judge's discretion, the judges of the ADR Subcommittee may be notified or consulted regarding any complaint.

II. Complaint Procedures for Arbitrators and any other Court-Connected Neutrals

- A. Section I above establishes procedures as required by law for mediators. The court intends to follow the same procedures with regard to complaints against arbitrators and any other court-connected neutrals (excluding court employees).
- B. Any such complaints must be submitted in writing to Director of ADR Programs for the court. Said Director shall proceed with a preliminary

review, applying the same procedures that would be invoked under subparagraphs (a), (b), and (c) of Rule 3.869 for mediators. If the matter is not resolved or closed through preliminary review said Director shall send a notice in the same format as would be required under subparagraph (d)(1) of said rule.

- C. For complaints not resolved by the Director of ADR Programs, the Presiding Judge shall conduct an investigation, or delegate that duty, in the same manner as described in paragraph I© above, for mediators.

(Adopted 4-17-09, effective 7-1-09; Moved from Title 4 and renumbered from Rule 4.0033, 8-1-11, effective 1-1-12)

### **RULES APPLICABLE TO JUDICIAL ARBITRATION**

**Additional rules applicable to judicial arbitration are set forth in “Rules Applicable to Both Arbitration and Mediation” (Rules 3210 – 3233).**

#### **RULE 3240 INITIATION OF ARBITRATION**

Arbitration can be initiated by court order at any time after the filing of the complaint and before the first case management conference in any of three ways: (a) Upon timely written election of the plaintiff, where the plaintiff agrees that the award per plaintiff shall not exceed \$50,000; (b) Upon timely stipulation of the parties, the stipulation need not designate the upper limit of the potential award and any amount in controversy may be submitted; (c) Where the judge determines the controversy is amenable to arbitration pursuant to Code of Civil Procedure section 1141.10 *et seq.* Except where the case is in arbitration per (a) above, the arbitrator’s award is not limited to \$50,000 but may be for any amount.

(Adopted 1-1-86; amended 11-7-92, effective 1-1-93; amended 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0100, 8-1-11, effective 1-1-12)

#### **RULE 3243 WITHDRAWAL FROM ARBITRATION**

A case submitted to arbitration may only be withdrawn before hearing by stipulation and court order or court order on noticed motion heard in the department where the case is pending.

(Adopted 1-1-86; amended 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0105, 8-1-11, effective 1-1-12)

#### **RULE 3246 PRE-HEARING CONFERENCE**

If the arbitrator finds it helpful to confer with the attorneys informally before the hearing, counsel shall be prepared to discuss: (1) the time estimate for hearing, (2) the documentary evidence to be offered, (3) the stipulations, (4) the issues to be determined, and (5) whether any depositions will be offered as a substitute for live testimony. This conference may be conducted by telephone if deemed appropriate by the arbitrator.

(Adopted 1-1-86; Moved to Title 1 (Rule 1.0066) 10-17-98, effective 1-1-99; new rule adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0110, 8-1-11, effective 1-1-12)

**RULE 3250  
MANDATORY ARBITRATION STATEMENT**

Counsel shall prepare and serve on all other parties and the arbitrator, no later than ten (10) days prior to the arbitration hearing, a statement setting forth and discussing in detail the facts and law pertinent to the issues of liability, damages or both, involved in the case as to the party or parties represented by that counsel. The statements, where relevant, shall contain an itemization of special damages claimed with dates therefore. The nature, extent and prognosis of any claimed physical injury shall be described fully and copies of medical reports shall be attached to the statement. The statement shall not contain or disclose any offers of settlement. The statement shall contain a declaration that all parties have discussed the case and have attempted in good faith to settle the case.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0115, 8-1-11, effective 1-1-12)

**RULE 3253  
RIGHTS TO DISCOVERY IN ARBITRATION**

The parties' respective rights to discovery and the date set for completion thereof prior to the date set for arbitration are governed by Rule 3.8222 of the California Rules of Court.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0120, 8-1-11, effective 1-1-12)

**RULE 3255  
ARBITRATION HEARING APPEARANCES REQUIRED**

Appearance by all parties, their counsel, claim representatives and all persons with full authority to resolve all disputed issues are required at the arbitration session. Non-appearance of counsel or a party shall subject the counsel or party, after notice and an opportunity to be heard, to monetary sanctions including, but not limited to, suitable

compensation to the arbitrator and to the parties who did appear at the arbitration plus attorney's fees to make the request for sanctions.

(Adopted 10-26-07, effective 1-1-08; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0125, 8-1-11, effective 1-1-12)

**RULE 3258**  
**INTERPRETERS**

Any party wishing an interpreter shall notify the ADR Administrator, all other parties and the arbitrator at least ten days before the hearing date or at the pre-hearing conference whichever is earlier. In addition, unless otherwise ordered by the court the party seeking the use of the interpreter shall make all arrangements directly with the interpreter and shall assume the costs of the service.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0130, 8-1-11, effective 1-1-12)

**RULE 3260**  
**AWARD**

- A. The award must be in writing and signed by the arbitrator. It must determine all issues properly raised by the pleadings, including a determination of any damages and an award of costs if appropriate. The arbitrator is not required to make findings of fact or conclusions of law.
- B. Within 10 days after the conclusion of the arbitration hearing, the arbitrator must file the award with the clerk, with proof of service on each party to the arbitration. On the arbitrator's application in cases of unusual length or complexity, the court may allow up to 20 additional days for the filing and service of the award. Within the time for filing the award, the arbitrator may file and serve an amended award.

The award of the arbitrator may be submitted in the following form:

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF RIVERSIDE

	)	
	)	
Plaintiff(s),	)	No.
	)	
	)	AWARD OF
vs.	)	ARBITRATOR
	)	
	)	
Defendant(s)	)	
	)	
_____	)	

The undersigned arbitrator, having been 1) appointed pursuant to Sections 1141.10 and 1141.18 Code of Civil Procedure and Rule 3.815 California Rules of Court, 2) duly sworn pursuant to Rule 3.814, and, having heard the cause on , \_\_\_\_\_, and considered the evidence of the parties, makes the following awards as to all claims submitted to arbitration:

Date: \_\_\_\_\_

\_\_\_\_\_  
Arbitrator

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0135, 8-1-11, effective 1-1-12)

**RULE 3263**

**TRIAL AFTER ARBITRATION; ENTRY OF AWARD AS JUDGMENT**

Rule 3.826 of the California Rules of Court governs requests for trial after the arbitration award is filed with the clerk of the court. When there is no request by any party for trial after the arbitration award is filed with the clerk, entry of the award as judgment is governed by Rule 3.827 of the California Rules of Court.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0140, 8-1-11, effective 1-1-12)

**RULE 3265**

**REIMBURSEMENT FOR ARBITRATION FEES TO SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE**

- A. Presentation of Order. In cases in which reimbursement of the arbitration fee has been ordered by the Court under Code of Civil Procedure section 1141.2, the party directed to prepare the formal order or judgment, after the trial de novo, shall provide for such fee reimbursement therein and shall serve a copy of the Order or Judgment on the Arbitration Administrator of the court.
- B. Reimbursement. Reimbursement of the arbitrator's fee shall be made payable to the Superior Court of California, County of Riverside/Arbitration Program, and shall be delivered to the Arbitration Administrator.
- C. Satisfaction. Upon receipt of said reimbursement, the Arbitration Administrator shall file a Satisfaction of Judgment in accordance with California Code of Civil Procedure section 724.010.
- D. Failure to Reimburse. Should reimbursement of the arbitrator's fee not be received within forty-five days of the date of the court order/judgment under Code of Civil Procedure Section 1141.21, the Arbitration Administrator shall use all available legal remedies to enforce the judgment/order.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0145, 8-1-11, effective 1-1-12)

**RULE 3270**

**DISPOSITION OF EXHIBITS**

Documents, statements, and exhibits received in evidence during the hearing should be returned after the award to the parties who offered them. Many arbitrators request that the parties offer copies in evidence so that the arbitrator can discard them after the award has been made. No original exhibits should be destroyed by the arbitrator since they may be required in the event of a trial de novo.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0150, 8-1-11, effective 1-1-12)

**RULES APPLICABLE TO COURT-ORDERED MEDIATION**

**Additional rules applicable to court-ordered mediation are set forth in “Rules Applicable to Both Arbitration and Mediation” (Rules 3210 – 3233).**

**RULE 3273**

**COURT-ORDERED MEDIATION: PRE- MEDIATION PROCEDURES**

- A. Notice: The Court will mail the Notice of Court-Ordered Mediation and the Response to Notice of Court-Ordered Mediation (Form) to all parties ordered to court-ordered mediation. The Notice of Court-Ordered Mediation shall state the Mediation Completion Date.
- B. Duty to Meet and Confer: Within 30 days of the Notice to Court-Ordered Mediation, the parties must confer with respect to (1) their Response to Notice of Court-Ordered Mediation (Form); (2) at least three (3) mutually agreeable dates/times for the mediation session; (3) the location for the mediation session; and (4) a reasonable schedule to complete any discovery or motions necessary to make their ADR session productive. The plaintiff must provide this information to the mediator unless the mediator gives the parties other instructions.
- C. Appointment of Mediator- Parties Stipulate to a Mediator: If the parties stipulate to a mediator, the plaintiff must (1) provide the mediator with a copy of the Notice of Court-Ordered Mediation; (2) obtain the mediator’s consent; (3) file the Response to Notice to Court-Ordered Mediation after all parties sign; and (4) serve a copy of the response on the mediator and include him / her on the proof of service.
- D. Appointment of Mediator – Parties Stipulate to Court Assignment of Mediator: If the parties stipulate that the Court may assign a mediator, plaintiff must file the response to Notice of Court-Ordered Mediation after all parties sign. The Court will promptly assign a mediator from the Court’s Civil Mediation Panel pursuant to CRC Rule 3.893. The parties shall have no right to object to the assigned mediator.
- E. Appointment of Mediator – Parties Do Not Stipulate: If the parties do not submit the Response to Notice of Court-Ordered Mediation (Form) stipulating to a mediator within 30 days of the Notice of Court-Ordered Mediation, the Court will promptly assign a mediator from the Court’s Civil Mediation Panel pursuant to CRC Rule 3.893. The parties shall have no right to object to the assigned mediator.
- F. Mediator’s Response: The selected or assigned mediator shall file and serve the Mediator’s Notice of Acceptance or Recusal.

- G. Parties' Duty to Schedule the Mediation: Within five (5) days of the date of the Mediator's Notice of Acceptance or Recusal, plaintiff shall notify the mediator who accepted the case of at least three (3) mediation dates/times that are acceptable to all parties unless the mediator directs the defendant to do so. The mediator may set the mediation date or may instruct the parties to select from mediation dates that the mediator provides.
- H. Participant Lists: At least five court days before the first mediation session, each party must serve a list of its mediation participants on the mediator and all other parties. The list must include the names of all parties, attorneys, representatives of a party that is not a natural person, insurance representatives, and other persons who will attend the mediation with or on behalf of that party. A party must promptly serve a supplemental list if the party subsequently determines that listed persons will not attend the mediation and/or that other persons will attend the mediation with or on behalf of the party. Parties should consult CRC 3.894 and Local Rule 3275 in drafting this list.
- I. Mediation Statements: In accordance with CRC, Rule 3.894(b)(2), the mediator may require that each party shall serve on the mediator and/or opposing counsel a short mediation statement describing the issues in dispute and possible resolutions and other information or documents that may be helpful in resolving the dispute.
- J. Discovery: The parties are urged to exercise restraint with respect to conducting discovery during the time after the order to court-ordered mediation and before the mediation session. In an appropriate case, a protective order pursuant to CCP § 2017.020 and related provisions may be issued by the Court.
- K. Continuance of Scheduled Mediation Session: The parties may stipulate to a continuance of a scheduled mediation session if they notify the mediator at least two (2) days before the scheduled session and provide the mediator with at least three (3) proposed dates for the rescheduled session. Sanctions may be ordered for failure to appear at a scheduled mediation session without providing at least two (2) days notice to the mediator and to all parties and counsel.
- L. Continuance of Mediation Completion Date: Sanctions may be ordered for failure to complete mediation by the mediation completion date. Parties may stipulate to one 60 –day continuance of the Mediation Completion Date. Parties requesting a continuance shall present the Stipulation and Order for Continuance of Court Mediation Date (Form) to their assigned department and shall serve a copy of any order on the mediator.

(Adopted 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0200, 8-1-11, effective 1-1-12)

**RULE 3275**

**APPEARANCES REQUIRED AT MEDIATION; ATTENDANCE SHEETS**

- A. All parties, attorneys of record, and others whose authority is required to fully resolve the case must attend all mediation sessions in person unless excused or permitted to attend by telephone as provided in section © below. If a party is not a natural person, a representative of that party with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or a legislative body, a representative with authority to recommend such agreement, must attend all mediation sessions in person, unless excused or permitted to attend by telephone as provided below.
  
- B. If any party is insured under a policy of insurance that provides or may provide coverage for a claim that is a subject of this action, a representative of the insurer with authority to settle or recommend settlement of the claim must attend all mediation sessions in person, unless excused or permitted to attend by telephone as provided in section © below. The party must notify each insurance carrier of the date, time and place of the mediation session and of the carrier's duty to attend with full settlement authority.
  
- C. The mediator may excuse, in writing, a party, attorney or representative from the requirement to attend a mediation session or permit attendance by telephone.
  
- D. Each party may have counsel present at all mediation sessions that concern the party.
  
- E. Attendance Sheets (Judicial Council Form ADR- 107) The mediator is required to ask all participants in the mediation to complete the attendance sheet stating their names, addresses and telephone numbers.

(Adopted 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0201, 8-1-11, effective 1-1-12)

**RULE 3290**

**COURT-ORDERED MEDIATION; GROUNDS FOR SANCTIONS**

(Deleted 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0220, 8-1-11, effective 1-1-12)

**DIVISION 3  
CIVIL LAW AND MOTION**

**RULE 3316  
TENTATIVE RULINGS**

- A. Pursuant to Rule 3.1308(a)(1) of the California Rules of Court, the Civil Departments may issue tentative rulings on law and motion matters. Tentative rulings will be available on the Internet. To view go to: <http://www.riverside.courts.ca.gov> and click on the tentative ruling link.
- B. The tentative ruling shall become the ruling of the Court unless, by 4:00 p.m. on the court day before the scheduled hearing, a party gives notice of intent to appear to all parties and the court. The notice of intent to appear must be given either in person or by telephone. Where notice of intent to appear has been properly given, or upon direction of the Court, oral argument will be permitted.
- C. All noticed motions and demurrers in departments that issue tentative rulings shall include the following information in the notice:

“The Court will make a tentative ruling on the merits of this matter by 3:00 p.m. on the court day prior to the hearing. Tentative rulings will be available on the Internet. To view go to: <http://www.riverside.courts.ca.gov> and click on the tentative ruling link. The tentative ruling shall become the ruling of the Court unless, by 4:00 p.m. on the court day before the scheduled hearing, a party gives notice of intent to appear to all parties and the court. The notice of intent to appear must be given either in person or by telephone. Where notice of intent to appear has been properly given, or upon direction of the Court, oral argument will be permitted.”

(Adopted 10-26-07, effective 1-1-08; phone number corrections 7-7-09; amended 5-4-11, effective 7-1-11; Moved from Title 2 and renumbered from Rule 2.0016, 8-1-11, effective 1-1-12)

**RULE 3320  
CONDUCT OF HEARINGS**

Continuances and Matters Taken Off Calendar.

1. When a hearing date has been set, it shall be utilized unless timely continued or taken off calendar.
2. A party seeking to continue a law and motion hearing, shall submit either a written stipulation signed by all parties, or a declaration from counsel for the moving party, signed under penalty of perjury, informing the court that all parties have been notified and agree to have the motion continued. The

declaration or stipulation to continue the hearing on the motion shall be filed with the court as soon as reasonably possible. Additionally, if the declaration or stipulation cannot with reasonable diligence be filed at least five (5) court days before the hearing, the moving party shall orally notify the clerk in the assigned department as soon as reasonably possible that a declaration or stipulation is being submitted.

3. If the moving party determines that a hearing on the motion is no longer necessary, the party shall immediately notify the court in writing that the motion should be taken off calendar. When the hearing is imminent, the moving party shall also immediately give oral notice to the clerk in the assigned department that the motion should be taken off calendar.

(Adopted 1-1-86; Amended 10-23-93, effective 1-1-94; amended 10-17-98, effective 1-1-99; amended 10-18-02, effective 1-1-03; Moved from Title 2 and renumbered from Rule 2.0020, 8-1-11, effective 1-1-12)

**RULE 3370  
INSTRUCTIONS TO JURY**

When special verdicts are to be submitted to a jury, the jury questions and verdict forms shall be presented in writing to the Court, and copies thereof furnished to other parties before any evidence is offered, unless the Court shall order otherwise.

(Adopted 1-1-86; Amended and moved from Title 1 (Rule 1.0055), 10-17-98, effective 1-1-99; Moved from Title 2 and renumbered from Rule 2.0070, 8-1-11, effective 1-1-12)

**DIVISION 4  
TRIAL RULES AND PROCEDURES  
(RESERVED)**

**DIVISION 5  
UNLAWFUL DETAINERS**

**RULE 3510  
UNLAWFUL DETAINER AND SMALL CLAIMS TIME STANDARDS**

Pursuant to Section 2.3 of the Standards of Judicial Administration and Rule 1.0200 above, this Court adopts the following standards for timely disposition

- A. Unlawful Detainer cases shall be:
  1. 90 percent disposed of within 30 days after filing.
  2. 100 percent disposed of within 45 days after filing.

- B. Small Claims cases shall be:
1. 100 percent disposed of within 45 days after filing, if all defendants reside within Riverside County.
  2. 100 percent disposed of within 90 days after filing, if any defendant resides outside of Riverside County.
- C. To achieve the delay reduction goals in this rule, at the time of filing the complaint, the Court shall set an order to show cause as to why the plaintiff or counsel shall not be sanctioned by dismissal of the action or otherwise for failure to comply with the time standards of this rule.

(Adopted 7-1-94; amended 4-19-97, effective 7-1-97; amended 10-17-98, effective 1-1-99; Renumbered from Rule 3.0010, 8-1-11, effective 1-1-12)

**RULE 3520  
CASE DESIGNATION AND NOTATION**

All cases shall be designated on the face of the complaint into one of the following categories:

1. Unlawful detainer; or
2. Small claims.

(Adopted 7-1-94; Renumbered from Rule 3.0020, 8-1-11, effective 1-1-12)

**RULE 3530  
SERVICE OF COMPLAINT**

- A. In all unlawful detainer cases, the complaint shall be served on all defendants, and a proof of serve filed with the Court, within 30 days of filing the original complaint.
- B. In all small claims cases, proof of service of the claim and order on all defendants shall be filed at least five (5) court days prior to the date set of a hearing on the claim.

(Adopted 7-1-94; amended 10-17-98, effective 1-1-99; Renumbered from Rule 3.0030, 8-1-11, effective 1-1-12)

**RULE 3536**  
**REQUEST FOR TRIAL IN UNLAWFUL DETAINER ACTIONS**

- A. An Unlawful Detainer action may be set for trial when the court deems the case to be at-issue or if the court so requires, when a party has served and filed a Request for Setting (Unlawful Detainer). The Request for Setting shall be on a form approved by Judicial Council.
- B. A party not in agreement with the information or estimates given in the Request for Setting shall within five (5) days after service, serve and file a Counter Request for Setting on the party's behalf.

(Adopted 10-18-02, effective 1-1-03; Renumbered from Rule 3.0036, 8-1-11, effective 1-1-12)

**RULE 3540**  
**REQUESTS FOR JURY TRIAL IN UNLAWFUL DETAINER ACTIONS**

It is the policy of this Court that all Jury Trials in Unlawful Detainer Actions proceed as follows:

For the case to proceed by Jury Trial the following must occur:

1. Jury fees and court reporter's fees, if a court reporter is desired, shall be posted by the party requesting the Jury Trial, five (5) days prior to the first assigned trial date.
2. If the Jury Trial exceeds one calendar day, for each subsequent day of trial, the Jury fees and Court Reporter's fees, if a reporter is desired, shall be posted by the party requesting the Jury Trial, by the close of business the day before the next scheduled trial date.
3. All requested and relevant Jury Instructions shall be submitted to the Court at 10:00 a.m. on the first assigned trial date.
4. Any and all motions, including motions in limine, shall be submitted, in writing to the Court at 10:00 a.m. on the first assigned trial date.
5. At 10:00 a.m. on the first assigned trial date, all parties must be ready to discuss, with the appropriate written authorities, any and all anticipated evidentiary issues which will arise during trial.

An application for Waiver of Court Fees shall be presented at the time the request for Jury Trial is submitted, for review and order by the designated judicial officer.

Failure to comply with any of the above will result in a waiver of Jury Trial and the Court will immediately proceed with trial by Court.

