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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

- A. As sessions of the superior court are held in locations other than the county seat, pursuant to Code of Civil Procedure § 198.5 the names for master jury lists and qualified jury lists to serve in a session may be selected from the area in which the session is held, pursuant to a local rule that divides the county in a manner that provides all qualified persons in the county an equal opportunity to be considered for jury service.
- B. Jury lists for court locations shall be drawn from residents of the following postal zip codes (cities and unincorporated areas thereof) within the County of Riverside:
1. Western Region: Corona (92860, 92877-92883), Mira Loma (91752), Moreno Valley (92551-92557), Riverside (92501-92509, 92513-92519, 92521, 92522), Perris (92570-92572, 92599).
 2. Banning Justice Center: Banning (92220), Beaumont (92223), Cabazon (92230), Calimesa (92320), Hemet (92543-92546), San Jacinto (92581-92583), Whitewater (92282).
 3. Mid County Region: Aguanga (92536), Anza (92539), Homeland (92548), Idyllwild (92549), Lake Elsinore (92530-92532), Menifee (92584), Mountain Center (92561), Murrieta (92562-92564), Nuevo (92567), Sun City (92585-92587), Temecula (92589- 92593), Wildomar (92595), Winchester (92596).
 4. Desert Region: Cathedral City (92234-92235), Coachella (92236), Desert Hot Springs (92240-92241), Indian Wells (92210), Indio (92201-92203), La Quinta (92247-92248, 92253), Mecca (92254), Palm Desert (92211, 92255, 92260-92261), Palm Springs (92258, 92262-92264, 92292), Rancho Mirage (92270), Thermal (92274), Desert Center (92239), Thousand Palms (92276).
 5. Blythe: Blythe (92225-92226).
- C. If, after the commencement of jury selection, the number of jurors in a court region shall prove insufficient for the jury trial, the Presiding Judge must provide approval for the transfer of jurors between regions.

(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; amended 4-24-15, effective 7-1-15)

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

COURT COMMUNICATION PROTOCOL FOR PROTECTIVE ORDERS AND CHILD CUSTODY AND VISITATION ORDERS

This Rule sets forth the court communication protocol for protective orders and child custody and visitation orders as required by California Rule of Court 5.445.

A. "Protective Order" as used in this section means:

1. Any court order issued pursuant to Family Code Sections regarding protective orders or restraining orders including, but not limited to, Sections 6320, 6321, and 6322;
2. Any court order issued pursuant to Code of Civil Procedure Sections regarding protective orders or restraining orders including, but not limited to, Sections 527.6, 527.8 and 527.85;
3. Any court order issued pursuant to Welfare and Institutions Code Sections regarding protective orders or restraining orders including, but not limited to, Section 15657.03;
4. Any court order issued pursuant to Penal Code Sections regarding protective orders or restraining orders including, but not limited to, Section 136.2; or
5. Any order issued by another state, tribe, or jurisdiction that is recognized under Section 6400 et seq. of the Family Code.
6. For purposes of this rule, the terms "restraining order" and "protective order" are used interchangeably and this rule applies equally to an order issued using either term.

B. Communication and coordination regarding Protective Orders and child custody and visitation orders:

1. At any hearing involving a Protective Order, child custody, visitation or guardianship, all parties or their attorneys must inform the judicial officer of any preexisting Protective Order, or order regarding child custody and visitation that involves any party to the case pending before the Court. The parties or their attorneys must also provide the court with a copy of any such preexisting orders, and must update the Court regarding the status of all such orders at any subsequent hearings, should the status of the preexisting orders change.

2. Before issuing a Protective Order, the issuing Court shall make reasonable efforts to determine whether there are minor children of the relationship between the victim and the restrained person, and shall review available databases to determine whether there are existing orders, including custody and/or visitation orders, involving the defendant/restrained person, the victim/protected person, and/or the minor children. The issuing Court shall also consider whether peaceful contact with the protected person(s) should be allowed so the restrained person may have custody of and/or visitation with the minor children. In setting the terms of the Protective Order, the issuing Court may consider the existence and/or terms of any child custody or visitation orders involving the minor children co-parented by the protected person(s) and the defendant/restrained person.
3. Before setting terms of child custody or visitation, the family, juvenile or probate court setting such terms shall make reasonable efforts to determine whether any person seeking custody or visitation is subject to a Protective Order involving a co-parent or another person seeking custody/visitation, and/or the children. The family, juvenile, or probate court setting such terms shall also make reasonable efforts to determine whether there are pre-existing custody or visitation orders involving the children.
4. The Court shall maintain a procedure to be used when a request for a Protective Order is filed, to help determine whether the party to be restrained is involved in other cases involving Protective Orders or custody or visitation orders. This internal Court procedure is not a substitute for the requirement that the parties inform the Court of preexisting orders involving any party to the newly filed case pending before the Court.