(Adopted 7-1-94; Amended 10-17-98, effective 1-1-99; Renumbered from Rule 3.0040, 8-1-11, effective 1-1-12)

**RULE 3550  
ORDER TO POST SUMMONS-UNLAWFUL DETAINER ACTIONS**

(Adopted 7-1-94; Renumbered from Rule 3.0050, 8-1-11, effective 1-1-12; deleted 11-4-11, effective 1-1-12)

**RULE 3560  
DECLARATION AND WORKSHEET FOR DEFAULT JUDGMENT-UNLAWFUL  
DETAINER**

- A. The “Declaration and Worksheet for Default Judgment-Unlawful Detainer” shall be completed and filed in every unlawful detainer action which proceeds by default or summary judgment. Except for “possession only requests”, this declaration shall be the sole and exclusive Code of Civil Procedure Section 585 Declaration submitted, unless there are unusual circumstances which require additional elaboration.
- B. Each plaintiff shall be provided a copy of this form at the time the action is filed. This form must be completed and filed in each such case, regardless of any declarations submitted by plaintiff in support of such judgment. No paperwork will be submitted to a judicial officer for approval unless this form is completed and filed.

(Added 4-16-94, effective 7-1-94; Amended 10-17-98, effective 1-1-99; Renumbered from Rule 3.0060, 8-1-11, effective 1-1-12)

**DIVISION 6  
SMALL CLAIMS**

**RULE 3635  
REQUEST FOR CONTINUANCE OF SMALL CLAIMS ACTIONS**

The clerk is authorized to grant a written requests for continuance filed in accordance with Code of Civil Procedure section 116.570(a) by either party made at least ten (10) days prior to the scheduled hearing in a small claims actions. Both the Plaintiff and Defendant are allowed one continuance each for a period of thirty (30) days. Clerk will give notice to all parties of the continuance.

All subsequent requests or requests for continuance greater than thirty (30) days shall be referred to the Judicial Officer.

(Added 4-25-98, effective 7-1-98; amended 4-17-99, effective 7-1-99; amended 10-21-05, effective 1-1-06; Renumbered from Rule 3.0035, 8-1-11, effective 1-1-12)

TITLE 4  
CRIMINAL

TABLE OF CONTENTS

- RULE 4001  
WHERE TO FILE DOCUMENTS
- RULE 4005  
DECLARATION IN SUPPORT OF ARREST WARRANT
- RULE 4010  
PAYMENT OF INVESTIGATORS AND EXPERTS
- RULE 4015  
BAIL REDUCTIONS OR INCREASES
- RULE 4020  
FORFEITURE, REINSTATEMENT AND EXONERATION OF BAIL
- RULE 4025  
COUNTER/FACSIMILE ARRAIGNMENT
- RULE 4030  
MISDEMEANOR AND FELONY ARRAIGNMENTS
- RULE 4035  
APPEARANCE IN MISDEMEANOR PROCEEDINGS  
BY COUNSEL/OWN RECOGNIZANCE RELEASE
- RULE 4040  
REQUEST TO ADD A CASE ONTO CALENDAR
- RULE 4045  
ACCEPTANCE OF PLEAS AND IMPOSITION OF SENTENCE  
IN THE ABSENCE OF DEFENDANT
- RULE 4050  
CRIMINAL LAW AND MOTION
- RULE 4055  
MOTIONS TO QUASH OR TRAVERSE WARRANTS
- RULE 4060  
SPEEDY TRIAL MOTIONS

RULE 4065  
MOTIONS TO DISMISS PURSUANT TO P.C. 995

RULE 4070  
EXTENSIONS OF MINOR OFFENSE VIOLATIONS

**TITLE 4  
CRIMINAL**

**RULE 4001  
WHERE TO FILE DOCUMENTS**

I. General Directions

- A. All criminal indictments, complaints, notices to appear constituting complaints, and all other documents initiating a criminal proceeding are to be filed at the courthouse specified below in sections II and III of this Rule, according to the zip code in which the alleged crime occurred. Alternatively, such documents are to be filed according to the zip code in which the relevant event occurred or the nearest zip code thereto as provided in Penal Code sections 182, 184, 777a through 792, inclusive, 795, 4701, 4702, or any other applicable statute governing venue. All petitions for writ of habeas corpus shall be filed at the courthouse specified below in section IV of this Rule. Criminal and habeas corpus cases shall usually be heard in the courthouse in which they were filed or in another courthouse in the same geographical region. For good cause, and to maximize efficient use of court resources, actions or proceedings may also be assigned for hearings in other regions.
- B. All subsequent documents related to the case shall also be filed at the same specified courthouse, unless the case is transferred to another courthouse in which event all subsequent documents shall be filed at that other courthouse.
- C. Self-represented litigants may visit a self-help center at any court location in the county for assistance in filing documents at the proper courthouse.

II. Felonies and Misdemeanors

A. Riverside-Hall of Justice and Banning Courthouse (Western Region)

- 1. All documents concerning actions or proceedings that arise out of the zip codes of 91752, 92501-92509, 92513-92519, 92521-92522, 92532, 92551-92557, 92567, 92570-92572, (Sun City addresses with zip codes of 92584-92586, or Canyon Lake, Romoland, and Sun City addresses with zip code of 92587), 92599, or 92860, 92877-92883 shall be filed at the Hall of Justice, 4100 Main Street, Riverside.

2. All documents concerning actions or proceedings that arise out of the zip codes of 92220, 92223, 92230, 92282, or 92320 shall be filed at the Banning Courthouse, 135 North Alessandro Road, Banning.

B. Murrieta-Southwest Justice Center (Mid County Region)

All documents concerning actions or proceedings that arise out of the zip codes of 92530-92531, 92536, 92539, 92543-92546, 92548-92549, 92561-92564, 92581-92583, (Menifee addresses with zip codes of 92584-92586 and all addresses with zip code of 92587 except those from Canyon Lake, Romoland, and Sun City), or 92589-92596 shall be filed at the Southwest Justice Center, 30755-D Auld Road, Murrieta.

C. Indo-Larson Justice Center and Blythe Courthouse (Desert Region)

1. All documents concerning actions or proceedings that arise out of the zip codes of 92201-92203, 92210-92211, 92234-92236, 92239-92241, 92247-92248, 92253-92255, 92258, 92260-92264, 92270, 92274-92276, or 92292 shall be filed at the Larson Justice Center, 46-200 Oasis Street, Indio.
2. All documents concerning actions or proceedings that arise out of the zip codes of 92225-92226, or 92280 shall be filed at the Blythe Courthouse, 265 North Broadway, Blythe.

III. Infractions

A. Moreno Valley Courthouse and Banning Courthouse (Western Region)

1. All documents concerning actions or proceedings that arise out of the zip codes of 91752, 92501-92509, 92513-92519, 92521-92522, 92551-92557, 92860, or 92877-92883 shall be filed at the Moreno Valley Courthouse, 13800 Heacock Street, Building D #201, Moreno Valley.
2. All documents concerning actions or proceedings that arise out of the zip codes of 92220, 92223, 92230, 92282, or 92320 shall be filed at the Banning Courthouse, 135 North Alessandro Road, Banning.

B. Hemet Courthouse and Temecula Courthouse (Mid County Region)

1. All documents concerning actions or proceedings that arise out of the zip codes of 92536, 92539, 92543-92546, 92549, 92561, or 92581-92583 shall be filed at the Hemet Courthouse, 880 North State Street, Hemet.

2. All documents concerning actions or proceedings that arise out of the zip codes of 92530-92532, 92548, 92562-92564, 92567, 92570-92572, 92584-92587, 92589-92593, 92595-92596, or 92599 shall be filed at the Temecula Courthouse, 41002 County Center Drive #100, Temecula.

C. Indo-Larson Justice Center and Blythe Courthouse (Desert Region)

1. All documents concerning actions or proceedings that arise out of the zip codes of 92201-92203, 92210-92211, 92234-92236, 92239-92241, 92247-92248, 92253-92255, 92258, 92260-92264, 92270, 92274-92276, or 92292 shall be filed at the Larson Justice Center, 46-200 Oasis Street, Indio.
2. All documents concerning actions or proceedings that arise out of the zip codes of 92225- 92226, or 92280 shall be filed at the Blythe Courthouse, 265 North Broadway, Blythe.

IV. Writs of Habeas Corpus

All petitions for writs of habeas corpus arising anywhere in the county shall be filed at the Hall of Justice, 4100 Main Street, Riverside.

(Adopted 11-4-11, effective 1-1-12)

**RULE 4005  
DECLARATION IN SUPPORT OF ARREST WARRANT**

Upon receipt of a request for a Declaration in Support of Arrest Warrant from a judicial officer, the Clerk's Office shall immediately forward the request to the arresting agency.

The arresting agency will have thirty (30) days to comply with the request. If the arresting agency does not provide the Court with the Declaration in Support of Arrest Warrant in a timely manner, the clerk shall place the case on calendar for an OSC Re: Submission of Declaration in Support of Arrest Warrant approximately thirty (30) days thereafter. The Clerk's Office shall notify the District Attorney of the hearing with a copy of Discovery.

(Added 4-17-99, effective 7-1-99; Moved from Title 7 and renumbered from Rule 7.0018, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**RULE 4010**  
**PAYMENT OF INVESTIGATORS AND EXPERTS**

1. Penal Code Section 987.9 provides at county expense for payments of investigators, experts, and other costs that are reasonably necessary for the preparation or presentation of defense. Qualifying cases are:
  - 187 PC with special circumstances alleged where the District Attorney has not decided to forgo the Death Penalty; and
  - Second Degree Murder, wherein the defendant has served a prior prison term for murder in the first or second degree [Penal Code 190.05(a)].

The Presiding Judge shall annually appoint judicial officers to serve as the Pay Judge Panel, which shall independently review requests for investigative funds in cases pursuant to Penal Code Section 987.9. The trial judge shall not review such requests. In the event of differing responses, a simple majority of Pay Judges concurring shall determine the court's ruling.

Upon the filing of a criminal complaint wherein the defendant is exposed to the death penalty, defense counsel is eligible for funding for investigative costs upon written application to the court. Initial requests shall be made by motion and supported by declaration or affidavit of counsel specifying:

- a) Defendant is indigent and the prosecution is seeking (or may seek) death as a penalty. An express finding of indigency must be made on the record in court by the trial judge, if the defendant is either represented by private counsel but claims to be indigent or the defendant is self-represented (a copy of the minute order must be attached to the motion in these instances).
  - b) Purposes for which funds are reasonably necessary;
  - c) Names, rate of pay (or fee), other costs and services required for investigators, experts, consultants, or others;
  - d) Specific information as to travel expenses, or other claimable costs for parties referenced in c) above.
  - e) Additional supporting statements may be requested of counsel to clarify questions. An oral in-camera explanation may also be requested.
2. Approval for funds must occur prior to the hiring and utilization of such investigators and/or experts.

All documents pertaining to application and order for Penal Code Section 987.9 funds will be confidential and secured in the Court's Executive Office until such time as the record is certified to the Supreme Court, or the defendant no longer may be sentenced to death as a penalty.

3. Accounting. At the termination of the proceedings, the attorney shall furnish to the court a complete accounting of all money received and disbursed.

(Adopted 1-1-86; amended 10-24-08, effective 1-1-09; Moved from Title 7 and renumbered from Rule 7.0070, title of rule amended, 8-1-11, effective 1-1-12)

**RULE 4015**  
**BAIL REDUCTIONS OR INCREASES**

When bail has been set, all requests for an increase or reduction of said bail shall be made to the judge who set such bail in accordance with Sections 1269c, 1270, 1270.1, 1270.2, 1289, of the Penal Code except as follows:

1. Bail set ex parte by any judge of this Court shall be subject to modification by the judge before whom the defendant appears for arraignment.
2. Applications for reduction or increase of bail shall be made by defendant's attorney of record or the defendant appearing in propria persona, or the District Attorney.

(Added 10-23-93, effective 1-1-94; amended 10-24-08, effective 1-1-09; Moved from Title 7 and renumbered from Rule 7.0100, 8-1-11, effective 1-1-12)

**RULE 4020**  
**FORFEITURE, REINSTATEMENT AND EXONERATION OF BAIL**

- A. Forfeiture of Bail.

When a defendant who has posted a bail bond fails to appear for their scheduled court appearance, the judicial officer shall order a bench warrant to be issued and shall order the bail bond to be forfeited. The courtroom assistant shall reflect in the minute order that said orders were made.

When relief from the bail bond forfeiture has been ordered in accordance with PC 1305, the judicial officer shall impose a \$100 administrative fee pursuant to PC 1306(a) as a condition of relief, unless good cause is shown to waive the fee.

- B. Reassumptions.

In all instances wherein the Court orders bail reinstated, such order shall be made on the official form entitled "Reassumption of Liability by Surety."

- C. Motions.

Motions to reinstate and exonerate bail bonds or bail deposits in all criminal cases where the defendant is not surrendered in Court and shall be supported by

appropriate declarations, affidavits, and points and authorities. Time for filing, Proof of Service, and Responding Papers will conform to California Rule of Court 4.111.

(Adopted 10-23-93, effective 1-1-94; amended 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06; amended 10-24-08, effective 1-1-09; Moved from Title 7 and renumbered from Rule 7.0150, 8-1-11, effective 1-1-12)

**RULE 4025  
COUNTER/FACSIMILE ARRAIGNMENT**

- A. In misdemeanor cases, private counsel, prior to a defendant's scheduled appearance date, may enter a plea of "Not Guilty" and set a trial readiness calendar and jury trial date with the clerk of the court pursuant to Penal Code Section 977(a). Counter Facsimile Arraignments are permitted for misdemeanor cases with no outstanding warrants and will not be permitted on failures to appear when arrest warrants have been issued, defendants charged with violation of Penal Code section 192(c), 243.4, 273a, 273d, 273.5, 273.6, or 647.6, or violations of Vehicle Code section 23152 and 23153 (second or subsequent offenses is evidenced by Department of Motor Vehicle records) have been charged, or on violations of probation.
- B. At the time of such Counter/Facsimile Arraignment, counsel must file the following documents:
1. A signed "O.R." release form unless bail has previously been posted;
  2. A completed 977 Waiver
  3. If appearing by facsimile transmission, the attorney must complete and submit the Facsimile Arraignment form to the Clerk's office at the location in which the case is scheduled to be heard.
  4. If appearing by facsimile transmission pursuant to local rule 1050, the Judicial Council Facsimile Transmission Cover Sheet (form MC-005) must accompany documents filed via facsimile. Facsimile numbers may be located on the court's website at <http://riverside.courts.ca.gov/faxlist.shtml>.
  5. Parties shall complete form RI-M01 to register for the court's direct fax filing program. The form is located on the court's website at <http://riverside.courts.ca.gov/faxlist.shtml>.

**The above listed documents must be received prior to 4:00pm the day before the date of the scheduled appearance.**

(Adopted 10-23-93, effective 1-1-94; amended 10-22-94, effective 1-1-95; amended 4-20-96, effective 7-1-96; amended 4-19-97, effective 7-1-97; amended 4-25-98, effective 7-1-98; amended 1-1-03; amended 7-1-03; area code corrected 1-1-05; amended 10-24-08, effective 1-1-09; updated credit cards info 7-1-09; updated websites 7-1-11; Moved from Title 7 and renumbered from Rule 7.0210, 8-1-11, effective 1-1-12)

**RULE 4030  
MISDEMEANOR AND FELONY ARRAIGNMENTS**

- A. All misdemeanor and felony complaints received for in-custody arraignment shall be filed no later than 11:00 a.m. on the day that the arraignment is scheduled. Example: If the arraignment is scheduled for 1:30 p.m. on a Thursday, the complaint must be filed by 11:00 a.m. that same day.
- B. All misdemeanor and felony complaints received for out of custody arraignment shall be filed no later than 4:00 p.m. two business days before the date of the arraignment. Example: If the arraignment is scheduled for a Friday, the complaint must be filed by 4:00 p.m. on the preceding Wednesday.

(Added 9-29-01, effective 1-1-02; amended 10-24-08, effective 1-1-09; Moved from Title 7 and renumbered from Rule 7.0215, 8-1-11, effective 1-1-12)

**RULE 4035  
APPEARANCE IN MISDEMEANOR PROCEEDINGS  
BY COUNSEL/OWN RECOGNIZANCE RELEASE**

- A. An attorney appearing on behalf of an absent misdemeanor defendant pursuant to Penal Code Sections 977(a), and/or 1043(e), in order to enter a plea of guilty or no contest, must have written authorization from the defendant to do so, and that document must authorize the attorney to accept imposition of judgment on behalf of defendant, including probation terms, monetary orders, and custody. Further, if the attorney is appearing on behalf of an absent defendant at trial, pursuant to Penal Code section 1043(e), then the written waiver must specifically authorize the defense attorney to conduct the trial in defendant's absence. The written waivers mentioned herein must be filed with the court prior to a defense attorney appearing on behalf of an absent defendant pursuant to Penal Code sections 977(a), and/or 1043(e). If a written waiver is not filed with the court, then the defendant shall appear in court at all pretrial hearings and trial.
- B. Nothing in this rule abrogates the requirement that the defendant be personally present if the charges involve domestic violence or driving under the influence as required in Penal Code sections 977(a)(2) or 977(a)(3).

(Added 10-23-93, effective 1-1-94; amended 10-21-09, effective 1-1-10; Moved from Title 7 and renumbered from Rule 7.0250, 8-1-11, effective 1-1-12)

**RULE 4040**  
**REQUEST TO ADD A CASE ONTO CALENDAR**

- A. Outstanding Warrants
  - 1. Arraignment Locations  
All initial arraignment cases shall be heard at the court location where the defendant was cited/ordered to appear. Defendants with cases in multiple court locations may appear at any location with at least one open cases. This rule does not apply to infraction arraignments.
  - 2. Violations of Probation  
On cases where there is a warrant outstanding for a violation of probation, the defendant and/or attorney may check in at the Clerk’s Office to be added onto that day’s calendar. Check in times for all court locations: 7:30 a.m.
    - a. Desert Region  
  
Blythe  
Indio
    - b. Mid County Region  
  
Murrieta
    - c. Western Region  
  
Banning  
Riverside
  - 3. Non-Violations of Probation  
On cases where there is a warrant outstanding for a reason other than a violation of probation, each court will calendar the hearing on the earliest available court day. The defendant and/or attorney shall complete a Request to Calendar form (Form #OTS01).
- B. Probation or Diversion  
On probation or diversion cases where the defendant, probation officer, or attorney is seeking to modify probation or reinstate a program prior to a warrant being issued, a Request to Add onto Calendar form (Form #OTS01) shall be completed and the hearing will be set within 10 court days.
- C. Extenuating Circumstances

If a case has no warrant and there are extenuating circumstances, to add the case onto the morning calendar, the Clerk's Office must obtain approval from the Judicial Officer in the department where the case will be assigned. The Judicial Officer will have the discretion to approve or deny the request.

D. In-Custody Defendants

If the defendant's attorney or probation officer indicates that the defendant is in local custody on the Request to Add onto Calendar form, they shall also indicate the location where the defendant is being housed.

Three days notice is required for defendants who are in local custody and the hearing will be set within three to 10 court days.

Request to Add onto Calendar forms may be faxed.

(Added 9-29-01, effective 1-1-02; amended 5-20-05, effective 7-1-05; amended 4-25-08, effective 7-1-08; amended 10-21-09, effective 1-1-10; amended 10-22-10, effective 1-1-11; Moved from Title 7 and renumbered from Rule 7.0255, 8-1-11, effective 1-1-12)

**RULE 4045**

**ACCEPTANCE OF PLEAS AND IMPOSITION OF SENTENCE IN  
THE ABSENCE OF DEFENDANT**

- A. A defendant who absents himself from a misdemeanor proceeding wherein a plea is entered through counsel and the pronouncement of immediate judgment is requested, must do so with full knowledge of the pendency of criminal proceedings. Further, the Court must be confident that the waiver of all rights, including the right to be present, is made knowingly and intelligently, and that acts of counsel are authorized by the defendant.
- B. To implement the foregoing policy, a declaration shall have been executed by the defendant and his attorney, and shall be filed at the time of entry of the plea and prior to pronouncement of judgment. Said declaration shall contain:
1. An acknowledgment that the declarant is the defendant in the criminal proceedings and that declarant is aware of the charge(s);
  2. An express waiver of the defendant's presence for the entry of the plea of guilty or nolo contendere;
  3. An acknowledgment that the defendant has read and considered and the attorney has explained to the defendant each and every legal and constitutional right which the defendant is waiving. Further, an acknowledgment that the defendant understands each of the rights being waived. A written waiver of defendant's legal and constitutional rights which shall be attached as an exhibit to the Declaration.

4. An acknowledgment that the defendant has been informed of, and understands, the provisions of 1016.5 of the Penal Code.
  5. A statement that the defendant is entering a plea of guilty or nolo contendere to specified charges.
  6. Sentencing
    - a. If defense counsel and the district attorney have negotiated a proposed sentence involving probation to be considered by the Court, the Declaration shall contain:
      1. An acknowledgment that the defendant understands that he/she is being placed on probation;
      2. A written acceptance of the terms and conditions of probation which shall be an attachment to the Declaration;
      3. An express waiver of defendant's right to be present at the pronouncement of sentence; and
      4. An express waiver of time for imposition of sentence.
    - b. If a proposed sentence has not been negotiated with the district attorney, and the Court grants probation, it shall be the responsibility of counsel to obtain the defendant's written acceptance of the terms and conditions of probation. This acceptance shall be filed by the date ordered by the Court.
- C. The Clerk of the Court shall maintain an adequate supply of the Declaration and other forms required above and shall provide them to counsel upon oral or written request.

(Added 10-23-93, effective 1-1-94; Moved from Title 7 and renumbered from Rule 7.0260, 8-1-11, effective 1-1-12)

**RULE 4050**  
**CRIMINAL LAW AND MOTION**

A. Memoranda of Points and Authorities, exclusive of notice, declarations, evidentiary attachments and exhibits, shall not exceed ten (10) pages in length, except by permission of the Court upon ex parte application. Such application shall be accompanied by an attorney declaration setting forth good cause why the motion or opposition requires additional documentation, and setting forth the number of pages declarant believes necessary.

B. All pretrial motions filed on behalf of defendants incarcerated in State Prison where the defendant's presence is required by law or requested by counsel, shall be accompanied by a transportation order directing said defendant(s) to be brought to Court for the hearing.

(Added 10-23-93, effective 1-1-94; amended 4-25-98, effective 7-1-98; amended 10-24-08, effective 1-1-09; Moved from Title 7 and renumbered from Rule 7.5000, 8-1-11, effective 1-1-12)

**RULE 4055**  
**MOTIONS TO QUASH OR TRAVERSE WARRANTS**

Motions to Quash Search or Arrest Warrants shall contain a certified copy of the warrant and affidavit in support of the warrant. Motions shall be heard in the same manner as outlined in Penal Code § 1538.5.

(Added 10-23-93, effective 1-1-94; amended 10-24-08, effective 1-1-09; Moved from Title 7 and renumbered from Rule 7.5150, 8-1-11, effective 1-1-12)

**RULE 4060**  
**SPEEDY TRIAL MOTIONS**

Motions to dismiss a complaint or information for lack of speedy trial must be supported by a declaration or affidavit of the defendant specifically stating the circumstances of the delay, the defendant's state of knowledge concerning the pending charges prior to the date of his/her arrest, the defendant's residence during the delay period, and any good cause which justifies the granting of the motion.

(Added 1-1-94; Moved from Title 7 and renumbered from Rule 7.5200, 8-1-11, effective 1-1-12)

**RULE 4065**  
**MOTIONS TO DISMISS PURSUANT TO P.C. 995**

A. Where motion to dismiss an information pursuant to Penal Code Section 995 is made and the judge assigned to the case presided as the magistrate at the preliminary examination, the case shall be referred to another judge to hear the motion. If the motion is denied in whole or in part after a hearing on the merits, the case shall be assigned back to the original judge.

B. All motions to dismiss an indictment or information pursuant to Penal Code Section 995 shall include:

1. A brief summary of the facts, with references to the transcripts of prior proceedings by page and line number.

2. A statement of the issues, specifically identifying in what regard the People's case is defective.
  3. A memorandum of legal points and authorities upon which defendant(s) relies. (Mere citation to section of the California Penal Code or United States Constitution will be considered insufficient.)
- C. Responding points and authorities shall specify in what respects the alleged deficiencies are met or covered by the evidence, with references to the transcripts of prior proceedings by page and line number.
- D. Time for filing, Proof of Service, and Responding Papers will conform to Penal Code § 995 and California Rule of Court 4.111

(Added 10-23-93, effective 1-1-94; amended 10-17-98, effective 1-1-99; amended 10-24-08, effective 1-1-09; Moved from Title 7 and renumbered from Rule 7.5400, 8-1-11, effective 1-1-12)

**RULE 4070**  
**EXTENSIONS OF MINOR OFFENSE VIOLATIONS**

A one-time sixty-day extension from the original date to appear shall be granted by the Clerk's Office on violations processed in the Minor Offense Divisions. An additional 30-day extension may be granted by the clerk's office if the defendant makes the request in-person. For an extension beyond 90 days from the original appearance date, the defendant must appear in court to make the request.

(Added 4-25-98, effective 7-1-98; amended 10-22-10, effective 1-1-11; Moved from Title 7 and renumbered from Rule 7.6005, 8-1-11, effective 1-1-12)

**RULE 4075**  
**ORDER RE: CONVICTION SET ASIDE PLEA/DISMISSED PURSUANT 1203.4 & 1203.4a OF THE PENAL CODE (FELONY/MISDEMEANOR)**

(Added 4-25-98, effective 7-1-98; Moved from Title 7 and renumbered from Rule 7.7000, 8-1-11, effective 1-1-12; deleted 11-4-11, effective 1-1-12)

TITLE 5  
FAMILY AND JUVENILE RULES

TABLE OF CONTENTS

DIVISION 1  
FAMILY RULES

- RULE 5101  
WHERE TO FILE DOCUMENTS
- RULE 5105  
FACSIMILE TRANSMISSION FILINGS
- RULE 5110  
REQUEST FOR ORDER PROCEDURE
- RULE 5125  
REQUEST FOR ORDER - CONTINUANCE
- RULE 5141  
REQUESTS TO DISMISS RESTRAINING ORDERS
- RULE 5150  
FAMILY LAW MANDATORY SETTLEMENT CONFERENCES AND TRIALS
- RULE 5153  
TRIAL RULES AND PROCEDURES
- RULE 5155  
MEDIATION OF CUSTODY AND VISITATION
- RULE 5156  
PEREMPTORY CHALLENGE OF A MEDIATOR
- RULE 5160  
APPEARANCE BY TELEPHONE FOR FAMILY LAW MATTERS
- RULE 5165  
EX PARTE PROCEDURES IN FAMILY LAW MATTERS
- RULE 5166  
SET-ASIDE DEFAULT TO ALLOW THE FILING OF AN AMENDED  
PETITION
- RULE 5170

MANDATORY SETTLEMENT CONFERENCES

RULE 5175  
COURT ORDERED CHILD CUSTODY EVALUATIONS

RULE 5180  
FORMAL JUDGMENT AND ADDENDA TO JUDGMENT

DIVISION 2  
JUVENILE RULES

RULE 5210  
APPLICATION

RULE 5220  
PRESIDING JUDGE

RULE 5225  
WHERE TO FILE DOCUMENTS

RULE 5230  
ACCESS TO FILES

RULE 5235  
ELECTRONIC RECORDING DEVICES

RULE 5240  
EX PARTE ORDERS

RULE 5245  
MULTIPLE PARTIES – CASE NAME

RULE 5250  
RELEASE OF INFORMATION

RULE 5251  
ACCESS TO JUVENILE COURT RECORDS BY APPLICATION

RULE 5252  
JUVENILE AND FAMILY COURTS EXCHANGE OF INFORMATION

RULE 5253  
DISSEMINATION OF RIVERSIDE CHILD ASSESSMENT TEAM  
(RCAT) AUDIO/VIDEO TAPES

RULE 5260

JUVENILE COURT MANAGEMENT OF CASES IN COMMON  
WITH OTHER DEPARTMENTS

RULE 5270

STANDARDS OF COUNSEL

RULE 5275

FILING AMENDED 300 AND 600 JUVENILE PETITIONS

RULE 5280

FILING REPORTS TIMELY

RULE 5281

FILING DE FACTO PARENT FORMS

RULE 5282

ATTACHMENTS, EXHIBITS AND OTHER DOCUMENTS

RULE 5283

CASA REPORTS

RULE 5284

COURT MINUTE ORDERS

RULE 5290

DISCOVERY

RULE 5295

POST-ADOPTION CONTACT MEDIATION

RULE 5299

MEDICAL EXAMINER FEE

**TITLE 5  
FAMILY AND JUVENILE RULES**

**DIVISION 1  
FAMILY RULES**

**RULE 5101  
WHERE TO FILE DOCUMENTS**

**Geographical Regions**

All documents initiating or responding to actions arising out of the Family Code, including Adoptions, Petitions for Freedom from Parental Control and Custody, and actions involving the Department of Child Support Services shall be filed in the relevant region at the courthouse specified below:

**FAMILY LAW PROCEEDINGS**

Western Region  
Riverside – Family Law  
4175 Main Street  
Riverside, CA 92501

Banning (92220), Beaumont (92223), Cabazon (92230), Calimesa (92320), Corona (92860, 92877, 92878, 92879, 92880, 92881, 92882, 92883), Mira Loma (91752), Moreno Valley (92551, 92552, 92553, 92554, 92555, 92556, 92557), Lakeview/Nuevo (92567), Perris (92570, 92571), Riverside (92501, 92502, 92503, 92504, 92505, 92506, 92507, 92508, 92509, 92513, 92514, 92515, 92516, 92517, 92518, 92519, 92521, 92522), and Whitewater (92282).

Mid County Region  
Hemet Court  
880 N. State Street  
Hemet, CA 92543

Aguanga (92536), Anza (92539), Hemet (92543, 92544, 92545, 92546), Homeland (92548), Idyllwild (92549), Lake Elsinore (92530, 92531, 92532), Menifee (92584), Mountain Center (92561), Murrieta (92562, 92563, 92564), Nuevo (92567), Perris (92579, 92572, 92599), San Jacinto (92581, 92582, 92583), Sun City (92585, 92586, 92587), Temecula (92589, 92590, 92591, 92592, 92593), Wildomar (92595), and Winchester (92596).

Desert Region  
Indio Court  
Larson Justice Center

46-200 Oasis Street  
Indio, CA 92201-5961

Cathedral City (92234, 92235), Coachella (92236), Desert Center (92239), Desert Hot Springs (92240, 92241), Indian Wells (92210), Indio (92201, 92202, 92203), La Quinta (92247, 92248, 92253), Mecca (92254), Palm Desert (92211, 92255, 92260, 92261), Palm Springs (92258, 92262, 92263, 92264, 92292), Rancho Mirage (92270), Thermal (92274, 92275), and Thousand Palms (92276).

Blythe Region  
Blythe Court  
265 N. Broadway  
Blythe, CA 92225

Blythe (92225, 92226, 92280), Ripley (92225)

ADOPTIONS AND FREEDOM FROM PARENTAL CONTROL AND CUSTODY

Western Region  
Riverside Family Court  
4175 Main St.  
Riverside, CA 92501

Banning (92220), Beaumont (92223), Cabazon (92230), Calimesa (92320), Corona (92860, 92877, 92878, 92879, 92880, 92881, 92882, 92883), Mira Loma (91752), Moreno Valley (92551, 92552, 92553, 92554, 92555, 92556, 92557), Riverside (92501, 92502, 92503, 92504, 92505, 92506, 92507, 92508, 92509, 92513, 92514, 92515, 92516, 92517, 92518, 92519, 92521, 92522), and Whitewater (92282).

Mid County Region  
Hemet Court  
880 N. State Street  
Hemet, CA 92543

Aguanga (92536), Anza (92539), Hemet (92543, 92544, 92545, 92546), Homeland (92548), Idyllwild (92549), Lake Elsinore (92530, 92531, 92532), Menifee (92584, 92585, 92586, 92587, 92596), Mountain Center (92561), Murrieta (92562, 92563, 92564), Lakeview/Nuevo (92567) Perris (92570, 92571, 92572, 92599), San Jacinto (92581, 92582, 92583), Sun City (92585, 92586, 92587), Temecula (92589, 92590, 92591, 92592, 92593), Wildomar (92595), and Winchester (92596).

Desert Region  
Indio Court  
Larson Justice Center

46-200 Oasis Street  
Indio, CA 92201-5961

Blythe (92225, 92226), Cathedral City (92234, 92235), Coachella (92236), Desert Center (92239), Desert Hot Springs (92240, 92241), Indian Wells (92210), Indio (92201, 92202, 92203), La Quinta (92247, 92248, 92253), Mecca (92254), Palm Desert (92210, 92211, 92255, 92260, 92261), Palm Springs (92258, 92262, 92263, 92264, 92292), Rancho Mirage (92270), Thermal (92274, 92275), and Thousand Palms (92276).

(Adopted 11-4-11, effective 1-1-12)

## **RULE 5105 FACSIMILE TRANSMISSION FILINGS**

Pursuant to California Rules of Court, Rule 2.300 et. seq., a party may file by fax directly with the appropriate court location using the facsimile number located on the court's website at <http://riverside.courts.ca.gov/faxlist.shtml>. The first sheet transmitted shall be the Judicial Council Facsimile Transmission Cover Sheet (form MC-005) followed by any special handling instructions. The document to be filed by the Court shall include the words "BY FAX" and if represented by an attorney, the attorney shall also include his or her facsimile machine telephone number, designated as a "fax" number.

Parties are encouraged to register on-line for the court's direct fax filing program. In lieu of registering on-line, parties may complete the RI-M01 form located on the court's website at <http://riverside.courts.ca.gov/faxlist.shtml>.

(Added 4-25-98, effective 7-1-98; amended 10-17-98, effective 1-1-99; amended 1-1-03; area code corrected 1-1-05; phone number correction 1-1-06; updated credit cards info 7-1-09; Renumbered from Rule 5.0005, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

## **RULE 5110 REQUEST FOR ORDER PROCEDURE**

- A. The Commissioner hears matters as a Temporary Judge pursuant to stipulation between the parties. The stipulation is implied in default and uncontested matters and when attorneys proceed without objection. Parties in contempt hearings and self-represented parties will be asked on the record if they so stipulate. If a statement on non-stipulation to a Commissioner is filed, the Commissioner will hear matters as permitted by Civil Code of Procedure section 259 and report findings and conclusions to the Family Law Supervising Judge for approval or rejection.
- B. Points and Authorities. Points and Authorities will not be required to be filed in support of a Request for Order in Family Law Act and related matters, unless specifically requested by the Court.

- C. Form of Papers Presented for Filing. All papers presented for filing must comply with the California Rules of Court, Rule 2.100 et. seq. Unless permitted by the court, declarations shall not exceed 10 pages in length, and reply declarations must not exceed five pages in length, pursuant to California Rules of Court, Rule 5.118(f).
- D. In all Request for Order hearings or motions involving child support, spousal support, attorneys fees or costs (except contempt), the parties are required to serve on the opposing party and file with the court, a completed Income and Expense Declaration with attachments (*i.e.*, *paycheck stubs, profit and loss statements, or other income documents*). Parties are also required to serve on the opposing party, and bring to court, their tax returns for the last year.
- D. Stipulation on Hearing Resolution. If parties come to agreement on all of the issues outlined in the Request for Order/Motion, a stipulation should be filed with the court as soon as practicable using local form Stipulation re: Hearing Resolution so the matter can be promptly taken off calendar.

E. ORDERS

1. A written formal order is not required on a Request for Order/Motion, unless specifically requested by one of the parties, counsel or directed by the Court. The moving party shall prepare a Findings and Order after Hearing using Judicial Council Form FL-340.
2. Within 10 days of the hearing, a copy of the proposed order shall be served by mail upon the opposing party. The opposing party shall have 10 days from mailing to notify the moving party whether or not the proposed order is approved as to form.

If the proposed order is not approved, the opposing party shall state the reasons for disapproval.

Failure to notify the moving party within 10 days is considered an approval as to form.

The moving party shall promptly submit the proposed order to the court, together with the proof of service and a summary of any responses from the other parties, if any.

If the moving party fails to prepare and submit a proposed order, any other party may do so.

3. The minute order of the Court shall be the order of the Court for enforcement purposes, unless otherwise specified. An order after hearing will be required on Domestic Violence related restraining orders.
4. When a variance exists between a formal order and the minute order, neither will be corrected, other than for a clerical error, except upon motion, stipulation of the parties, counsel or order of the Court.

(Adopted 1-1-86; amended 10-27-90, effective 1-1-91; amend. 10-21-95, effective 1-1-96; amend. 4-25-98, effective 7-1-98; amended 4-28-06, effective 7-1-06; Renumbered from Rule 5.0010, 8-1-11, effective 1-1-12, amended 11-4-11, effective 1-1-12)

**RULE 5120**  
**OSC/MOTION - SERVICE**

(Adopted 1-1-86; Amended 4-25-98, effective 7-1-98; Renumbered from Rule 5.0020, 8-1-11, effective 1-1-12; deleted 11-4-11, effective 1-1-12)

**RULE 5125**  
**REQUEST FOR ORDER - CONTINUANCE**

- A. Continuance. Except for trials and evidentiary hearings specifically set by the court, requests for a continuance may be by written stipulation and must be received three days prior to the hearing date. Continuance requests may also be made by oral stipulation or by order of the court upon a showing of good cause. When sufficient time permits, the date to which the matter may be continued shall first be reserved with the clerk. A maximum of two continuances will be permitted.
- B. Lack of Service. The Court may grant an order reissuing a Request for Order that has not been served. The moving party shall use Judicial Council Form FL-306 to have the Request for Order reissued. The Application and Order for Reissuance of Order to Show Cause or Request for Order (FL-306) must be serve with the moving papers.

(Amended 3-6-87, effective 5-6-87; amended 3-17-89, effective 5-15-89; amended 5-20-05, effective 7-1-05; Renumbered from Rule 5.0025, 8-1-11, effective 8-1-11; amended 11-4-11, effective 1-1-12)

**RULE 5140**  
**TEMPORARY RESTRAINING ORDERS - DOMESTIC VIOLENCE**

(Adopted 1-1-86; Amended 11-7-92, effective 1-1-93; amended 4-15-98, effective 7-1-98; amended 4-28-06, effective 7-1-06; Renumbered from Rule 5.0040, 8-1-11, effective 1-1-12; deleted 11-4-11, effective 1-1-12)

**RULE 5141  
REQUESTS TO DISMISS RESTRAINING ORDERS**

The person asking for protection is required to include a declaration upon submittal of a Request for Dismissal of the Entire Action on any case where a Domestic Violence Restraining Order has been issued.

- I. Declarations regarding Requests for Dismissals shall be required in all Domestic Violence and Family Law cases where a Domestic Violence Restraining order has been issued, regardless of whether or not the dismissal is signed by both parties, or if the person to be restrained has or has not made an appearance in the case.
- II. Upon receipt of local form Declaration re: Request to Dismiss Domestic Violence Restraining Order, the clerk shall forward the documents to the assigned judicial officer according to established procedures.
- III. Upon judicial determination, the matter shall either be dismissed or set for hearing as appropriate. If the matter is set for hearing, the clerk shall give notice to both parties.

(Adopted 5-20-05, effective 7-1-05; Renumbered from Rule 5.0041, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**RULE 5150  
FAMILY LAW MANDATORY SETTLEMENT CONFERENCES AND TRIALS**

- A. Failure of one party to appear at the MSC may result in the striking of the At-Issue and/or the imposition of sanctions.

No appearance by either side at the MSC will result in placing the trial off calendar and striking the At-Issue Memorandum.

- B. Sanctions. Unless good cause is shown, sanctions will be imposed against the attorney and/or litigant for failure to:
  1. Appear timely at the MSC.
  2. Comply with required preparation for the MSC.
  3. Submit all required documentation at the MSC.

The amount and nature of sanctions, if imposed, are within the discretion of the Court.

Attorney fees may also be imposed at the discretion of the Court.

(Adopted 1-1-86; Amended 3-6-87, effective 5-6-87; amended 12-1-87, effective 1-1-88; amended 4-25-98, effective 7-1-98; amended 3-17-89, effective 5-15-89 amended 10-27-90, effective 1-1-91; Renumbered from Rule 5.0050, 8-1-11, effective 1-1-12)

**RULE 5153**  
**TRIAL RULES AND PROCEDURES**

Trial Rules and Procedures shall be adhered to countywide except as modified on record by the court.

No later than 10 days before the Trial Readiness Conference all attorneys and self-represented parties shall:

1. Meet and confer and prepare:
  - (a) A list of disputed issues, with a short explanation of each;
  - (b) A statement of facts from each side; and
  - (c) A signed stipulation as to undisputed issues of fact and law, and exhibits, which can be admitted without foundation.
  
2. Each party must provide to the court at the time of the Trial Readiness Conference, the following:
  - (a) Current Income and Expense Declarations including the last three pay stubs, the last two years income tax returns, corporate income tax returns if applicable, 1099's for the last two years and any and all information tending to assist the court in deciding questions of income.
  - (b) Copies of any cases the parties wish the court to read prior to trial.
  - (c) On one sheet of paper, set out how the property and debts should be divided and how any equalization payment should be handled.
  - (d) A list of witnesses and a short statement as to what they will testify to.
  - (e) Items (a), (b), and (c) from paragraph #1 above.
  - (f) All of the above items shall be submitted to the clerk and marked received. Necessary items will be filed by the court on the date of trial.
  
3. All parties and their counsel shall be present at the Trial Readiness Conference. The Court will not accept a "Traditional Trial Brief" in lieu of the items required by this order, but such a brief may be submitted in addition if desired.
  