C. Modification of Criminal Protective Orders

1. Modification of an existing Protective Order issued by the Criminal Court may be sought by a person named in the subject Protective Order, or by a judicial officer presiding over a family, juvenile, or probate case involving persons named in the subject Protective Order.
 - a. A person seeking to modify an existing Protective Order issued by the Criminal Court in which that person is named may calendar the matter for hearing with the Criminal Court. The person seeking modification shall provide written notice of the request for modification to the Court, the District Attorney, the Defendant, and Defendant's counsel.
 - b. If a judicial officer presiding over a family, juvenile, or probate case involving persons named in a Protective Order issued by the Criminal Court determines it is appropriate to permit visitation or contact differing from that allowed by an existing Protective Order issued by a criminal court, the family, juvenile, or probate judicial officer can request the

criminal judicial officer who issued the criminal protective order set a hearing entitled "Further Proceedings to Modify the Criminal Protective Order." Upon this request, the criminal judicial officer may set the hearing re: modification of the existing Criminal Protective Order. Such hearing shall be set no less than fifteen (15) court days after the family, juvenile, or probate judicial officer requests the hearing, unless there is good cause to shorten time. If such a hearing is set on the Court's own motion, the courtroom clerk for the Criminal Department in which the hearing is set shall provide written notice to the District Attorney, the Defendant, and Defendant's counsel.

- c. Upon receiving notice of a requested modification to an existing Protective Order, the District Attorney shall give notice to all protected persons, all counsel for the protected person(s), and the parents, guardians, conservators, and/or persons having legal custody of the protected person(s).
2. Upon receiving notice of a motion or request to modify an existing Protective Order, the criminal judicial officer shall make reasonable efforts to determine whether child custody and/or visitation orders were entered after the entry of the Protective Order involving the restrained and protected persons. Upon request from the criminal judicial officer, the family, juvenile or probate court shall provide the criminal court with copies of existing or proposed Orders re: protection, custody and/or visitation in the pending family, juvenile or probate matter. In determining whether and how to modify a Protective Order, the criminal judicial officer may consider the existence and/or terms of any current or proposed child custody or visitation orders involving the protected person(s) and the defendant/restrained person.
- D. Any order permitting contact between the restrained person and his or her child(ren) shall comply with Cal. Penal Code Section 136.2(f)(1) and (2), and Cal. Family Code Section 3100.

(Adopted 4-20-18, effective 7-1-18)

**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)

(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; Deleted 10-19-12, effective 1-1-13)

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.

Individuals representing themselves or attorneys representing clients 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

Civil, Unlawful Detainers

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

Probate

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; amended administratively to reflect the correct case types heard at the Palm Springs and Temecula locations, 11-8-14, effective 1-1-15)

**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)

RULE 1090
APPLICATION FOR ORDER FOR PUBLICATION OF SUMMONS

A party requesting an order directing that a summons, citation or notice be served by publication must make such request by submitting an Application for Order for Publication Riverside Superior Court form, approved for mandatory use and available from the clerk of court. Failure to use the mandatory court form may result in the rejection of the application.

(Adopted 11-7-12, effective 1-1-13)

RULE 1095
COURT REPORTING SERVICES

Reported Matters

The court's policy concerning court reporter availability is set forth in accordance with California Rule of Court 2.956, and posted on the court's website ("Notice of Availability of Court Reporting Services").

Notice of Availability

Court reporters will not be provided at court expense in misdemeanor and Department of Child Support Services calendar courtrooms, or in limited civil cases. Electronic recording equipment will be used for traffic court trials and in unlawful detainer proceedings.

(Adopted 10-15-13, effective 1-1-14)

**TITLE 2
RESERVED**

TITLE 3
CIVIL

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**TITLE 3
CIVIL**

**DIVISION 1
CIVIL CASE MANAGEMENT**

**RULE 3110
APPLICATION**

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.

(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; amended 10-15-13, effective 1-1-14)

**RULE 3115
WHERE TO FILE DOCUMENTS**

(a) Geographical Regions

- (1) Documents initiating civil actions or special proceedings shall be filed at the courthouse(s) as designated in the Administrative Order – Where to File Civil Documents. The order can be located on the court's website at <http://www.riverside.courts.ca.gov> by clicking on *Local Rules* under the *General Information* tab. 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 the proper courthouse for filing, 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.