4. All exhibits shall be pre-marked by attorneys and exchanged before the day of trial.
  
5. Reporter fees shall be paid by each party prior to 12:00 noon on each day of trial.

6. Trials shall be continued only by the judicial officer upon a motion and a showing of good cause. If parties are not prepared to go forward on the date of the Trial Readiness Conference and there is no good cause to continue, the matter will be taken off calendar and the At-Issue stricken.
7. Failure of one party to appear at the Trial Readiness Conference, or failure to comply with these rules, without good cause will likely result in one or more of the following sanctions: (a) Striking that party's pleadings, such that the case can proceed by default; (b) Evidence or issue sanctions; or (c) Monetary sanctions.
8. This document incorporates by reference the minutes of the court of the date this matter is set for trial and serves as notice of trial pursuant to CCP §594 (a) and (b).
9. FAILURE to notify the court if the case has been settled prior to the trial date will still result in payment of the costs for the Court Reporter. If applicable, notification of settlement should be presented to the court no later than Friday preceding the trial.

(Adopted 5-20-05, effective 7-1-05; Renumbered from Rule 5.0053, 8-1-11, effective 1-1-12)

**RULE 5155**  
**MEDIATION OF CUSTODY AND VISITATION**

- A. Parties requiring mediation of custody/visitation issues will be assigned an appointment time/date prior to the court date and shall complete one mediation session prior to the court date.
- B. Continuity. Continuity will be sought through the use of the same mediator throughout the proceedings.
- C. Mediators. Mediators are officers of the Court, and shall be available to testify at the request of a party or their counsel without the need for a subpoena. Requests for a mediator to testify shall be made in writing and shall be submitted to the Mediation Services Manager at least 5 court days before the hearing. This time period can be shortened if the court determines there is good cause. All parties and attorneys will be notified if the mediator is not available.
- D. Disclosure. Attorneys and parties are encouraged to disclose full information to the mediator in person and in writing. A party must appear personally at the mediation conference. Good cause shown in advance of the scheduled conference may permit a party to participate telephonically. Children shall not be interviewed telephonically unless approved by the Mediation Services Manager.

- E. Confidentiality. Mediation conferences are confidential only to the extent that disclosure of the information received is limited to those who have the right to know. Confidentiality is important to promote full and free disclosure of information necessary for settlement. It exists with regard to information divulged among the mediator, the parties, and attorneys; therefore, each must cooperate in this regard and not disclose confidential information to outsiders. This confidentiality will not preclude the mediator from making a recommendation to the Court if the parties fail to reach an agreement.
- F. Agreements. An agreement shall be reduced to writing, in order form and signed by the parties.
- G. Recommended Order. Where the mediator concludes that the parties are near agreement, or that certain disposition is presently appropriate, the mediator will submit a proposed order to the Court.
- H. Adoption of Recommended Order. Upon review and if appropriate, the Court will sign the recommended order.
- I. Failure of Mediation. The Court will be advised when one or both parties fail to keep an appointment with the mediator, and when mediation accomplished nothing worthwhile.
- J. Mandatory Parent Orientation Class. Parents shall attend an on-line Parent Orientation Class when custody and/or visitation is raised as an issue for the first time in the case, or the Court may order them to attend the on-line class at any time at the Court's discretion. Both parties must bring a copy of the certificate of completion from the on-line class to the mediation appointment.
- K. Mediation Services Complaint Procedures
  - 1. The purpose of this section is to establish a procedure for addressing complaints against mediators pursuant to California Rules of Court, Rule 5.225(k). This section is intended to help the court promptly resolve any such complaints in a manner that is respectful and fair to the complainant and the mediator.
  - 2. The Mediation Services Manager shall be the complaint coordinator.
  - 3. Any complaints against the mediator must be submitted in writing to the Mediation Services Manager within ten (10) days of the mediation.
  - 4. The complaint coordinator must conduct a preliminary review of all complaints to determine whether the complaint can be informally resolved or closed, or whether the complaint warrants further investigation. Written notice of the

outcome of the preliminary review will be sent to complainant within thirty (30) days of receipt of the complaint.

5. If the matter is not resolved or closed after preliminary review, the complaint must be investigated by the complaint coordinator or an individual, designated by the complaint coordinator, who has experience as a mediator and who is familiar with the rules of conduct relevant to the discharge of a mediator's responsibility. The mediator identified in the complaint must be given notice and an opportunity to respond. Upon termination of the investigation, the complaint coordinator shall render a final decision as to what action, if any, will be taken. Written notice of the final action shall be sent to the complainant and the mediator promptly thereafter.
6. The court will maintain sufficient information about each complaint and its disposition to identify any history or patterns of complaints submitted under this section.
7. All complaint procedures and proceedings must be designed and conducted in a manner that preserves the confidentiality of mediation communications. All complaint proceedings must occur in private and must be kept confidential. Unless otherwise required by law, all records and information concerning the mediation shall remain confidential and not subject to inspection by the public.

(Adopted 1-1-86; Amended 3-6-87, effective 5-6-87; amended 12-1-87, effective 1-1-88; amended 3-17-89, effective 5-15-89; amended 10-27-90, effective 1-1-91; amend. 10-23-93, effective 1-1-94; amended 10-21-95, effective 1-1-96; amended 4-20-96, effective 7-1-96; amended 10-19-96, effective 1-1-97; amended 4-25-98, effective 7-1-98; amended 10-17-98, effective 1-1-99; amended 4-27-01, effective 7-1-01; amended/corrected 7-18-03; amended 10-28-06, effective 1-1-07; amended 5-4-11, effective 7-1-11; Renumbered from Rule 5.0055, 8-1-11, effective 1-1-12)

## **RULE 5156 PEREMPTORY CHALLENGE OF A MEDIATOR**

Each party has the right to one peremptory challenge of a court mediator.

The party wishing to exercise the challenge shall file it with the Mediation Department and personally serve the opposing party no later than three court days prior to the mediation session. A peremptory challenge must be filed prior to the mediator hearing any issue in the case. The peremptory challenge will be granted or denied by the Supervising Mediator, or designee.

The parties shall report to mediation for the originally scheduled mediation appointment. The parties will be seen by the next available mediator. If the parties are not seen on the appointed day, they will report to mediation on each consecutive court day at 8:00

a.m. until seen by an available mediator. The party who did not file the peremptory challenge may elect to participate in the mediation telephonically.

In the event a party has less than three court days notice of mediation appointment, the challenge may be filed no later than the day of the mediation appointment.

(Adopted 10-18-02, effective 1-1-03; Renumbered from Rule 5.0056, 8-1-11, effective 1-1-12)

**RULE 5160**  
**APPEARANCE BY TELEPHONE FOR FAMILY LAW MATTERS**

- A. In cases of extreme hardship, telephonic appearances may be made at all court appearances except trial. A telephonic appearance shall be made by prior arrangement with the Court and in the discretion of the judicial officer in whose department the matter is set.
- B. It is the party's responsibility to contact the Court no later than the court day prior to the hearing and provide a telephone number at which he or she can be contacted.
- C. On the morning of the hearing at the time the matter is called, the Court will place one telephone call to contact the party. The Court may proceed with the hearing in the event the Court cannot contact the party for any reason.

(Added 10-30-99; effective 1-1-00; Renumbered from Rule 5.0060, 8-1-11, effective 1-1-12)

**RULE 5165**  
**EX PARTE PROCEDURES IN FAMILY LAW MATTERS**

**A. EX PARTE APPLICATIONS DISFAVORED**

Ex parte applications are strongly disfavored. Whenever possible, in lieu of an ex parte order, the court will issue orders shortening time and set the matter for hearing on the regular family law motion calendar. Requests for orders shortening time and supporting declarations must set forth the necessity for an order shortening the time for service and hearing.

**B. DETERMINATION BASED ON PLEADINGS**

The court will determine ex parte orders based on the submitted pleadings. Oral argument is not ordinarily allowed.

C. REQUIREMENTS OF EX PARTE APPLICATION/DECLARATION

1. Ex Parte Applications: The court requires strict compliance with the provisions of Code of Civil Procedure 1008, and the California Rules of Court, Rules 3.1200 - 3.1207. California Judicial Council forms must be used where applicable.
2. Declaration re Notice: All ex parte applications shall accompanied by a written affidavit or declaration that shall include the following information:
  - (a) Information on whether the opposing party is represented by counsel; and
  - (b) The name, address, and telephone number of the opposition attorney or the opposing self-represented party; and
  - (c) Explanation of how notice was given to the other party pursuant to California Rules of Court 3.1203 -- 3.1204 by either:
    - (i) Providing the date, time and manner of giving notice; or
    - (ii) Specifying reasons why notice has not been given.
3. Evidentiary Requirements: Declarations must contain facts to support requests for ex parte orders. Conclusions, feelings, wishes or fears will not adequately support an ex parte order. All declarations shall contain sufficient factual information within the personal knowledge of the declarant to adequately support the relief requested. The court will consider only those issues factually supported by declarations. If there is an insufficient factual showing to justify a particular order, the order will not be granted. Verbal statements to the court cannot correct evidentiary deficiencies.
4. Nature of Request: The declarations shall contain facts that demonstrate why the matter is appropriately handled as an ex parte matter, as opposed to being heard on the court's law and motion calendar (with or without an order shortening time). Seeking ex parte relief in the absence of good cause may result in sanctions being imposed. The filing of an application for ex parte relief shall be deemed a waiver of any rights to further notice prior to the imposition of sanctions.

5. Disclosure of Prior Orders and Status Quo: The declarations shall require declarant to disclose whether any prior applications have been made on the same issue and whether any orders were made with respect to said applications. THERE IS AN ABSOLUTE DUTY TO DISCLOSE THE FACT THAT THE REQUESTED EX PARTE ORDER WILL RESULT IN A CHANGE OF THE STATUS QUO. Absent such disclosure, attorneys' fees and costs incurred to reinstate the status quo may be awarded.

#### D. NOTICE REQUIREMENTS

1. Notice Requirements Generally: Except in cases where an ex parte order is sought to restrain domestic violence, a party seeking an ex parte order shall give reasonable notice to all parties. Reasonable notice is defined according to California Rules of Court Rules 3.1201 – 3.1204. The moving party shall deliver the moving papers to the opposing party, or the opposing party's attorney, at the earliest reasonable opportunity in advance of presenting the application to the court. Delivery of the moving papers to the adverse party shall be made by the most expeditious means available, including, but not limited to personal delivery or facsimile transmission. Notice cannot be made by facsimile alone unless there is prior agreement between the parties, which is set forth in the moving party's declaration. If served by facsimile transmission, the moving party shall include in their declaration evidence that the opposing party or their counsel actually received said transmission during normal business hours. The moving party shall notify the opposing party of the specific date, time and location of the ex parte application will be submitted to the court.
2. Notice Requirement – Emergency Circumstances: If the moving party alleges that notification may negate the benefit of the requested relief, ex parte relief may be granted without the required notice if the necessary statutory requirements have been met. The Declaration of Notice shall set forth the factual basis upon which such claim is based. This includes an adequate showing that giving notice would frustrate the purpose of the proposed order or that the applicant would suffer immediate and irreparable injury before the adverse party can be heard in opposition.
3. Excuse of Notice Requirement: Notice may be excused if, following a good faith attempt, the giving of notice is not possible or if notice ought not to be required. All of the foregoing must be established by declaration accompanying the Application.

4. Proposed Order: The application must be accompanied by a proposed order. If a judicial officer does not sign the proposed order, it will be returned to the moving party. If a judicial officer signs the proposed order, the applicant may obtain and personally serve a conformed copy of the order upon any party who is present at the hearing. If a party is not present at the hearing, the applicant must serve a conformed copy of the order within 24 hours of the ex parte hearing.

#### E. EXCEPTIONS TO NOTICE REQUIREMENT

1. The notice required by California Rules of Court, Rule 3.1203 may be excused upon establishing to the satisfaction of the court the following facts by declaration:
  - a. The giving of notice would frustrate the very purpose of the order sought; or
  - b. The giving of notice would result in immediate and irreparable injury to the applicant and/or children who may be affected by the order sought; or
  - c. The giving of notice is not possible, following a good faith attempt.
2. If an order shortening time for service is requested, the supporting declaration must state whether or not counsel represents the responding party. If the responding party's counsel, or the responding party not represented by counsel, has not been contacted and/or has not agreed to the date and time of the proposed hearing, the supporting affidavit or declaration must demonstrate why the hearing should be set on the proposed date without the consent of responding party's counsel, or the responding party not represented by counsel, by establishing the urgent need for the requested relief, good cause therefore, and the lack of prejudice to the adverse party. Upon a proper showing, the court, in its discretion, may hear the matter on the proposed date.

(Added 10-30-99; effective 1-1-00; amended 10-20-00, effective 1-1-01; amended 1-1-03; amended 4-25-03, effective 7-1-03; amended 4-25-08, effective 7-1-08; Renumbered from Rule 5.0065, 8-1-11, effective 1-1-12)

**RULE 5166**

**SET-ASIDE DEFAULT TO ALLOW THE FILING OF AN AMENDED PETITION**

A petitioner may file an Ex Parte Request and Order to Set Aside Default on local form RI-FL002 to set aside a default prior to filing an amended petition. The ex parte request shall be processed administratively and routed to the assigned department for consideration.

(Adopted 5-20-05, effective 7-1-05; amended 5-4-11, effective 7-1-11; Renumbered from Rule 5.0066, 8-1-11, effective 1-1-12)

**RULE 5170**

**MANDATORY SETTLEMENT CONFERENCES**

1. Before answering ready for a Mandatory Settlement Conference, parties (and/or attorneys) shall complete and exchange Preliminary Declarations of Disclosure and shall provide and file the Proof of Service of same with the court no later than the conference date. However, if one of the parties fails to cooperate in completing and exchanging the Preliminary Declarations of Disclosure, the party in compliance may file an At-Issue Memorandum and a Mandatory Settlement Conference will be set.
2. Form(s) 1285.70, Property Declaration (community and separate if appropriate) with values and proposed division of all property in dispute shall be served on the opposing party at least fourteen (14) days prior to the Mandatory Settlement Conference date.
3. Failure to comply with the above procedures may result in all or some of the following:
  - a) The striking of the at-issue of the case,
  - b) Monetary sanctions,
  - c) Continuance of the Mandatory Settlement Conference.
4. In addition to the above, each Judicial Officer may develop and promulgate their own courtroom policies for the conduct of Mandatory Settlement Conferences.

(Added 10-30-99; effective 1-1-00; amended 4-25-08, effective 7-1-08; Renumbered from Rule 5.0070, 8-1-11, effective 1-1-12)

**RULE 5175**  
**COURT ORDERED CHILD CUSTODY EVALUATIONS**

This rule is adopted in compliance with California Rules of Court, Rule 5.220: Uniform Standards of Practice for Court-Ordered Child Custody Evaluations.

- 1) Peremptory Challenges to Court Evaluators
  - a) Court Employees: When a Court Evaluator is appointed, other than if the appointment is made in court when both parties are present, each side is permitted one peremptory challenge to the assigned evaluator within five (5) court days of receiving the written notification of assignment. The party's copy of the "Order Appointing Court Evaluator Pursuant to Family Code 3111" shall serve as written notice.
  - b) Private Child Court Evaluators: When a private evaluator is appointed, other than by stipulation, each side will be permitted one peremptory challenge of a specific evaluator.
- 2) Withdrawal From a Case. An evaluator has the right to withdraw from a case upon a showing of good cause before the trial court that made the appointment.
- 3) Complaints Regarding Evaluators.
  - a) Court Employees: Complaints regarding the conduct of and/or procedures employed by a child custody Evaluator appointed by the Court shall be sent to the Supervising Court Evaluator for review. If the complaint has been lodged about a court staff evaluator, the Supervising Court Evaluator shall determine what action, if any, shall be taken.
  - b) Private Evaluators: Complaints regarding the conduct of and procedures employed by a private child custody evaluator appointed by the Court are the responsibility of the trial court judicial officer who made the appointment and the appropriate professional licensing board. The trial court judge may determine what action, if any, should be taken.
- 4) Ex parte Communication. Absent a stipulation to the contrary, there shall be no ex parte communication between the attorneys for either party and a Court staff or private court-appointed evaluator or between the evaluator and the court, except with regard to the scheduling of appointments. Minor's counsel may exchange both oral and written ex parte communications with an Evaluator pursuant to Family Code 3151. No attorney or party to the action shall provide the evaluator with documents pertaining to the case without first providing the other side and any attorney of record for the child a copy of the document.
- 5) Child Custody Evaluators Compliance with Training
  - a) Court employees: The Court Evaluation Unit shall arrange for the Court Evaluator

to complete the Domestic Violence training per California Rules of Court 5.230 prior to them submitting their first court report. The Court Evaluators shall comply with California Rules of Court 5.225.

- b) Private Evaluators: Court appointed Child Custody Evaluators shall attach a copy of their certificate of completion of the initial 12 hours of advanced in person classroom instruction and the most recent 4 hour update training in Domestic Violence to each child custody evaluation report. Certificate of compliance with mandate for initial and updated training in Domestic Violence shall be a sine qua non requirement for the appointment by the court of any professional as a Child Custody Evaluator.

(Added 5-10-02, effective 7-1-02; CRC number corrected 1-1-07; Renumbered from Rule 5.0075, 8-1-11, effective 1-1-12)

**RULE 5180**  
**FORMAL JUDGMENT AND ADDENDA TO JUDGMENT**

All judgments submitted to the court for judicial review and approval will be prepared in a manner consistent with the specifications of this court policy. The Court requires that all terms of custody, visitation, property, child and spousal support be set forth in an addendum to the judgment. Attachments of copies of prior court orders, orders pursuant to referrals to mediation, or stipulations entered into prior to the judgment will not be accepted.

(Adopted 5-20-05, effective 7-1-05; Renumbered from Rule 5.0080, 8-1-11, effective 1-1-12)

**DIVISION 2**  
**JUVENILE RULES**

**RULE 5210**  
**APPLICATION**

These rules are intended to supplement state statutes and rules found primarily in the Welfare and Institutions Code and California Rules of Court (see CRC 5.501 et. seq.) To the extent that any of these rules conflict with state statute or Rule of Court, the local rule is of no legal effect.

(Added 10-19-96 Effective 1-1-97; CRC number corrected 1-1-07; Moved from Title 12 and Renumbered from Rule 12.0010, 8-1-11, effective 1-1-12)

**RULE 5220  
PRESIDING JUDGE**

There shall be one Presiding Judge of the Juvenile Court. The Presiding Judge of the Juvenile Court shall be appointed by the Presiding Judge of the Riverside Superior Court and shall take actions and assume responsibilities as specified. To the extent possible, the Presiding Judge of the Juvenile Court shall remain in that position for at least three (3) years.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, effective 1-1-99; Moved from Title 12 and Renumbered from Rule 12.0020, 8-1-11, effective 1-1-12)

**RULE 5225  
WHERE TO FILE DOCUMENTS**

Geographical Regions

In all juvenile proceedings, the documents initiating dependency or delinquency proceedings shall be filed in the relevant region at the courthouse specified below:

DEPENDENCY

Western Region  
Riverside Juvenile Court  
9991 County Farm Rd, Rm. 108  
Riverside, CA 92503

Banning (92220), Beaumont (92223), Cabazon (92230), Calimesa (92320), Corona (92860, 92877, 92878, 92879, 92880, 92881, 92882, 92883), Mira Loma (91752), Moreno Valley (92551, 92552, 92553, 92554, 92555, 92556, 92557), Lakeview/Nuevo (92567), Perris (92570, 92571), Riverside (92501, 92502, 92503, 92504, 92505, 92506, 92507, 92508, 92509, 92513, 92514, 92515, 92516, 92517, 92518, 92519, 92521, 92522), and Whitewater (92282).

Mid County Region  
Southwest Justice Center  
30755-D Auld Road, Suite 1226  
Murrieta, CA 92563

Aguanga (92536), Anza (92539), Hemet (92543, 92544, 92545, 92546), Homeland (92548), Idyllwild (92549), Lake Elsinore (92530, 92531, 92532), Menifee (92584), Mountain Center (92561), Murrieta (92562, 92563, 92564), Perris (92572, 92599), San Jacinto (92581, 92582, 92583), Sun City (92585, 92586, 92587), Temecula (92589, 92590, 92591, 92592, 92593), Wildomar (92595), and Winchester (92596).

Desert Region

Indio Court  
Larson Justice Center  
46200 Oasis Street  
Indio, CA 92201-5961

Blythe (92225, 92226), Cathedral City (92234, 92235), Coachella (92236), Desert Center (92239), Desert Hot Springs (92240, 92241), Indian Wells (92210), Indio (92201, 92202, 92203), La Quinta (92247, 92248, 92253), Mecca (92254), Palm Desert (92211, 92255, 92260, 92261), Palm Springs (92258, 92262, 92263, 92264, 92292), Rancho Mirage (92270), Thermal (92274), and Thousand Palms (92276).

### DELINQUENCY

Western Region  
Riverside Juvenile Court  
9991 County Farm Rd.  
Riverside, CA 92503

Banning (92220), Beaumont (92223), Cabazon (92230), Calimesa (92320), Corona (92860, 92877, 92878, 92879, 92880, 92881, 92882, 92883), Mira Loma (91752), Moreno Valley (92551, 92552, 92553, 92554, 92555, 92556, 92557), Lakeview/Nuevo (92567), Perris (92570, 92571), Riverside (92501, 92502, 92503, 92504, 92505, 92506, 92507, 92508, 92509, 92513, 92514, 92515, 92516, 92517, 92518, 92519, 92521, 92522), and Whitewater (92282).

Mid County Region  
Southwest Justice Center  
30755-D Auld Road, Suite 1226  
Murrieta, CA 92563

Aguanga (92536), Anza (92539), Hemet (92543, 92544, 92545, 92546), Homeland (92548), Idyllwild (92549), Lake Elsinore (92530, 92531, 92532), Menifee (92584), Mountain Center (92561), Murrieta (92562, 92563, 92564), Perris (92572, 92599), San Jacinto (92581, 92582, 92583), Sun City (92585, 92586, 92587), Temecula (92589, 92590, 92591, 92592, 92593), Wildomar (92595), and Winchester (92596).

Desert Region  
Indio Court  
Larson Justice Center  
46200 Oasis Street  
Indio, CA 92201-5961

Blythe (92225, 92226), Cathedral City (92234, 92235), Coachella (92236), Desert Center (92239), Desert Hot Springs (92240, 92241), Indian Wells (92210), Indio (92201, 92202, 92203), La Quinta (92247, 92248, 92253), Mecca (92254), Palm Desert (92211,

92255, 92260, 92261), Palm Springs (92258, 92262, 92263, 92264, 92292), Rancho Mirage (92270), Thermal (92274), and Thousand Palms (92276).

(Adopted 11-4-11, effective 1-1-12)

**RULE 5230  
ACCESS TO FILES**

The Clerk of the Court shall provide a procedure to ensure only persons authorized by law to view files have access to confidential files.

(Added 10-19-96 Effective 1-1-97; Moved from Title 12 and Renumbered from Rule 12.0030, 8-1-11, effective 1-1-12)

**RULE 5235  
ELECTRONIC RECORDING DEVICES**

No one, except certified court reporters, are permitted to bring any type of recording device, video camera, movie camera, or still camera, into the court without prior written approval from the Presiding Judge of Juvenile Court.

(Added 10-19-96 Effective 1-1-97; Moved from Title 12 and Renumbered from Rule 12.0035, 8-1-11, effective 1-1-12)

**RULE 5240  
EX PARTE ORDERS**

Applicants must give notice to all counsel, social workers and parents who are not represented by counsel or explain reasons notice cannot be given. Such notice is to be completed at least 24 hours prior to the hearing. Each ex parte application shall include in the title a brief description of the relief sought and specify in the caption the department in which the matter has been assigned. The first page of the ex parte application shall contain an opening paragraph specifying the order or orders being requested. All ex parte applications are to be filed in the Clerk's Office.

(Added 10-19-96 Effective 1-1-97; amend. 5-10-02, effective 7-1-02; Moved from Title 12 and Renumbered from Rule 12.0040, 8-1-11, effective 1-1-12)

**RULE 5245  
MULTIPLE PARTIES - CASE NAME**

Every paper submitted for filing with the Juvenile Court shall bear the name of all minors subject to the action.

(Added 10-19-96 Effective 1-1-97; Moved from Title 12 and Renumbered from Rule 12.0045, 8-1-11, effective 1-1-12)

**RULE 5250  
RELEASE OF INFORMATION**

The Presiding Judge shall annually issue an ORDER re Release of Juvenile Court Records. This ORDER shall provide standing authority for records subject to Welfare and Institutions Code Sections 827 and 828.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, effective 1-1-99; Moved from Title 12 and Renumbered from Rule 12.0050, 8-1-11, effective 1-1-12)

**RULE 5251  
ACCESS TO JUVENILE COURT RECORDS BY APPLICATION**

Access to Juvenile Court Records not specified by the standing ORDER shall be upon application and review by a judge of the court. Records include any papers acquired by agency or department in the course of administering or enforcing Juvenile Law.

Applications shall support finding that the evidentiary value in a civil or criminal proceeding outweighs the need for confidentiality. Review of the records will be conducted in camera outside the presence of counsel. Parties are encouraged to seek stipulations which will avoid disclosure of confidential records.

(Added 10-19-96 Effective 1-1-97; Moved from Title 12 and Renumbered from Rule 12.0051, 8-1-11, effective 1-1-12)

**RULE 5252  
JUVENILE AND FAMILY COURTS EXCHANGE OF INFORMATION**

The Court hereby finds that the public interest in avoiding duplication of effort by the Courts and by the investigative agencies serving the Juvenile and Family Courts and the value of having relevant information outweighs the confidentiality interest reflected in Penal Code Sections 11167 and 11167.5 and Welfare and Institutions Code Sections 827 and 10850 et. seq., and therefore good cause exists for the following rule.

1. Probation Family Court Services (FCS) staff may orally disclose the following information to Probation or Department of Public Social Services (DPSS) staff who are investigating a suspected child abuse or neglect situation:
  - A. Whether the minor has been or is the subject of an FCS custody investigation.
  - B. The recommendations made or anticipated to be made to the Court by the FCS staff.
  - C. The Family Court orders in existence.

- D. Any statements made by the child or the child's parents, guardians or custodians which might bear upon the issue of child abuse or neglect being investigated.

2. Custody Disputes

Probation, Law Enforcement (LE), or DPSS staff may orally disclose to FCS staff who are mediating or investigating a child custody dispute the following information:

- A. Whether the minor is or has been the subject of a child abuse or neglect investigation and the status of that investigation;
- B. The recommendations made or anticipated to be made to the Court by the LE or DPSS staff;
- C. Any Juvenile Court orders or petitions in existence which might bear upon the child custody dispute being investigated;
- D. Any statements made by the child, the child's parents, guardians or custodians which might bear upon the child custody dispute being investigated;
- E. The details of any report of suspected abuse of the child, except the identity of any original reporting party who has expressed a desire to remain anonymous.

3. Delinquency

FCS or DPSS staff may orally disclose the following information to Probation staff who are investigating a delinquency case:

- A. Whether the minor or his/her parents are or have been the subject of a child abuse, neglect or custody investigation, the status of that investigation, the recommendations made or anticipated to be made to the Court by DPSS or FCS, and any Court orders in existence with respect to the child.
- B. Any statement made by the child or the child's parents, guardians, or custodians which bear upon the issue of the child's delinquency or any disposition in the delinquency proceeding.

4. Conditions

Any disclosure authorized by this order shall be subject to the following conditions:

- A. The agency receiving the request shall first establish to its satisfaction that the inquiring party is in fact a member of an agency designated above;
- B. All information shall be provided orally;
- C. If an agency desires written documentation, it shall make written application for a Court order releasing that documentation;
- D. The information gathered shall be used exclusively in the investigation being conducted and the subsequent Court proceedings, and shall not be repeated to anyone not a party to those proceedings without Court order.

Nothing in this order is intended to limit any disclosure of information by any agency which is otherwise required or permitted by law or by other Court orders.

(Added 10-19-96 Effective 1-1-97; amended 10-17-98, effective 1-1-99; Moved from Title 12 and Renumbered from Rule 12.0052, 8-1-11, effective 1-1-12)

**RULE 5253  
DISSEMINATION OF RIVERSIDE CHILD ASSESSMENT TEAM (RCAT)  
AUDIO/VIDEO TAPES**

All RCAT interview tapes shall be confidential except as authorized pursuant to Welfare and Institutions Code 827. Viewing, discovery, or production of tapes shall conform to the policies established by the RCAT Board.

1. Each department or agency shall conform to the policies promulgated by the RCAT Board.
2. An order by the Judge of the Superior Court is required in each instance that a tape will be viewed, copied, or provided as discovery.

(Added 10-30-99; effective 1-1-00; Moved from Title 12 and Renumbered from Rule 12.0053, 8-1-11, effective 1-1-12)

**RULE 5260  
JUVENILE COURT MANAGEMENT OF CASES IN COMMON WITH OTHER  
DEPARTMENTS**

It is the policy of the Court to identify and coordinate custody proceedings involving the same child which may appear in multiple legal settings. It is further the policy of the Court to coordinate the efforts of the different Court systems so that the child's needs are served and the resources of the family and the Court are not wasted. To these ends the Court and the agencies serving the Court shall cooperate to increase the

exchange of information and to determine the most appropriate forum for the resolution of the issues relating to the child.

Orders made by the Juvenile Court as to parent/child contact shall take precedence over any orders made pursuant to a Criminal, Family or Probate matter. However, Criminal Protective Orders that are in conflict with a Juvenile Court order take precedence over the Juvenile Court order.

(Added 10-19-96 effective 1-1-97; amended 10-28-06, effective 1-1-07; Moved from Title 12 and Renumbered from Rule 12.0060, 8-1-11, effective 1-1-12)

**RULE 5261  
CASA GUIDELINES**

(Added 4-25-98, effective 7-1-98; repealed 10-22-10, effective 1-1-11; Moved from Title 12 and Renumbered from Rule 12.0061, 8-1-11, effective 1-1-12)

**RULE 5270  
STANDARDS FOR COUNSEL**

Attorneys for parties subject to Juvenile Court shall comply with requirements set forth in CRC, Rule 5.660. Each attorney office shall keep verification on file and provide same upon demand.

(Adopted 10-19-96 Effective 1-1-97; CRC number corrected 1-1-07; Moved from Title 12 and Renumbered from Rule 12.0070, 8-1-11, effective 1-1-12)

**RULE 5275  
FILING AMENDED 300 AND 600 JUVENILE PETITIONS**

The Department of Public Social Services shall keep a clean copy (a copy that does not have a court file stamp) of the original petition in their file. When a 300-dependency petition is amended in open court, the Department of Social Services' Court Officer and Deputy County Counsel shall use a clean copy of the original petition to create the amended petition by crossing out the deleted text and adding the changes in handwriting. This copy of the amended petition shall then be presented to the court for filing.

The District Attorney shall keep a clean copy (a copy that does not have a court file stamp) of the original petition in their file. When a 600-delinquency petition is amended in open court, the District Attorney shall use a clean copy of the original petition to create the amended petition by crossing out the deleted text and adding the changes in handwriting. This copy of the amended petition shall then be presented to the court for filing.

(Adopted 4-28-06, effective 7-1-06; Moved from Title 12 and Renumbered from Rule 12.0075, 8-1-11, effective 1-1-12)

**RULE 5280**  
**FILING REPORTS TIMELY**

Unless authorized by the judicial officer presiding over the hearing, all jurisdiction and/or disposition reports, addendum(s), and memorandum(s) shall be filed and served no later than 12:00 noon at least three (3) judicial days before any hearing. All reports and assessments shall be timely filed and served as mandated by the Welfare and Institutions Code and/or the California Rules of Court.

(Added 10-19-96 Effective 1-1-97; amend. 10-30-99; effective 1-1-00; amended 10-20-00, effective 1-1-01; amended 9-29-01, effective 1-1-02; amended 4-25-03, effective 7-1-03; amended 10-22-04, effective 1-1-05; amended 10-26-07, effective 1-1-08; amended 10-22-10, effective 1-1-11; Moved from Title 12 and Renumbered from Rule 12.0080, 8-1-11, effective 1-1-12)

**RULE 5281**  
**FILING DE FACTO PARENT FORMS**

A De Facto Parent Request (JV-295), De Facto Parent Statement (JV-296), and a De Facto Parent Order (JV-297) shall be submitted to the Clerk of the Court along with a completed Proof of Service – Juvenile (JV-510) for each party served.

A Judicial Officer may grant or deny the request without hearing, or may order a hearing to be set. If the Judicial Officer orders a hearing to be set, the Clerk's Office shall send notice to all parties.

(Adopted 10-22-04, effective 1-1-05; amended 4-25-08, effective 7-1-08; amended 10-21-09, effective 1-1-10; Moved from Title 12 and Renumbered from Rule 12.0081, 8-1-11, effective 1-1-12)

**RULE 5282**  
**ATTACHMENTS, EXHIBITS AND OTHER DOCUMENTS**

No report shall be filed with any attachment, exhibit or other document previously filed in the same matter. Previously filed reports and/or attachments or exhibits attached thereto may be incorporated by reference by denoting the title and file date of the referenced report, the page and line number and/or the specific attachment or exhibit number to be referenced.

(Added 5-10-02, effective 7-1-02; Moved from Title 12 and Renumbered from Rule 12.0082, 8-1-11, effective 1-1-12)

**RULE 5283  
CASA REPORTS**

In any case in which the court has ordered the appointment of a court-appointed special advocate (CASA), the advocate volunteer must prepare a typewritten report for the Juvenile Court when requested for hearing. These reports must be distributed through the CASA office, to the court, the parties and their attorneys, at least two (2) court days before the hearing for which the report was prepared.

(Adopted 10-22-10, effective 1-1-11; Moved from Title 12 and Renumbered from Rule 12.0083, 8-1-11, effective 1-1-12)

**RULE 5284  
COURT MINUTE ORDERS**

No copies of any court minute order generated by the Riverside Superior Court shall be attached to any report. A party may within a court report request the court to take judicial notice of any court minute order referencing the date of the court minute order and the specific order or orders.

(Added 5-10-02, effective 7-1-02; Moved from Title 12 and Renumbered from Rule 12.0084, 8-1-11, effective 1-1-12)

**RULE 5290  
DISCOVERY**

Forty-eight (48) hours prior to any contested hearing, DPSS, or their counsel, shall provide all counsel and the Court with a list of reports that will be used as evidence in the contested hearing. It is incumbent upon counsel to insure that they have copies of all listed reports. This list may be updated to include any new reports as long as those reports are made available to counsel no later than the day before the contested hearing.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, effective 1-1-99; Moved from Title 12 and Renumbered from Rule 12.0090, 8-1-11, effective 1-1-12)

**RULE 5295  
POST-ADOPTION CONTACT MEDIATION**

The purpose of Post-Adoption Contact Mediation is to provide an opportunity for prospective adoptive parents and birth families to work together to create a post-adoption contact agreement that will be in the best interest of the child. To request a post-adoption mediation session to be conducted by a court mediator, a party shall file a Post-Adoption Mediation Information and Issues form with the Clerk's Office of the Juvenile Court.

In any report requesting termination of reunification services, the assigned social worker shall specify in the "Concurrent Planning" section of the report if the matter meets the required criteria for referral to post-adoption contact mediation. All of the following criteria must be met prior to referring a matter to mediation for the purpose of discussing and/or formulating a post-adoption contact agreement pursuant to Family Code Section 8616.5:

1. The child has been adjudged to be a dependent of the court; and
2. Adoption is requested or the court has ordered a permanent plan; and
3. A prospective adoptive parent with whom the child has been placed has voluntarily agreed to enter into the mediation process for the purpose of discussing and/or formulating a Post-Adoption Contact Agreement; and
4. Birth parent(s) or other birth relatives, including siblings, have requested mediation for the purpose of discussing and/or formulating a Post-Adoption Contact Agreement.

If all of the above criteria exist, the assigned social worker shall make a recommendation on whether or not the matter should be referred to mediation for the purpose of discussing and formulating a post-adoption contact agreement.

When the parties finalize and sign the post-adoption contact agreement, the prospective adoptive parent shall retain the original agreement, attach it to the AD-310, and submit those papers, along with the Petition for Adoption, to the Juvenile Court.

The Court will forward copies of the agreement to the assigned social worker and to the adoption section of the Riverside County Department of Public Social Services for recommendation pursuant to Family Law Code Section 8715 and California Rules of Court, rule 5.400.

(Added 10-30-99; effective 1-1-00; amended 4-27-01, effective 7-1-01; amended 4-28-06, effective 7-1-06; Moved from Title 12 and Renumbered from Rule 12.0100, 8-1-11, effective 1-1-12)

## **RULE 5299 MEDICAL EXAMINER FEE**

The fee charged for psychological evaluations rendered by court appointed Medical Examiners under section 370 of the Welfare and Institutions Code is to be set in accordance with the fee schedule outlined in Court Policy Memorandum.

The Court may, at its own discretion authorize a higher fee based on extraordinary circumstances.

(Adopted 4-28-06, effective 7-1-06; Moved from Title 12 and Renumbered from Rule 12.0105, 8-1-11, effective 1-1-12)

**TITLE 6  
RESERVED**

**TITLE 7  
PROBATE**

**TABLE OF CONTENTS**

**DIVISION 1  
GENERAL PROVISIONS**

**(a)  
GENERAL PROCEDURE AND POLICY**

**RULE 7001  
VENUE**

**RULE 7101  
PLEADINGS AND PAPERS**

**RULE 7103  
HEARINGS**

**RULE 7106  
APPROVED MATTERS AND APPEARANCES**

**RULE 7109  
CONTINUANCES**

**RULE 7112  
LODGING OF REQUIRED DOCUMENTS FOR ACCOUNTINGS**

**RULE 7115  
REQUESTS TO WAIVE COURT FEES AND COSTS BY A FIDUCIARY**

**(b)  
PROBATE REFEREES AND INVENTORIES**

**RULE 7120  
PROBATE REFEREES**

**RULE 7123  
INVENTORY AND APPRAISAL**

**RULE 7126  
KINDS OF INVENTORIES**

(c)  
MISCELLANEOUS PROBATE PETITIONS, NOTICES AND ORDERS

RULE 7129  
DECLARATION RE: ASSET RECEIVED ON  
INVENTORY AND APPRAISAL

RULE 7130  
APPLICATIONS FOR EX-PARTE ORDERS

RULE 7133  
PETITION FOR AUTHORITY TO OPERATE BUSINESS

RULE 7136  
MISCELLANEOUS PROVISIONS CONCERNING ORDERS

(d)  
SALES

RULE 7140  
REAL PROPERTY SALE – BROKER'S COMMISSION

RULE 7142  
SALE OF SPECIFICALLY DEvised PROPERTY

RULE 7143  
WRITTEN OVERBIDS

RULE 7145  
PERSONAL PROPERTY MUST BE APPRAISED BEFORE SALE

(e)  
ACCOUNTS, FEES, AND DISTRIBUTIONS

RULE 7150  
TAXES

RULE 7153  
DUPLICATING AND TELEPHONE COSTS

DIVISION 2  
DECEDENT'S ESTATES

(a)  
APPOINTMENT OF DECEDENT'S PERSONAL REPRESENTATIVE

RULE 7201  
NOTICE OF PETITION TO ADMINISTER

RULE 7204  
CONFIDENTIAL SUPPLEMENT TO DUTIES AND LIABILITIES  
OF PERSONAL REPRESENTATIVE(S)

(b)  
SMALL ESTATE PROCEEDINGS

RULE 7210  
SMALL ESTATE WITHOUT ADMINISTRATION  
SUCCESSION PETITIONS  
SPOUSAL PROPERTY PETITIONS  
DEPOSIT OF WILL

(c)  
CREDITOR'S CLAIMS

RULE 7220  
PAYMENT OF INTEREST ON FUNERAL AND INTERMENT CLAIMS

DIVISION 3  
GUARDIANSHIPS

RULE 7301  
RELATIVE AND NON-RELATIVE GUARDIANSHIPS OF  
THE PERSON AND/OR ESTATE

RULE 7303  
DUTIES OF GUARDIAN – LIABILITY OF PARENTS  
TO SUPPORT CHILD

RULE 7306  
GUARDIAN'S ACCOUNTS

RULE 7309  
ESTABLISHING CHILD SUPPORT ORDERS IN A GUARDIANSHIP  
CASE (PROBATE CODE SECTION 1500 ET. SEQ. AND FAMILY  
CODE SECTION 3950, 4000 AND 17400 ET. SEQ.)

DIVISION 4  
CONSERVATORSHIPS

RULE 7401  
TEMPORARY CONSERVATORSHIPS

RULE 7403  
CAPACITY TO GIVE INFORMED CONSENT TO MEDICAL TREATMENT

RULE 7406  
EMPLOYMENT OF CARE PROVIDERS

RULE 7409  
CONSERVATOR'S ACCOUNTS

RULE 7412  
INVENTORIES AND APPRAISALS

RULE 7415  
APPOINTMENT OF COUNSEL WHEN PETITION  
SEEKS DEMENTIA POWERS

RULE 7418  
FINDINGS REQUIRED REGARDING PAYMENT OF ATTORNEY  
FEES TO COURT APPOINTED COUNSEL

DIVISION 5  
OTHER PROTECTIVE PROCEEDINGS – MINORS AND CONSERVATEES

RULE 7501  
COMPROMISE OF DISPUTED CLAIMS – SPECIAL NEEDS TRUSTS

**TITLE 7  
PROBATE**

**DIVISION 1  
GENERAL PROVISIONS**

**(a)  
GENERAL PROCEDURE AND POLICY**

**RULE 7001  
VENUE**

**I. Geographical Locations For Filing**

In all actions and special proceedings in which the alleged cause of action occurred or the subject matter of the action is located in the geographical area of the Western Region, Mid County Region or Desert Region of the Riverside County Superior Court as defined below, the documents initiating the action or special proceeding shall be filed in the relevant region at the courthouse specified below. Except for documents pertaining to appeals, all subsequent documents related to that action or special proceeding shall also be filed in the specified courthouse within that region. Documents pertaining to appeals shall be filed as specified in Title 8.