(Adopted 11-4-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 5-13-13, effective 7-1-13)

**RULE 3116
RESPONSE TO ORDERS TO SHOW CAUSE**

Unless otherwise specified in the Order to Show Cause, any response in opposition to an Order to Show Cause (a) shall be in the form of a written declaration and (b) shall be filed no less than four court days before the hearing on the Order to Show Cause. The Court may find the failure to file a timely declaration to constitute an admission by the responding party that there are no meritorious grounds on which to oppose the action that is the subject of the Order to Show Cause. In that event, the Court may vacate the hearing and issue any order consistent with that admission.

(Adopted 5-13-13, effective 7-1-13; amended 4-24-14, effective 7-1-14; amended 10-27-17, effective 1-1-18)

**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 3118
ELECTRONIC FILINGS**

- (a) Effective January 1, 2014, documents filed on all civil cases shall be filed electronically, subject to and in accordance with California Code of Civil Procedure section 1010.6 and California Rules of Court, Rule 2.250 et seq.

Self-represented parties are exempt from any mandatory electronic filing and service requirements in accordance with California Code of Civil Procedure 1010.6 and California Rules of Court, Rule 2.253(B)(4).

- (b) Additional provisions governing electronic filing are set forth in the Electronic Filing Procedures Manual available on the court's website.

(Adopted 11-7-12, effective 1-1-13; amended 10-15-13, effective 1-1-14; rule is temporarily suspended 5-12-14, effective 7-1-14)

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

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; amended 10-15-13, effective 1-1-14)

**RULE 3125
AMENDMENTS TO SUBSTITUTE THE TRUE NAME OF A FICTITIOUSLY NAMED DEFENDANT**

When a plaintiff or cross-complainant names a defendant or cross-defendant by a fictitious name pursuant to Code of Civil Procedure section 474, and thereafter learns the party's true name, the plaintiff or cross-defendant shall promptly amend the complaint or cross-complaint by filing Riverside Superior Court local form RI-CI035, Amendment to Complaint / Cross Complaint. No motion or ex parte application shall be noticed.

(Adopted 4-29-16, effective 7-1-16)

**RULE 3130
DUTIES OF LITIGANTS**

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.

(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; amended 10-15-13, effective 1-1-14)

**RULE 3135
SUPERIOR COURT PROCEDURES ON REMAND AFTER REMOVAL TO FEDERAL COURT**

After an action is removed to federal court, remand is effected when the federal court clerk sends a certified copy of the order on remand to the clerk of the superior court.

The only document the superior court receives from the federal court is a copy of the order of remand. Accordingly, within 30 days of the filing of the order of remand, each party shall file a declaration describing the material pleadings that party filed in the federal action and the pertinent orders or rulings entered in the federal action. Certified copies of all such pleadings and papers shall be attached as exhibits to the declaration.

A case management conference or trial setting conference will be scheduled within 45 days of the filing of the order of remand or within a time ordered by the court.

(Adopted 10-15-13, effective 1-1-14)

**RULE 3140
SERVICE OF PLEADINGS**

(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; repealed 10-15-13, effective 1-1-14)

**RULE 3150
CASE MANAGEMENT CONFERENCE**

(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; repealed 10-15-13, effective 1-1-14)

**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 but no motion may be set without prior court approval as set forth below.

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; amended 10-15-13, effective 1-1-14)

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. Types of Consolidation
1. The only types of consolidation recognized by the Court are (a) a consolidation for all purposes and (b) a consolidation for trial only. (Code

Civ. Proc., §. 1048, subd. (a); *Hamilton v. Asbestos Corp.* (2000) 22 Cal.4th 1127, 1148.)

2. A consolidation for all purposes results in the separate actions being merged into a single proceeding and prosecuted thereafter under a single case number. Generally, the claims and defenses pled in all the consolidated cases are tried in a single trial, resulting in one verdict or one statement of decision, and one judgment being rendered. However, the Court has the discretion to order separate trials of claims when appropriate (Code Civ. Proc., § 1048, subd. (b)), which may result in separate judgments.
3. In a consolidation for trial, the actions continue to be prosecuted separately until the joint trial. After the trial, separate verdicts, statements of decision and judgments are issued.
4. The Court is not aware of any authority for consolidation only for purposes of discovery. However, the parties to factually related cases may stipulate that all discovery in any of the related cases shall be deemed to have been propounded and answered in all of the cases, so long as the discovery requests and responses are served on all parties in all cases.