Self-represented litigants may visit a self-help center at any court location in the county for assistance in filing documents at the proper courthouse.

Actions and proceedings shall usually be heard in the courthouse in which they were filed or in another courthouse in the same region. For good cause, and to maximize efficient use of court resources, actions or proceedings may also be assigned for hearings in other regions.

**II. Proceedings Under The Probate Code**

**WESTERN REGION**

Riverside Branch

Probate  
4050 Main St.  
Riverside, CA 92501  
(951) 777-3147

Locations: All documents concerning actions or proceedings that arise out of the zip codes of 91752, 92501-92509, 92513-92519, 92521-92522, 92551-92557, 92860, or 92880 shall be filed at the Riverside Historic Courthouse.

**MID COUNTY REGION**

Riverside Branch

Probate  
4050 Main St.  
Riverside, CA 92501  
(951) 777-3147

Locations: All documents concerning actions or proceedings that arise out of the zip codes of 92530-92532, 92536, 92543-92546, 92548, 92562-92564, 92567, 92570-92572, 92581-92587, 92589-92593, 92595-92596, 92599, 92877-92879, or 92881-92883 shall be filed at the Riverside Historic Courthouse.

DESERT REGION

Palm Springs Branch

Probate  
  
3255 E. Tahquitz Canyon Way  
Palm Springs, CA. 92262  
(760) 393-2617

Locations: All documents concerning actions or proceedings that arise out of the zip codes of 92201-92203, 92210-92211, 92220, 92223, 92225-92226, 92230, 92234-92236, 92239-92241, 92247-92248, 92253-92255, 92258, 92260-92264, 92270, 92274-92276, 92280, 92282, 92320, 92539, 92549, or 92561 shall be filed at the Palm Springs Courthouse.

III. Proceedings under Division 5, Part 1 of the Welfare and Institutions Code (Mental Health)

All documents concerning actions or proceedings that arise out of all zip codes countywide shall be filed at the Riverside Historic Courthouse.

(Adopted 11-4-11, effective 1-1-12)

**RULE 7101**  
**PLEADINGS AND PAPERS**

A. Form

1. California Rules of Court, Title 2, Division 2, commencing with Rule 2.100 shall apply to all probate filings.
2. All exhibits shall be typewritten or printed, or prepared by a photocopying or other duplication process that will produce clear and permanent copies equally legible to printing.

B. Caption of Petitions

1. The caption of petitions must be all-inclusive as to the nature of the petition and relief sought so that the matter may be properly calendared and noticed and filing fees, if any, determined. LPS cases shall indicate “W&I” after the case number.
2. Attorneys are encouraged to use subheadings in the body of the petition, particularly for required allegations.
3. All petitions, applications, reports, or accounts being filed in probate proceedings, which are not prepared on the form approved and required by the Judicial Council of California, shall bear pertinent code citation(s) beneath the nature or title of the paper.
4. All documentation pertaining to a hearing shall be filed with the Clerk at least four (4) court days before the hearing. Failure to comply with this rule will be cause for a continuance.
5. All pleadings and orders shall include in the caption the date, time and department of the matter heard or shall provide a space for the Clerk to insert this information.

C. Proposed Orders

Proposed orders or judgments in proceedings scheduled on the regular probate calendar should be presented to the Clerk’s Office upon the filing of the petition.

D. Certificate of Assignment

The first paper filed in an action or proceeding to which the Probate Code applies must be accompanied by a certificate of assignment. The certificate must be on the local form prescribed by the court. The party who files the certificate is not required to serve the certificate on any party. The certificate is used for statistical purposes and may affect the assignment of the case to the location specified by local rule where certain types of actions or proceedings may be tried.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 3-16-91, effective 7-1-91; amended 4-4-92, effective 7-1-92; amended 4-28-06, effective 7-1-06; amended 10-21-09, effective 1-1-10; amended 10-22-10, effective 1-1-11; Moved from Title 6 and renumbered from Rule 6.0101, 8-1-11, effective 1-1-12)

**RULE 7103  
HEARINGS**

A. General Probate.

1. To the extent practicable, probate matters which require a hearing will, upon being filed with the Court, be set by the Clerk for hearing within statutorily prescribed time periods. For a good cause shown, by oral or written application of petitioner, the Court may authorize the Clerk to assign an earlier hearing date.
2. Unless the will (and codicil or codicils, if applicable) shall have previously been deposited with the clerk for safekeeping, same shall be filed with the petition for probate unless a judge shall order otherwise.

B. Contested Matters.

- I. Contested matters normally will not be heard on the daily calendar. Attorneys shall either (1) appear at the time scheduled for hearing, advise the Probate Judge of the contest, obtain a trial date from the Probate Judge; or (2) obtain a trial date from the Probate Judge in advance of the time scheduled for hearing.
2. As to will contests, trial and pre-trial rules of the Court, if any, shall apply. Counsel should inquire of the trial judge if any rules are applicable to that department.

C. Time Limits.

1. It is the practice of this Court to enforce Probate Code time limitations for the filing of inventory and appraisals, accountings, petitions for distribution and other required acts by the issuance of orders to show cause re suspension of powers and for imposition of monetary sanctions, as against either or both the attorney and the personal representative.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0103, 8-1-11, effective 1-1-12)

**RULE 7106  
APPROVED MATTERS AND APPEARANCES**

The Probate Examiner will ordinarily review the daily probate calendar approximately ten (10) days in advance of the date of hearing, and shall indicate thereon those matters which, procedurally and jurisdictionally, are either deficient or are recommended for

approval by the Court. The examiners' notes are finalized three (3) court days before the scheduled hearing date.

Notes appearing on the calendar are for the Court's benefit in reaching its determination and decision. Counsel may be informed of and may rectify said deficiencies by filing appropriate verified supplements and/or amendments provided appropriate notices are given as required by statute or rule. Supplements and corrections not received by the examiner prior to the three (3) day finalization of notes will not be reflected in the notes reviewed by the Court, and such matters may be continued for further hearing to allow further examination and review. The Court, in its discretion, may consider such late-filed supplements/corrections.

The Probate Examiner will not ordinarily discuss said notes in detail nor advise counsel of the action to be taken, nor is the Clerk's Probate Section authorized to answer questions regarding probate notes. Counsel or their secretaries may call for Examiner's notes in advance of the hearing or may retrieve notes via the Court's Internet website. Each Court location may set its own hours for telephone availability of its examiners.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0104, 8-1-11, effective 1-1-12)

## **RULE 7109 CONTINUANCES**

- A. Generally: Prior to hearing on uncontested matters, Counsel (or moving party if self-represented) may request a continuance of at least three weeks by telephoning the Probate Clerk's Office. By making a telephonic request, Counsel represents to the court that he or she has notified the client of the request, and has notified other parties, counsel or other interested persons for whom counsel has reason to know may attend the hearing.

The Court will rule on the request at the time of hearing. Requested hearing dates will be considered at the hearing, but a different date may be set depending on the number of matters already set on Calendar.

If a party or client appears at the hearing, and represents that he or she was not notified of the Request, the Court may issue an Order to Show Cause why the requesting party should not be sanctioned for failing to notify the affected party/client of the requested continuance.

Requests to continue Orders to Show Cause and Requests to Continue matters for a period of less than three weeks must be made by Declaration and Order, stating good cause for the request.

Telephonic Requests will not be taken on contested matters and may be denied on Orders to Show Cause.

- B. Matters Not Approved. At the call of the calendar, if the matter is not ready for hearing, it will be continued for at least four (4) weeks, unless good cause is shown otherwise. Any matter continued two (2) times may be ordered off calendar or denied.
- C. Objections to Petition for Probate of Will. When a petition for probate of will is called for hearing and oral objection thereto is raised by a party who declares his intention to file a written contest, the Court normally will continue the hearing for a reasonable time with the understanding that if a contest is not on file at the new hearing date, the hearing will proceed.
- D. Objections to Approved Matters. At the call of the calendar and if petitioner is not present:
  - 1. If objection or exception is taken to any matter on the approved list, the Court shall continue the matter to allow for the filing of written objections or exceptions and the giving of notice thereof to petitioner, or
  - 2. If the Court proposes to make a change in the relief prayed for, the matter shall be continued and petitioner shall be notified of the continuance and proposed change by the Court Clerk.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-18-02, effective 1-1-03; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0105, 8-1-11, effective 1-1-12)

**RULE 7112**  
**LODGING OF REQUIRED DOCUMENTS FOR ACCOUNTINGS**

All original documents submitted by fiduciaries in support of their accountings as required by Probate Code 2620(c), including financial account statements, original closing escrow statements, and original residential care facility or long-term care facility bills must be lodged separately from the accounting as a confidential document complying with California Rules of Court, Rule 2.100 et seq. To facilitate scanning, the document must be loosely bound and not stapled. The caption page for the document must include a statement regarding the total number of pages (including the cover sheet) submitted and a declaration by the fiduciary under penalty of perjury stating the documents attached are the originals. To facilitate return of the original document, the fiduciary must submit, at the time of filing, a self-addressed envelope with sufficient postage for mailing the documents or an attorney service pick up slip. Documents scanned by the Court shall constitute the Court's permanent record of such documents. After the documents are scanned, the Clerk is authorized to return the documents to the

fiduciary. The court will retain the documents in electronic form only. The fiduciary must retain the originals until the order approving the final account is final.

(Added 4-21-10; effective 7-1-10; Moved from Title 6 and renumbered from Rule 6.0107, 8-1-11, effective 1-1-12)

**RULE 7115**  
**REQUESTS TO WAIVE COURT FEES AND COSTS BY A FIDUCIARY**

For purposes of this rule, the following are considered appointments in a fiduciary capacity: Conservator or Guardian of the Person or Estate, Trustee of a Trust, Personal Representative of a Decedent's Estate, or Guardian Ad Litem.

- (a) A request to waive court fees and costs filed under Title 8, Chapter 2, Article 6 of the Government Code (commencing with section 68630) for a petition for appointment in a fiduciary capacity will be based on the personal financial condition of the petitioner in her or her own individual capacity.
- (b) After a party has been appointed in a fiduciary capacity by order of the court, the person whose financial condition will be considered in a request to waive court fees and costs is that of the person or estate that the fiduciary represents and not the personal financial condition of the fiduciary in his or her own individual capacity. If the fiduciary capacity is that of a Trustee or a Personal Representative, requests to waive court fees and costs based on eligibility under Government Code § 68632(a) and (b) shall not apply. This rule will continue to apply after a fiduciary is removed or resigns until the court makes an order discharging the fiduciary.
- (c) The court may reconsider a waiver granted under subsection (a) of this rule after the petition for appointment is granted based on the financial condition of the person or estate that the appointed fiduciary represents under Government Code 68636 and 68637.
- (d) The court may deny a pending request or set a hearing to reconsider a granted request for an initial fee waiver filed pursuant to Government Code 68630 et seq. or a finding of hardship pursuant to Probate Code 1513.1 or 1851.5 based on the receipt of Medi-Cal benefits if the court finds that the recipient of the Medi-Cal benefits is also the beneficiary of a trust described in 42 U.S.C. 1396p(d)(4), commonly known as a special needs trust, and the trust holds liquid assets in excess of \$20,000.00.

(Added 5-4-11, effective 7-1-11; Moved from Title 6 and renumbered from Rule 6.0108, 8-1-11, effective 1-1-12)

**(b)**

## **PROBATE REFEREES AND INVENTORIES**

### **RULE 7120 PROBATE REFEREES**

- A. Appointment
1. The appointment of probate referees shall be on a rotational basis. No deviation in appointment rotation shall be authorized or permitted without prior written approval of the Court for good cause shown.
  2. Whenever the appointment is not effected on the order for probate, the appointment of a probate referee may be accomplished by ex-parte application delivered to the Clerk's Office.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0601, 8-1-11, effective 1-1-12)

### **RULE 7123 INVENTORY AND APPRAISAL**

All inventory and appraisals of assets must be submitted in duplicate to the appointed referee for appraisal; and when completed and returned, filed with the Clerk in triplicate.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amend. 10-17-98, effective 1-1-99; Moved from Title 6 and renumbered from Rule 6.0602, 8-1-11, effective 1-1-12)

### **RULE 7126 KINDS OF INVENTORIES**

- A. Complete Inventory. An inventory entitled "Inventory and Appraisal ( ) Complete" will be deemed to be a full inventory of all the known assets of an estate, valued as of the date of death. All items specifically bequeathed (and in existence at the date of death) must be separately listed in the inventory.
- B. Partial Inventory. If the inventory and appraisal covers only a portion of the known assets of an estate, it shall be entitled "Inventory and Appraisal ( ) Partial No..."
- C. Final Inventory. The final inventory and appraisal will be deemed to be the last of the partial inventories and shall be entitled "Inventory and Appraisal ( ) Final."
- D. Supplemental Inventory. If property is newly discovered or received after the filing of what was thought to be a complete or final inventory and appraisal, it shall be entitled "Inventory and Appraisal ( ) Supplemental."

- E. Amended/Corrected Inventory. If the inventory and appraisal is filed to correct an error in one previously filed, it shall be entitled "AMENDED/CORRECTED Inventory and Appraisal (proper block to be checked). "It should show the total inventory amount as amended. This may result in a change in the date-of-death valuation and may have an effect on the computation of death taxes, if any, and statutory compensation. The entire inventory and appraisal shall be restated, not just the items being changed or corrected. An amendment to an inventory shall not be filed.
- F. Reappraisal Inventory. A reappraisal of realty as of a current date for sale purposes shall be entitled "Inventory and Appraisal ( ) Reappraisal for Sale. "Such reappraisal has no effect on date of death values. A reappraisal need not be signed by the personal representative.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0603, 8-1-11, effective 1-1-12)

**(c)**

**MISCELLANEOUS PROBATE PETITIONS, NOTICES AND ORDERS**

**RULE 7129**

**DECLARATION RE: ASSET RECEIVED ON INVENTORY AND APPRAISAL**

- (a) When a minor, conservatee, or decedent's estate receives an asset as the heir or beneficiary of a decedent's estate, the guardian, conservator, or personal representative who receives the asset shall file concurrent with the filing of the Inventory and Appraisal a declaration and attach a copy of the Order of Partial or Final Distribution, Spousal or Domestic Partner Property Order, Affidavit re Real Property of Small Value, Order Determining Succession to Real Property, or Affidavit for Collection or Transfer of Personal Property from the decedent's estate.
- (b) When a minor or conservatee receives an asset that was the subject of an order under Probate Code 3600 et seq., the guardian or conservator who receives the asset shall file concurrent with the filing of the Inventory and Appraisal a declaration and attach a copy of the order under Probate Code 3600 et seq.
- (c) When a minor, conservatee, or decedent's estate receives proceeds as the beneficiary of a life insurance policy, the guardian, conservator, or personal representative who receives the asset shall file concurrent with the filing of the Inventory and Appraisal a declaration and attach a copy of the check received from the life insurance company.

(Adopted 11-4-11, effective 1-1-12)

**RULE 7130  
APPLICATIONS FOR EX-PARTE ORDERS**

- A. General. All ex-parte matters shall be submitted to the Probate Department.
- B. Special Notice. Petitions for ex-parte orders must contain an allegation that no special notice has been requested or that any such notice has been waived (stating the person requesting such notice); any such waivers must accompany the petition.
- C. Specifically Bequeathed Property. Petitions for sale of stock or personal property must allege whether the property is specifically bequeathed. If the property is so bequeathed, the consent of the beneficiary must accompany the petition.
- D. Applications for Ex-Parte Orders. All applications for ex-parte orders must be accompanied by a separate order complete in itself and shall be presented to the clerk. It is not sufficient for such an order to provide merely that the application has been granted, or that the sale of property as set forth in the petition has been approved. Since no testimony is taken in connection with ex-parte petitions, the petition must contain all facts essential for the granting of the prayer.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; amended 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0701, 8-1-11, effective 1-1-12)

**RULE 7133  
PETITION FOR AUTHORITY TO OPERATE BUSINESS**

The petition shall set forth sufficient facts for the Court to determine the advisability of the continuance of the business and the parties to whom notice of the hearing should be given. Ordinarily, the Court will require that at least fifteen (15) days notice of the hearing be given to the five (5) largest creditors of the estate, in addition to the notice required under Probate Code Section 1220.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; Moved from Title 6 and renumbered from Rule 6.0703, 8-1-11, effective 1-1-12)

**RULE 7136  
MISCELLANEOUS PROVISIONS CONCERNING ORDERS**

- A. Material Required in Probate Orders.
  - 1. All orders in probate matters must be complete in themselves in that they shall set forth all matters actually passed on by the Court, the relief granted, the names of persons and descriptions of property affected with

the same particularity required of judgments in civil matters. Orders settling accounts must also contain a statement as to the balance of the estate on hand, specifically noting the amount of cash included in said balance.

2. It is the duty of the Court, upon distribution, to determine whether a valid trust has been created by a will, to determine the scope and terms of the trust, and to order distribution of the trust property to the trustee. Since the decree of distribution supersedes the will, the terms of the trust shall be incorporated in the decree in such manner as to give effect to the conditions existing at the time distribution is ordered.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amend. 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0706, 8-1-11, effective 1-1-12)

**(d)**  
**SALES**

**RULE 7140**  
**REAL PROPERTY SALE - BROKER'S COMMISSION**

Where more than one broker is involved, petitioner shall indicate the manner in which the commission is to be allocated if agreed upon between the brokers. No commission shall be paid to a broker who is a buyer or related to the buyer within the 2nd degree.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0903, 8-1-11, effective 1-1-12)

**RULE 7142**  
**SALE OF SPECIFICALLY DEvised PROPERTY**

Notice of time and place of hearing of the return of sale must be given to the specific devisee of the property if the sale is for abatement, otherwise his/her consent must be filed prior to hearing on the return.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90 amended 10-17-98, effective 1-1-99; Moved from Title 6 and renumbered from Rule 6.0904, 8-1-11, effective 1-1-12)

**RULE 7143**  
**WRITTEN OVERBIDS**

At the hearing on confirmation of sale at which an overbid is accepted, a written overbid is required to be filed with the Court by the successful bidder.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0905, 8-1-11, effective 1-1-12)

**RULE 7145**

**PERSONAL PROPERTY MUST BE APPRAISED BEFORE SALE**

Sales of securities will not be approved under Probate Code 10200 et seq., sales of personal property under Probate Code 10250 et seq., unless the property has been appraised. A reappraisal for sale will be required if the personal property has not been appraised within one year prior to the date of the confirmation hearing, unless the court dispenses with such reappraisal. When necessary, a partial inventory and appraisal may be filed for this purpose.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0906, 8-1-11, effective 1-1-12)

**(e)**

**ACCOUNTS, FEES, AND DISTRIBUTIONS**

**RULE 7150**

**TAXES**

Payment. Petitions for final distribution should contain an allegation that all personal property, current income taxes and all federal and California estate taxes have been paid or that such estate taxes have been adequately secured to the satisfaction of the Internal Revenue Service.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1007, 8-1-11, effective 1-1-12)

**RULE 7153**

**DUPLICATING AND TELEPHONE COSTS**

The Court may allow reimbursement for costs of duplication of documents, long distance telephone calls, postage charges and travel costs incurred by the attorney or estate representative and travel costs in extraordinary circumstances.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amend. 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; Moved from Title 6 and renumbered from Rule 6.1010, 8-1-11, effective 1-1-12)

**DIVISION 2  
DECEDENT'S ESTATES**

**(a)  
APPOINTMENT OF DECEDENT'S PERSONAL REPRESENTATIVE**

**RULE 7201  
NOTICE OF PETITION TO ADMINISTER**

**A. Probate of Will -- Correcting Notice**

1. Where notice of petition to administer has been published pursuant to law, but the notice mailed is not legally sufficient, the matter may be continued to a date which permits statutory notice of the continued hearing to be mailed. Publication of the notice of petition to administer is proper if the Court makes a finding under Probate Code Section 8122.
2. Where notice of petition to administer has been properly prepared and mailed, but the publication of notice of petition to administer is not legally sufficient, the matter shall be continued so as to allow for proper publication and notice by mail need not be given of the continued hearing date.

- B. Notice After Petitions Ordered Off Calendar.** In the event the petition for probate or for letters is ordered off calendar and the matter is later reset for hearing, then in that event, a new notice of petition to administer thereon must be published and mailed.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 20-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0203, 8-1-11, effective 1-1-12)

**RULE 7204  
CONFIDENTIAL SUPPLEMENT TO DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE(S)**

The Confidential Supplement to Duties and Liabilities of the Personal Representatives(s) must be submitted by each personal representative and must contain the personal representative's date of birth and driver's license number. This form must be filed as "confidential" and shall be placed in a confidential envelope.

(Adopted 10-22-10, effective 1-1-11; Moved from Title 6 and renumbered from Rule 6.0207, 8-1-11, effective 1-1-12)

**(b)**  
**SMALL ESTATE PROCEEDINGS**

**RULE 7210**  
**SMALL ESTATE WITHOUT ADMINISTRATION**  
**SUCCESSION PETITIONS**  
**SPOUSAL PROPERTY PETITIONS**  
**DEPOSIT OF WILL**

In any Petition for Succession (PrC 13150 et seq) or Spousal Property Petition (PrC 13500 et seq) wherein such petition is based upon the testate direction of the decedent, the original will shall have been deposited with the court pursuant to Probate Code Section 8200. If the original will has been deposited with a foreign jurisdiction, a duly authenticated copy of the will shall be filed with the petition.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 6 and renumbered from Rule 6.0403, 8-1-11, effective 1-1-12)

**(c)**  
**CREDITOR'S CLAIMS**

**RULE 7220**  
**PAYMENT OF INTEREST ON FUNERAL AND INTERMENT CLAIMS**

When accrued interest has been paid in connection with the delayed payment of claims for the reasonable costs of funeral expenses, a specific allegation must be made in the report accompanying the account in which credit for such payment has been taken setting forth the reasons for credit for payment of interest where the delay in payment of the claims is not justified by the facts set forth. Interest for funeral and interment claims will be allowed only as provided by Health and Safety Code Section 7101, and will be separately set forth.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; Moved from Title 6 and renumbered from Rule 6.0804, 8-1-11, effective 1-1-12)

**DIVISION 3**  
**GUARDIANSHIPS**

**RULE 7301**  
**RELATIVE AND NON-RELATIVE GUARDIANSHIPS OF THE PERSON AND/OR ESTATE**

- A. Upon filing of the initial or successor petition for guardianship, the petitioner or the petitioner's attorney shall furnish to the Clerk, for transmittal to the designated agency, the following:

- a. A copy of the petition;
- b. A completed questionnaire form;

Note: If there is more than one proposed guardian:

1. An Authorization for Release of Information form completed and signed by each proposed guardian;
2. A Social History and Personal Data form to be completed and signed by **each** proposed guardian;
3. In the case of a relative guardianship, a check or payment to the Executive Office for the investigation assessment. In the case of a non-relative guardianship, a check or payment to the Department of Public Social Services for the investigation assessment. Where Application and Order for Waiver of Court Fees and Costs has been filed in the proceeding, the assessment may be waived by the Court if the Court finds that all parties are indigent.

- B. The Court may waive an investigation and assessment where the petition is for the guardianship of the estate only, and the proposed guardian is a parent or where the petitioner is a corporate fiduciary.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; amended 10-30-99; effective 1-1-00; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1101, 8-1-11, effective 1-1-12)

### **RULE 7303**

#### **DUTIES OF GUARDIAN - LIABILITY OF PARENTS TO SUPPORT CHILD**

As parents are required by statute to support their children, the Court will not permit guardianship funds to be used for the minor's maintenance where one or both parents are living, except upon a showing of the parents' financial inability or other circumstances which would justify the Court in departing from this rule in the best interests of the minor.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; Moved from Title 6 and renumbered from Rule 6.1103, 8-1-11, effective 1-1-12)

### **RULE 7306**

#### **GUARDIAN'S ACCOUNTS**

Where a guardian accounts for the assets of more than one minor, an accounting for each minor must be set forth separately.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1104, 8-1-11, effective 1-1-12)

**RULE 7309**  
**ESTABLISHING CHILD SUPPORT ORDERS IN A GUARDIANSHIP CASE**  
**(PROBATE CODE SECTION 1500 ET. SEQ. AND FAMILY CODE SECTION 3950,**  
**4000 AND 17400 ET. SEQ.)**

When the Appointment of a Guardian is granted in a Probate proceeding and the Guardian seeks to establish child support orders, the Guardian shall petition the court by filing a Notice of Motion (Judicial Council Form 1285.10) or Order to Show Cause (Judicial Council Form 1285) in the existing Guardianship case. A hearing shall be scheduled in the family Law Department to address child support issues.

Upon review of the pleadings, the Family Law Court may direct the Department of Child Support Services (DCSS) to take the appropriate action pursuant to Family Code Section 17400 et. seq. to establish, collect and enforce child support obligations as it relates to the biological parents.

(Adopted 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1106, 8-1-11, effective 1-1-12)

**DIVISION 4**  
**CONSERVATORSHIPS**

**RULE 7401**  
**TEMPORARY CONSERVATORSHIPS**

In addition to the notice required pursuant to Probate Code, Section 2250, all persons entitled to notice on the general petition shall be given at least twenty-four (24) hour, telephonic notice of the request for appointment of a temporary conservator.

(Added 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1200, 8-1-11, effective 1-1-12)

**RULE 7403**  
**CAPACITY TO GIVE INFORMED CONSENT FOR MEDICAL TREATMENT**

- A. If a separate petition is filed concerning capacity of the conservatee to consent to medical treatment pursuant to Probate Code 1880, et seq., the petition must be filed in duplicate with a Riverside Superior Court form entitled "Order Appointing Probate Investigator" and "Probate Investigator's Referral Form" (even if previously filed), and shall contain a statement that there is on file a current Notification to Court of Current Address of conservatee.

- B. Termination of Life Support Treatment. Notwithstanding that the conservator has the authority to give medical consent for the conservatee, the conservator shall not withhold or terminate life support treatment without prior court authorization. Advice of a licensed physician as well as the consents of the immediate family members are required.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-17-98, effective 1-1-99; Moved from Title 6 and renumbered from Rule 6.1203, 8-1-11, effective 1-1-12)

**RULE 7406  
EMPLOYMENT OF CARE PROVIDERS**

All payments made to care providers (relative or non-relative) for personal care to the conservatee must be authorized by the court prior to the rendition of services.

(Added 10-19-96, effective 1-1-97; amend. 10-17-98, effective 1-1-99; Moved from Title 6 and renumbered from Rule 6.1204.1, 8-1-11, effective 1-1-12)

**RULE 7409  
CONSERVATOR'S ACCOUNTS**

- A. Copies to be Sent. At the time of filing the accounting, a Riverside Superior Court form entitled "Probate Investigator's Referral Form", and a conformed copy of the "Accounting" must be sent to the Probate Investigator's Office, and if an investigator has not been previously appointed, a completed Riverside Superior Court form entitled "Order Appointing Court Investigator" must be filed to obtain an investigator. A copy of the report, petition and account shall be mailed to counsel for the conservatee, or to conservatee personally if unrepresented, at least ten days before the hearing.
- B. Conservatee's Address. The conservatee's current residence address should be set forth in each report or account filed.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-4-91, effective 1-1-92; amend. 10-22-94, effective 1-1-95; amend. 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1205, 8-1-11, effective 1-1-12)

**RULE 7412  
INVENTORIES AND APPRAISALS**

Copies of all inventories and appraisals shall be served on any attorneys of record for any conservatee at the time of filing with the Clerk.

Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1208, 8-1-11, effective 1-1-12)

**RULE 7415**  
**APPOINTMENT OF COUNSEL WHEN PETITION SEEKS DEMENTIA POWERS**

Counsel shall be appointed to represent the proposed conservatee upon the filing of a petition for appointment of conservator seeking dementia powers.

(Adopted 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1210, 8-1-11, effective 1-1-12)

**RULE 7418**  
**FINDINGS REQUIRED REGARDING PAYMENT OF ATTORNEY FEES TO COURT APPOINTED COUNSEL**

One of the following findings shall be made in conservatorship matters where counsel has been appointed:

The conservatee, proposed conservatee, limited conservatee, proposed limited conservatee, or person alleged to lack legal capacity is:

- Able to pay court-appointed counsel's attorney fees.
- Unable to pay court-appointed counsel's attorney fees.
- Able to pay a portion of the sum in the amount of \$\_\_\_\_\_.
- The court presently lacks sufficient information to determine whether the conservatee, proposed conservatee, proposed limited conservatee, or person alleged to lack legal capacity, or the conservator of such person's estate has sufficient funds to pay all or a portion of the attorney's fees. Therefore, the court orders the County of Riverside to pay attorney an amount to be determined upon submission of the payment voucher.

Note: If this finding is made, the court shall reconsider the ability to pay all or a portion of the attorney's fees paid by the County of Riverside at the time of the hearing on the First Accounting, and the probate examiner(s) shall make a note regarding same.

Should the court determine that there is an ability to pay, an order shall be made that

the County of Riverside be reimbursed, from the estate, for attorney's fees advanced, payable to the County of Riverside.

(Adopted 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1211, 8-1-11, effective 1-1-12)

**DIVISION 5  
OTHER PROTECTIVE PROCEEDINGS – MINORS AND CONSERVATEES**

**RULE 7501  
COMPROMISE OF DISPUTED CLAIMS - SPECIAL NEEDS TRUSTS**

When a Petition to Approve Compromise of Disputed Claim or Pending Action or Disposition of Proceeds of Judgment for Minor or Adult Person with a Disability is filed where a request is made for the establishment of a Special Needs Trust, a separate probate petition shall be filed requesting the establishment of the Special Needs Trust, to be heard concurrently with the Petition to Approve Compromise of Disputed Claim. The probate petition shall be filed in a new file with a probate case number, and there shall be no initial filing fee for such petition.

(Adopted 10-24-08, effective 1-1-09; Moved from Title 6 and renumbered from Rule 6.1505, 8-1-11, effective 1-1-12)

TITLE 8  
APPEALS

TABLE OF CONTENTS

RULE 8000  
APPLICATION

RULE 8005  
WHERE TO FILE DOCUMENTS

RULE 8010  
RECORD ON APPEAL

RULE 8015  
APPOINTMENT OF COUNSEL

RULE 8025  
DISMISSAL

RULE 8030  
EXTENSION OR SHORTENING OF TIME; RELIEF FROM DEFAULT

RULE 8035  
APPEAL PROCESSING SCHEDULE

RULE 8040  
APPEAL –SMALL CLAIMS

**TITLE 8  
APPEALS**

**RULE 8000  
APPLICATION**

The local rules in this title are intended to supplement the California Rules of Court, which govern appeals in (1) limited civil appeals taken pursuant to Code of Civil Procedure Section 904.2, (2) misdemeanor and infraction appeals taken pursuant to Penal Code Sections 1466 and 1538.5, and (3) small claims appeals taken pursuant to Code of Civil Procedure Section 116.710 et sequitur.

(Adopted 11-4-11, effective 1-1-12)

**RULE 8005  
WHERE TO FILE DOCUMENTS**

In all appeals to the Court of Appeal, and in limited civil, misdemeanor, and infraction appeals to the Appellate Division of the Riverside County Superior Court, all notices of appeal and documents concerning the designation and preparation of the record may be filed at any courthouse within Riverside County. To expedite processing, parties are encouraged to file notices of appeal and related documents in the Appeals Department located at the Hall of Justice in Riverside, 4100 Main Street, Riverside, CA 92501. Notices of appeal and related documents may be fax filed to the Appeals Department at no charge. Visit the court's website at <http://riverside.courts.ca.gov/faxlist.shtml> for the fax number.

(Adopted 11-4-11, effective 1-1-12)

**RULE 8010  
RECORD ON APPEAL**

A. Record of Oral Proceedings

1. The record of oral proceedings in limited civil and misdemeanor appeals may be submitted by a) statement on appeal, b) electronic recording or transcript therefrom, or (c) reporter's transcript. In limited civil appeals, the appellant and respondent may also jointly prepare or stipulate to an agreed statement on appeal.
2. The official record of the oral proceedings in infraction trials shall be a transcription of the official electronic recording, and the parties shall be entitled to a free copy of that transcript, unless the appellant elects in the notice of appeal to proceed by statement on appeal. Infraction appellants are encouraged to use Local Form RI-AP001 "Notice of Appeal and Record of Oral Proceedings (Infraction)." The transcription of the official

electronic recording shall be provided within 20 days of the notice to prepare the transcript.

3. If the appellant in a misdemeanor appeal proceeds by way of reporter's transcript, the appellant shall be responsible for transcript preparation unless appellant obtains a waiver of transcript fees pursuant to Government Code Section 68634.5 and Rule 8.866 of the California Rules of Court. Respondent shall be responsible to make private arrangements with court reporter(s) to obtain copies if appellant does not obtain a waiver of transcript fees.

**B. Record of Written Documents**

1. The record of written documents in limited civil and misdemeanor appeals shall be submitted by clerk's transcript.
2. In infraction appeals, pursuant to rules 8.910(a)(1)(B) and 8.914(a) of the California Rules of Court, the Court elects to use the original trial court file as the record of the written documents from the trial court proceedings instead of a clerk's transcript.

(Adopted 1-1-86; Amended 10-21-89, effective 1-1-90; amended 4-16-94, effective 7-1-94; amend. 4-25-98, effective 7-1-98; Renumbered from Rule 8.0010, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**RULE 8015  
APPOINTMENT OF COUNSEL**

- A. Continuation. In every criminal case where a defendant in a lower court has assigned counsel, and such defendant files an appeal, the assigned counsel is hereby appointed to continue on as counsel for the purpose of perfecting and arguing the appeal.
- B. Financial Statement. Assigned counsel is directed to prepare a financial statement of the defendant under penalty of perjury for submission to the Court upon hearing on appeal. The Court may further require testimony under oath of the defendant at that time. Defendant must appear at the hearing on appeal for the purpose of establishing his ability to pay for assigned counsel pursuant to Penal Code Section 987.2; assigned counsel is directed to inform the defendant of the necessity of his appearance.
- C. Attorney Fees. After the decision on appeal has become final, assigned counsel may submit an application for attorney fees for services rendered in the appeal

proceeding to the Presiding Judge who shall consider the application and may award reasonable attorney fees pursuant to Penal Code Section 987.2.

(Adopted 1-1-86; Renumbered from Rule 8.0015, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**RULE 8020  
COST OF TRANSCRIPTS**

(Adopted 1-1-84; Amended 4-16-94, effective 7-1-94; Renumbered from Rule 8.0020, 8-1-11, effective 1-1-12; deleted 11-4-11, effective 1-1-12)

**RULE 8025  
DISMISSAL**

- A. Failure to Perform. If and when the appellant fails to perform any act necessary to perfect the appeal according to the California Rules of Court, the trial Court shall mail a notice to the appellant informing the appellant that the appeal will be dismissed unless an application pursuant to Local Rule 8030 is filed with the Appellate Division of the Superior Court within fifteen (15) days of the date of mailing.
- B. Transmittal. A certified copy of the notice accompanied by a certified copy of the notice of appeal, the fee for filing of an appeal in a civil matter, and a certified copy of the docket shall be transmitted to the Appellate Division of the Superior Court forthwith upon mailing the aforesaid notice to the appellant.

(Adopted 1-1-86; Amend 4-25-98, effective 7-1-98; Renumbered from Rule 8.0025, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**RULE 8030  
EXTENSION OR SHORTENING OF TIME; RELIEF FROM DEFAULT**

Applications for an extension or shortening of time (Rule 8.810 of the California Rules of Court) or for relief from default (Rule 8.812 of the California Rules of Court) shall comply with Rule 8.806 of the California Rules of Court and shall be deposited with the Clerk for presentation to the Presiding Judge. Failure to fully comply with Rule 8.806 shall be cause for the Clerk of the Appellate Division of the Superior Court for presentation to the Presiding Judge. Applicant shall prepare and provide a proposed order for Presiding Judge. Failure to fully comply with Rule 8.806 shall be cause for the Clerk to refuse the deposit of said application.

(Adopted 1-1-86; Amend. 4-25-98, effective 7-1-98; Renumbered from Rule 8.0030, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**RULE 8035**

**APPEAL PROCESSING SCHEDULE**

Schedule 8035 is for the initiation and prosecution of an appeal to the Appellate Division of the Superior Court. Compliance therewith shall be strictly enforced.

SCHEDULE 8035

Parenthesized figures refer to California Rules of Court

TYPE OF ACTION	CIVIL	CRIMINAL
1. Notice of Appeal-- Filing of (NO extensions)	30 or 90 days (8.822)	30 days (8.853, 8.902)
2. Notice to Prepare Reporter's Transcript	10 days after filing notice of appeal (8.831)	
3. Deposit of Costs for Reporter's Transcript	10 days after notification (8.834)	
4. Filing of Reporter's Transcript	20 days after notice from clerk to prepare or receipt of fees (8.834)	20 days (8.866)
5. Notice Designating Record on Appeal	10 days after filing notice of of appeal (8.831)	
6. Preparation of Clerk's Transcript	30 days after payment of costs (8.832)	
7. Agreed Statement-- Preliminary Stipulation	10 days after filing notice of appeal 8.831, 8.836)	
Original Statement	30 days after filing notice of record designation (8.836)	
8. Statement on Appeal	10 days after filing notice of appeal (8.831)	
Proposed Statement	20 days after filing notice of record designation (8.837)	20 days after filing record preparation election

Superior Court of California  
County of Riverside

(8.869)

9. Review and Certification of Statement on Appeal	10 days after proposed amendments are filed (8.837)	10 days after proposed amendments are filed (8.869)
10. Request for Correction Or Augmentation of Transcripts	Any time (8.841)	Any time (8.873)
11. Transmission of Record On Appeal to Appellate Division	Upon completion (8.840)	Upon certification of statement or right thereto has expired, and completion of clerk's transcript (8.872)
12. Payment of Filing Fee	With notice of Appeal or within 15 days after clerk sends notice of failure to pay fee (8.821)	
13. Appellant's Opening Brief with required Proofs of Service	30 days after record is filed (8.882)	30 days after record is filed (8.882, 8.927)
14. Respondent's Brief with required Proofs of Service	30 days after filing of Opening Brief (8.882)	30 days after filing of Opening Brief (8.882, 8.927)
15. Appellant's Reply Brief	20 days after filing of Respondent's Brief (8.882)	20 days after filing of Respondent's Brief (8.882, 8.927)
16. Remittitur	30 days after filing Decision on Appeal (8.888)	30 days after filing Decision on Appeal (8.888)

(Adopted 1-1-86; Renumbered from Rule 8.0035, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**RULE 8040**

**APPEAL -- SMALL CLAIMS**

- A. Docket Entries. In small claims actions where there are multiple parties it is requested that the courts insure that the docket entries and other records include the specifics as to which plaintiffs prevailed against which defendants and whether any liability found to exist is several or joint and several.
- B. Multiple Defendants. In cases involving multiple defendants in which there is an appeal by less than all defendants, the only original documents which should be transmitted to the Clerk of the Superior Court should be the notice of appeal and the notice of entry of judgment; other documents required pursuant to Rule 8.957 of the California Rules of Court are to be certified copies.
- C. Notice of Appeal. A notice of appeal should be filed by each appealing defendant or in the alternative, each defendant who appeals should sign the notice of appeal.
- D. Extraneous Documents. Extraneous correspondence and other documents which are neither admitted into evidence nor marked for identification should not be transmitted to the court.

(Adopted 1-1-86; Renumbered from Rule 8.0040, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12)

**TITLE 9  
RESERVED**

TITLE 10  
ADMINISTRATION

TABLE OF CONTENTS

- RULE 10005  
TRANSFER OF POWERS, DUTIES, AND RESPONSIBILITIES  
FROM THE COUNTY CLERK TO THE EXECUTIVE OFFICER
- RULE 10010  
PRESIDING JUDGE AND ASSISTANT PRESIDING JUDGE
- RULE 10015  
EXECUTIVE COMMITTEE
- RULE 10020  
DELEGATION OF JUDICIAL ADMINISTRATIVE RESPONSIBILITIES
- RULE 10025  
COUNTYWIDE JUDGES MEETINGS
- RULE 10030  
MEDIA INQUIRIES

TITLE 10  
ADMINISTRATION

**RULE 10005**

**TRANSFER OF POWERS, DUTIES, AND RESPONSIBILITIES FROM THE COUNTY CLERK TO THE EXECUTIVE OFFICER**

- A. Pursuant to Government Code Section 69898, subdivision 8 and (d), the court hereby transfers from the County Clerk to the Superior Court Executive Officer all of the powers, duties and responsibilities of the County Clerk which relate 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:
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 micro-filming 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 compromise; 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 keeping of naturalization records.
  9. The preparation of the clerk's transcript on appeal and the transmission of the record and exhibits to the reviewing court.
  10. The receipt of wills of decedents.
  11. The taking of bail and related matters as provided in the Penal Code.
  12. The provision of calendar management, including the calendaring of cases and hearings and the maintenance of court calendars and schedules.
  13. The printing and sale of court forms and rules of court; the procurement of supplies.
  14. The keeping and affixing of the seal of the court to appropriate instruments.
  15. Administrative functions related to the above, including hiring, training and supervision of personnel; accounting functions; mailing activities; and ordering and storing equipment and supplies.
- B. The County Clerk is hereby relieved of any obligation imposed on him by law with respect to the above powers, duties and responsibilities. This rule does not transfer from said County Clerk to the Executive Officer those powers, duties, and responsibilities of the County Clerk which are performed by County Clerk in such capacity such as the issuance of marriage licenses, the filing of fictitious business name statements, and the keeping of naturalization records.
- C. If any part of this rule is held to be unconstitutional or invalid, the remaining parts shall not be affected thereby.