B. Requests for Consolidation

1. An order consolidating cases may be requested either by stipulation or by a noticed motion. If the cases to be consolidated are currently assigned to different departments, the stipulation shall be presented to, or the motion shall be noticed to be heard in, the department to which the unlimited civil case with the earliest filing date is assigned.
2. Any request for consolidation shall clearly identify the type of consolidation being sought. Any ambiguity in the scope of the consolidation being sought will be interpreted to be a request for consolidation for all purposes.
3. A stipulation to consolidate must contain signatures on behalf of all parties who have appeared in any of the cases of which consolidation is sought.
4. Any motion for consolidation shall be noticed in all cases of which consolidation is sought in accordance with California Rules of Court, rule 3.350(a).
5. A motion for consolidation for trial should be heard concurrently with the first scheduled trial setting conference in the cases to be consolidated, or as soon as possible thereafter.

C. Contents of a Motion for Consolidation

A motion for consolidation shall:

1. Clearly identify the common issues of fact or law that justify consolidation under Code of Civil Procedure section 1048, subdivision (a);

2. Describe the extent to which the cases either do or do not: (a) involve the same property, contract, or event; (b) name the same plaintiffs, defendants, or other parties; and (c) allege the same causes of action; and
3. Describe the extent to which the parties are or are not represented by the same counsel.

D. Order and Designation of Master File

1. A request for consolidation shall be accompanied by a proposed formal order. The order shall clearly describe the extent of the consolidation. Any ambiguity in the scope of the consolidation will be resolved in favor of a consolidation for all purposes.
2. When signed, the order of consolidation shall be filed in each of the consolidated cases as required by California Rules of Court, rule 3.350(c).
3. If the cases are consolidated for all purposes, the order shall designate the master file, which will generally be the unlimited civil case with the earliest filing date. Thereafter:
 - a. All subsequent pleadings, motions, and other documents shall be filed only in the master file. Each such document shall bear the numbers of all the consolidated actions, with "MF" beside the number designated as the master file. An exemplar appears at the end of this rule.
 - b. The caption on any subsequently filed document shall conclude with the words, "AND ALL CONSOLIDATED CASES." An exemplar appears at the end of this rule.
 - c. Any subsequently filed answer or other responsive pleading shall identify the complaint or cross-complaint to which the party is responding, both (i) by the name of the plaintiff or cross-complainant and (ii) by the date the complaint or cross-complaint was filed. An exemplar appears at the end of this rule.
 - d. Any subsequently filed request to dismiss a complaint or cross-complaint, or particular parties named in or claims alleged in a complaint or cross-complaint, shall identify the complaint or cross-complaint which is the subject of the request, both (i) by the name of the plaintiff or cross-complainant and (ii) by the date the complaint or cross-complaint was filed.
4. If the cases are consolidated for trial only, the order shall identify the case in which:
 - a. The documents described in rule 3401, any motion to continue trial, and other trial-related motions, rulings, and documents shall be filed; and
 - b. The minutes of the trial shall be entered.

EXEMPLAR:

| | |
|---|---|
| <p>JANE JONES, et al., Plaintiffs v. RICHARD SMITH, et al., Defendants AND ALL CONSOLIDATED CASES</p> | <p>CASE NO. RIC1600001 MF RIC1600024 ANSWER OF LISA LEE TO CROSS-COMPLAINT OF ACME, INC., FILED JUNE 1, 2016</p> |
|---|---|

(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; amended 10-15-13, effective 1-1-14; amended 10-28-16, effective 1-1-17)

**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 3.890 – 3.898. This chapter applies to court-ordered mediations conducted by Civil Mediation Panel members.
- 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; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15)

RULE 3211 SANCTIONS

- A. Parties are subject to an order to show cause for sanctions for failure to comply with the rules of this chapter, or with the California Rules of Court. Grounds for sanctions may include, but are not limited to:
 - 1. A party's failure, without good cause, to complete mediation by the mediation completion date.
 - 2. A party's failure, without good cause, to provide written notice of cancelation to their Civil Mediation Panel mediator at least two (2) days prior to the date scheduled for the mediation session, as provided by Local Rule 3230.
 - 3. A party's failure, without good cause, to appear at a scheduled mediation session with all persons whose authority is required to fully resolve the case as required by Local Rule 3275.
 - 4. A party's failure, without good cause, to comply with Local Rule 3273H.
- B. Nothing herein shall prevent a party from seeking sanctions against another party for any act or omission arising from failure to comply with local rules or California

Rules of Court regarding mediation, including failure, without good cause, to attend all mediation sessions in person with full settlement authority.