(Added 11-22-89, effective 1-1-90; Moved from Title 9 and renumbered from Rule 9.0050, 8-1-11, effective 1-1-12)

**RULE 10010**  
**PRESIDING JUDGE AND ASSISTANT PRESIDING JUDGE**

- A. Pursuant to Government Code section 69508 and Rule 10.602 of the California Rules of Court, on the last Monday in June, hereafter called election date, every

other year, by a majority vote in a secret ballot, the sitting judges shall elect a Presiding Judge, who will serve one two-year term beginning on January 1 following the election. The Presiding Judge shall not serve a second consecutive two-year term. A sitting judge having served one two-year term may serve additional two-year terms, but not consecutively.

- B. Nomination forms will be distributed to all sitting judges six weeks before the election date. Completed nomination forms containing the signatures of at least five sitting judges shall be filed with the Executive Officer of the Superior Court no later than 10 court days after the forms are distributed. Each judge nominating a candidate need not sign the same nomination form, so long as at least five sitting judges sign nomination papers for a single candidate. No judge may nominate more than one individual.
- C. Three weeks before the election date, the Executive Officer shall distribute ballots to all sitting judges containing the names of all individuals who received the minimum number of nominations required and who have agreed to serve as Presiding Judge, if elected. Completed ballots must be returned to the Executive Officer no later than 4:00 p.m. on the election date. Voting cannot be by proxy.
- D. If there are less than three candidates on the ballot and no candidate receives a majority vote of the sitting judges, the nomination process will be re-opened for a period of 5 court days following the election date. If there are three or more candidates on the ballot and no candidate receives a majority vote of the sitting judges, the two who receive the largest number of votes will be the candidates and there will not be a second nomination process. Within one week after the close of the second nomination period, the Executive Officer shall distribute ballots to all sitting judges containing the names of all the individuals who received the minimum number of nominations required and who have agreed to serve as Presiding Judge, if elected. Completed ballots must be returned to the Executive Officer no later than 4:00 p.m. 10 court days thereafter.
- E. Upon being elected Presiding Judge, the successful candidate (herein, "Presiding Judge Elect"), shall forthwith meet and confer with each of the sitting judges for the purpose of selecting an Assistant Presiding Judge. Upon completion of said meet and confer process, the Presiding Judge Elect shall nominate his or her designee for the position of Assistant Presiding Judge and shall notify in writing all judges of such nomination. The name of the designee shall thereafter be placed before the sitting judges in a confirmation election. If a designee fails to receive confirmation by majority vote, the Presiding Judge Elect shall recommence the process (meet and confer; nomination; and confirmation election) until a designee is confirmed by majority vote. The Assistant Presiding Judge shall serve for a term of two (2) years, concurrent with that of the Presiding Judge. A designee who failed to receive confirmation by majority vote shall not be eligible for the position of Assistant Presiding Judge for a period of one year.

- F. The Assistant Presiding Judge shall have responsibility for such duties as are delegated to him/her by the Presiding Judge. If for any cause the Presiding Judge is unable to fulfill the duties of the office or to complete the term of office, the Assistant Presiding Judge shall assume all the duties and responsibilities of the Presiding Judge during the remainder of his/her term of office.
- G. The restriction of serving consecutive terms set forth in section A shall not prevent an Assistant Presiding Judge who assumes the duties and responsibilities of the Presiding Judge pursuant to this rule from election to a full term as Presiding Judge consecutive to the term he/she completed.

(Added 10-17-98, effective 1-1-99; amended 9-29-01, effective 1-1-02; amended 10-22-04, effective 1-1-05; amended 10-28-06; effective 1-1-07; amended effective 7-1-07; Moved from Title 9 and renumbered from Rule 9.2000, 8-1-11, effective 1-1-12)

**RULE 10015**  
**EXECUTIVE COMMITTEE**

- A. Pursuant to California Rule of Court 10.605, there shall be an Executive Committee to advise the Presiding Judge in the exercise of his/her duties as prescribed in California Rule of Court 10.603.
- B. The voting members of the Executive Committee shall consist of: the Presiding Judge, the Assistant Presiding Judge, the immediate past Presiding Judge, the Presiding Juvenile Court Judge, the Family Law Supervising Judge, the Probate Law Supervising Judge, the Facility Supervising Judge for the Hall of Justice (Western Region Criminal Court Facility), the Facility Supervising Judge for the Historic Courthouse (Western Region Civil Court Facility), the Facility Supervising and Facility Assistant Supervising Judges for the Larson Justice Center, and the Facility Supervising and Facility Assistant Supervising Judges for the Southwest Justice Center.
- C. The chairperson of the Criminal Law Advisory Committee, the Civil Law Advisory Committee, and the Commissioner Advisory Committee shall be non-voting members of the Executive Committee.
  - 1. Other advisory committees will be established by the Presiding Judge as deemed necessary.
- D. Executive Committee members shall be appointed by the Presiding Judge.
- E. The following rules shall apply:
  - 1. The Executive Committee shall meet at least monthly, unless for good cause canceled. Such meetings shall be open to all sitting judges.

2. The Presiding Judge shall serve as the Chairperson of the Executive Committee. In the absence of the Presiding Judge, the Assistant Presiding Judge shall serve as Chairperson.
3. Within five (5) court days after each meeting of the Executive Committee, the Chairperson shall cause the minutes of the meeting to be published to all judges and commissioners.
4. A quorum of the Executive Committee shall be a majority of its voting members, including the Presiding Judge who may vote in all cases.
5. There shall be no absentee or proxy voting at Executive Committee meetings.

(Added 10-17-98, effective 1-1-99; amended 9-29-01, effective 1-1-02; amended 4-30-04, effective 7-1-04; amended 4-17-09; effective 7-1-09; Moved from Title 9 and renumbered from Rule 9.2500, 8-1-11, effective 1-1-12)

#### **RULE 10020**

#### **DELETATION OF JUDICIAL ADMINISTRATIVE RESPONSIBILITIES**

- A. Pursuant to California Rule of Court 10.603, the Presiding Judge has the authority to delegate judicial administrative responsibilities.
- B. The areas in which the judges as a whole retain authority and responsibility for court governance include:
  1. Election of the Presiding Judge;
  2. Selection/removal of the Court Executive Officer (CEO);
  3. Selection of Subordinate Judicial Officers (SJO's);
  4. Items referred by the Presiding Judge to the judges as a whole for action or advice;
  5. Establishment of the long-range vision for the future of the Court by adoption of the Court's Strategic Plan; and
  6. Matters for which the judges as a whole wish to reconsider action taken by the Executive Committee based on the processes described in Local Rule 10025(B).
- C. The Presiding Judge shall appoint a supervising judge for Family and Probate and a Supervising Judge for Juvenile Court.
- D. The Presiding Judge shall appoint a Facility Supervising Judge for the Hall of Justice (Western Region Criminal Court Facility), the Historic Courthouse (Western Region Civil Court Facility), the Larson Justice Center, and the Southwest Justice Center. The Facility Supervising Judges for the Larson Justice Center and the Southwest Justice Center shall be deemed Supervising Judges of

the Desert and Mid County Regions, respectively. The Presiding Judge shall also appoint an Assistant Facility Supervising Judge for the Larson Justice Center and the Southwest Justice Center. The Assistant Facility Supervising Judges for the Larson Justice Center and the Southwest Justice Center shall be deemed Assistant Supervising Judges of the Desert and Mid County Regions, respectively.

- E. The Facility Supervising Judge shall refer issues to the Presiding Judge or appropriate advisory committee when there is a need for a consistent countywide solution or policy. The Facility Supervising Judges shall be responsible only for issues within their respective facility and/or region, including but not limited to the following:
1. Approving vacation and leave time requests for all judicial officers in the facility and/or region except those assigned to family law, juvenile or probate in which case the request for vacation or leave time shall be coordinated with the Supervising Family Law, Supervising Probate, or Juvenile Presiding Judge for approval;
  2. Addressing complaints about subordinate judicial officers and pro tems as directed by the Presiding Judge;
  3. Conferring with Riverside County Sheriff on local facility and/or regional security matters and referring to Executive and/or Security Committee when issue has countywide or budgetary impacts; and
  4. Scheduling judicial assignments within the facility and/or region in consultation with the Presiding Judge (including coverage needs). When a judicial officer or pro tem's duties include family law, juvenile or probate assignments, the Facility Supervising Judge shall consult the Supervising Family Law, Supervising Probate, or Presiding Juvenile Court Judge before making any changes affecting the judicial officer's assignments. If agreement cannot be reached, the Facility Supervising Judge shall refer the matter to the Presiding Judge.
- F. There shall be advisory committees for Civil, Criminal, and Probate. All judicial officers shall be members of the advisory committee in their area of assignment. The advisory committees shall meet as needed but at a minimum on a quarterly basis to consider and make recommendations to the Executive Committee regarding countywide policies and procedures. The chair of each advisory committee will be appointed by the Presiding Judge and the chairs of the Civil and Criminal Law Advisory Committees shall serve on the Executive Committee as non-voting members.
- G. The Presiding Judge may establish other advisory committees as needed.

(Adopted 4-30-04, effective 7-1-04; Moved from Title 9 and renumbered from Rule 9.2600, 8-1-11, effective 1-1-12)

**RULE 10025**  
**COUNTYWIDE JUDGES MEETINGS**

- A. Meetings of all the judges shall be held twice each year, which shall be designated as the “spring and autumn Countywide meetings”.
- B. Special meetings of the entire court may be called on notice by the Presiding Judge or on written request of twelve (12) sitting judges served on the Executive Officer and bench at least five days before the proposed meeting date.
- C. A quorum shall consist of a majority of the sitting judges.
- D. There shall be no proxy voting on questions before the Court, except that absentee voting shall be allowed on proposed amendments to Court Rules and the election of the Presiding Judge. In the matter of approval of amendments to these Rules, absentee ballots must be signed, placed in a sealed envelope and delivered to the Executive Officer prior to the date of the meeting in which the amendments are to be considered. A majority vote of all sitting judges shall be necessary to adopt an amendment to these Rules.
- E. Within five (5) working days after each meeting, the Presiding Judge shall cause the Minutes to be published to all judges.

(Added 10-17-98, effective 1-1-99; Moved from Title 9 and renumbered from Rule 9.3000, 8-1-11, effective 1-1-12)

**RULE 10030**  
**MEDIA INQUIRIES**

All press inquiries directed to staff as to general information, policies or other matters shall be referred to the Presiding Judge. If an inquiry is related to a case, the Presiding Judge will refer the inquiry to the assigned judge unless the judge has requested that the Executive Office speak to the media. The Presiding Judge shall respond to such inquiries directly or by delegation.

(Adopted 10-21-05, effective 1-1-06; Moved from Title 9 and renumbered from Rule 9.5000, 8-1-11, effective 1-1-12)

**INDEX**

**-A-**

APPEAL  
See also Specific Subject  
Application 8000  
Counsel appointment

application for attorney fees 8015C  
continuance 8015A  
financial statement preparation 8015B

Dismissal

See Failure to perform, dismissal  
fee, transmittal 8025B  
notice 8025A

Processing schedule 8035

Records, contents 8010

Small claims

docket entries 8040A  
extraneous documents 8040D  
multiple defendants 8040B  
notice 8040C

Time extension, contraction application 8030

ARBITRATION

See also Specific Subject

Administration 3210

Award 3260

Entry of award 3263

Disposition of exhibits 3270

Fee

arbitrator compensation, form 1030  
compensation of ADR neutrals 3231  
reimbursement to Superior Court 3265

Appearances 3255

sanctions 3255

Initiation 3240

Interpreters 3258

Mandatory arbitration statement 3250

Pre-hearing conference 3246

Rights to discovery 3253

Settlement 3230

Trial after arbitration 3263

Withdrawal from arbitration 3243

ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution Complaint Procedures 3233

Applicable laws and rules 3210

ADR administrator and ADR committee 3215

ADR hearings 3225

Continuances 3227

ADR orders and further status conference 3220

ADR reports 3228

ATTORNEY

See also Specific Subject  
Fees

See also FEES  
default case 3190  
minor compromise 1035A

AUDIO/VIDEO RECORDATION  
Procedure, copies, fees 1040

AWARD  
See ARBITRATION

**-B-**

BOND  
See also Specific Subject

BRANCH  
Branch Designation  
See specific subject

**-C-**

CASA 5261  
Filing reports timely 5280

CALENDAR  
See Specific Subject

CERTIFICATE OF COUNSEL 3117

CHILD ABUSE TEAM 5253

CIVIL  
See Specific Subject

CIVIL CASE MANAGEMENT  
Case See also Specific Subject

Case Management conference 3120  
Complaint service 3140  
Litigant duties  
case resolution notification 3130B  
generally 3130A

CLERK

See also Specific Subject

Document custody 1015A

Instrument signing, disposition 3185

#### CLERK, COUNTY

Duties transferred to executive officer  
designated 10005A  
obligation relief 10005B  
severability 10005C

#### CONFERENCE

See Specific Conference

#### CONSERVATORSHIP

See PROBATE

#### CONSOLIDATION OF CASES

Master file designation 3199B  
Type designation 3199A

#### CONTINUANCE

See Specific Subject

#### COUNSEL

See also Specific Subject

#### COURT

See also Specific Court

#### CRIMINAL

Acceptance of Pleas and Imposition of Sentence in  
the Absence of Defendant 4045

Appeal

See APPEAL

Appearance in Misdemeanor Proceedings  
by Counsel/Own Recognizance Release 4035

Arraignments 4030

Bail Reduction or Increases 4015

Calendar Add-ons 4040

Clerk Arraignment 4025

Criminal Law and Motion 4050

Investigator, expert payment, criminal cases 4010

Motion to Dismiss Pursuant to 995 P.C. 4065

Motions to Quash or Traverse Warrants 4055

Declaration in Support of Arrest Warrant 4005  
Reinstatement and Exoneration of Bail  
Court Order 4020A  
Motion 4020C  
Reassumptions 4020B  
Speedy Trial Motions 4060

CUSTODY  
See FAMILY LAW

**-D-**

DEATH  
See PROBATE

DISSOLUTION  
Uncontested, default

DIRECT FAX FILING 1050

DISTRICT ATTORNEY  
See CRIMINAL RULES

DOCUMENTS  
See also Specific Subject  
Custody 1015A  
Forms  
    See FORMS  
Jury instructions request 3370  
Probate  
    See PROBATE  
Return to originator 1015B

DOMESTIC VIOLENCE  
See TEMPORARY RESTRAINING ORDER

**-E-**

EXECUTIVE OFFICER  
County clerk duties transferred to designated 10005

EXHIBITS/LODGED DOCUMENTS 1055

**-F-**

FACSIMILE FILING 1050, 5105, 4025

## FAMILY LAW

Appearance by Telephone for Family Law Matters 5160

Custody, evaluations 5175

Custody, visitation mediation

    agreement form, approval 5155F

    applicability of provisions 5155C

    confidentiality 5155E

    continuity provisions 5155B

    disclosure provisions 5155D

    failure 5155I

    mandatory parent education class 5155J

    policy flexibility 5155B

    recommended order

        adoption 5155H

        procedure 5155G

    required 5155A

Dissolution

    See DISSOLUTION

Ex Parte Procedures 5165

Mandatory settlement conference and trials 5150 and 5170

Minor

    See Custody, visitation mediation

Notice of Motion

    See ORDER TO SHOW CAUSE

Order to show cause

    See ORDER TO SHOW CAUSE

Probate

    See PROBATE

Restraining order

    See RESTRAINING ORDER

## FEES

See also Specific Subject

Attorney

    compromise

        cost computation 1035B

        designated 1035A

        structured settlement 1035A

Interpreter 1025

Payment required 1005

## FINES

Collection 1070

FINANCIAL OBLIGATIONS

Payment of Court Ordered 1080

FORMS

See also DOCUMENTS

FUNDS

See Specific Subject

**-G-**

**-H-**

HEARING

See also Specific Subject

Continuance, removal from calendar 3320

Domestic violence temporary restraining order 5140

Order to show cause, procedures 5110

Probate

See PROBATE

Submittal without appearance 3320

**-I-**

INCOME TAX

See PROBATE

INFRACTIONS

Entry of Plea without court appearance 4045

INSTALLMENT PAYMENT

See JUDGMENT

INSTRUMENTS

See also DOCUMENTS

Signature, disposition 3185

INTERPRETER

Deaf person 1025B

Fees 1025A

Request procedure 1025A

**-J-**

JUDGE

See Specific Judge

JUDGMENT

See also Specific Subject  
Installment payments  
    application 3195A  
    by default 3197  
    writ issuance 3195B

JURY

Fees  
    See JURY FEES  
Instructions designated 3370  
Lists 1020  
JUVENILE  
See Specific Subject

**-K-**

Kinship Adoption Mediation  
(see Post-Adoption Contact Mediation)

**-L-**

**-M-**

MEDIA INQUIRIES 10025

MEDIATION

See Specific Subject  
Appearances required at mediation 3275

MINOR

Custody  
    See FAMILY LAW  
Guardianship  
    See PROBATE

MINOR OFFENSE VIOLATIONS

Extensions 4070

MOTION

See Specific Subject

MOTION FOR SUMMARY JUDGMENT

Deposition transcript  
    See DEPOSITION TRANSCRIPT

**-N-**

NOTICE

See Specific Subject

NOTICE OF MOTION

See ORDER TO SHOW CAUSE

**-O-**

**-P-**

PAPERS

See also DOCUMENTS

Probate

See PROBATE

PAYMENT

See JUDGMENT

PETITION

See Specific Subject

POST-ADOPTION CONTACT MEDIATION 5295

PRESIDING JUDGE

See also Specific Subject

PROBATE

See also Specific Branch

Administration petition notice

amended, second petition 7201A

petition off calendar, reissuance 7201B

Appeal

See APPEAL

Bond

See Specific Subject

Business operating petition 7133

Charge reimbursement, telephone, duplication,  
postage 7153

Conservatorship

Account 7409

medical treatment, informed consent

life support treatment termination 7403B

petition 7403A

temporary 7401

Creditor claim

Funeral, interment claim, interest payment 7220

Declaration Re: Asset Received on Inventory and Appraisal 7129

Distribution petition

See also Specific Subject

Ex parte order application

generally 7130A

separate order required 7130D

special notice 7130B

specifically bequeathed property 7130C

Examiner, calendar review 7106

Guardianship

Accounts 7301

appointment petition 7301

support liability 7303

Hearing

approved matter, notes 7106

contested matter 7103B

continuance

matter not ready, elimination 7109B

objection to approved matters 7109D

objection to petition for probate of will 7109C

telephone request 7109A

schedule 7103A

Inventory

amended 7126E

appraisal provisions 7412

complete 7126A

final 7126C

partial 7126B

reappraisal 7126F

submittal, filing 7123

supplemental 7126D

Minor

See Guardianship

Order

preparation 7136A

Personal representative

bond

See Personal representative bond

Petition

See Specific Type

Scheduled, multiple petition consolidation

Pleading

See also Pleadings, papers

Pleadings, papers  
See also Pleading  
Caption of petitions 7101B  
Form 7101A  
proposed order of judgment submittal 7101C

Property sale  
Appraisal required 7145  
broker commission 7140  
securities  
See Securities sale  
specifically devised property, notice 7142  
written overbids 7143

Petition for succession 7210  
Spousal property petition 7210  
Tax 7150

PROPERTY SALE  
See PROBATE

**-R-**

RECORDATION  
See AUDIO/VIDEO RECORDATION

REQUEST FOR ORDER PROCEDURE  
Commissioners as Temporary Judges 5110A  
Continuance 5125  
Points and Authorities 5110B  
Form of Papers Presented for Filing 5110C  
Request for Order Hearings or Motions 5110D  
Stipulation on Hearing Resolution 5110E  
Orders 5110F

RESTRAINING ORDERS  
Requests to Dismiss 5141

RULE  
See also Specific Subject

**-S-**

SALE  
See Specific Subject

SANCTIONS

See Specific Subject  
VIOLATION

SECURITIES SALE  
See PROBATE

SMALL CLAIMS  
Case designation 3520  
Continuance 3635  
Time Standards 3510

**-T-**

TAX  
See PROBATE

Tentative rulings 3316

TIME LIMIT  
See Specific Subject

**-U-**

UNDERTAKING  
See also BOND

UNINSURED MOTORIST  
Declaration favorably considered, additional declarations 3180D  
Designation of case 3180A  
Order to show cause 3180C  
Redesignation of case  
    criteria not met 3180B  
    denial of coverage in responsive pleading 3180E

UNLAWFUL DETAINER  
Case designation 3520  
Declaration and Worksheet for Default Judgment 3536  
Requests for Jury Trial 3540  
Request for trial 3536  
Time Standards 3510

**-V-**

VENUE  
Probate 7001

VIDEO RECORDATION  
See AUDIO/VIDEO RECORDATION

**-W-**

WHERE TO FILE DOCUMENTS (also see VENUE)

Civil 3115

Criminal / Infractions 4001

Family Law 5101

Juvenile 5225

Probate 7001

Appeals 8005

WILL

See PROBATE

WITHDRAWAL MOTION

See Specific Subject