- C. "Sanctions" as that term is used herein includes, but is not limited to, all remedies available to the court pursuant to California Code of Civil Procedure sections 128.5, 128.7, 177.5, 575.2, the California Rules of Court, including Rule 2.30, Riverside County Superior Court Local Rules and/or any other statute or case precedent.
- D. Sanctions may include, but are not limited to, monetary fines and penalties, reasonable attorneys' fees, dismissal of the action or proceeding or any part thereof, striking of all or any part of the pleadings, entry of judgment, and/or any other penalties authorized by law.
- E. Parties may pay their Civil Mediation Panel mediator \$150 in lieu of court-ordered sanctions of that amount.

(Adopted 5-4-12, effective 7-1-12)

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, and will not be compensated by the Court for any mediation services performed.

(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; amended 4-24-15, effective 7-1-15)

**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 RI-ADR1B – optional) 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; amended 5-4-12, effective 7-1-12)

**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 mandatory ADR.

The Court specifically exempts from court-ordered mediation cases valued at \$50,000 or more per case; complex, coordinated 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; amended 4-24-15, effective 7-1-15)

**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.
- 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; amended 4-24-15, effective 7-1-15)

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 continuances of a scheduled mediation session shall be in accordance with Rule 3273J. Requests for continuances of a mediation completion date shall be in accordance with Rule 3273K.

(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; amended 5-4-12, effective 7-1-12)

**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. In all court-ordered mediations, the mediator must timely file this form even if the case has settled before the mediation, has not been scheduled for mediation, or has been canceled for any reason. It is the parties' duty to confirm with their mediator that he/she has timely filed this form. If the court does not timely receive this form and if there is no Notice of Settlement or Request for Dismissal on file, the parties are subject to an order to show cause and monetary and/or non-monetary sanctions for failure to complete mediation pursuant to Local Rule 3211.
- C. Civil Mediation Panel mediators shall use the Mediator's Fee Statement, form RI-ADR07 (mandatory), to request payment for court-ordered mediations. Judicial Arbitration Panel arbitrators shall use the Arbitrator's Fee Statement, form RI-ADR08 (mandatory), to request payment for judicial arbitrations. If the mediation or arbitration session does not take place because settlement was reached by the parties prior to the scheduled mediation or arbitration session, the mediator or arbitrator is not entitled to payment by the court. The mediator or arbitrator may be entitled to compensation from the parties of up to \$150.00 total if the parties failed to provide timely notice of settlement and cancelation without good cause, pursuant to Local Rules 3211 and 3230.

(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; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15)

**RULE 3230
NON-APPEARANCE AT MANDATORY ADR SESSION; DUTY TO PROVIDE
CANCELATION NOTICE**

- A. Notice of Cancelation When Entire Case Settles Before ADR Session
In accordance with Rule 3.1385 of the California Rules of Court, 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 canceled because the case has settled.

B. 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.

(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; amended 5-4-12, effective 7-1-12)

**RULE 3231
COSTS**

A. Judicial Arbitration:

There are no costs to parties in cases ordered to judicial arbitration pursuant to Rule 3.811 (a) (1), (3) or (5).

B. Court-Ordered Mediation:

There are no costs to parties in cases ordered to mediation for the first three (3) hours of mediation services with a Civil Mediation Panel member. The three hours of mediation services shall be up to three (3) hours spent with the parties, in a mediation session, and does not include time spent in pre-mediation preparation and/or traveling to or from the mediation location. Parties may stipulate to compensate the mediator for additional time by way of written agreement (optional form RI-ADR04 or equivalent).

(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; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15)

**RULE 3233
ALTERNATIVE DISPUTE RESOLUTION COMPLAINT PROCEDURES**

A. Mediator Complaint Procedures

1. 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.

2. 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.
3. 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.

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

1. Section A 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).
2. 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.
3. 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 C 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; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15)

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 with the proposed randomly assigned mediator and the Response to Notice of Court-Ordered Mediation (mandatory form RI-ADR02) 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 15 days of the Notice to Court-Ordered Mediation, the parties must confer with respect to (1) their Response to Notice of Court-Ordered Mediation (mandatory form RI-ADR02); (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.
- 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 (mandatory form RI-ADR02) after all parties sign within 15 days of the Notice to Court-Ordered Mediation; 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 Do Not Stipulate: If the parties do not submit the Response to Notice of Court-Ordered Mediation (mandatory form RI-ADR02) stipulating to a mediator within 15 days of the Notice of Court-Ordered Mediation, the Court will assign the previously proposed 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. If the previously proposed mediator recuses him or herself, the Court will promptly assign another mediator from the Court’s Civil Mediation Panel pursuant to CRC Rule 3.893. This process will continue until such time as a mediator accepts the assignment, unless otherwise ordered by the Court.
- E. Mediator’s Response: The assigned mediator shall file and serve the Mediator’s Notice of Acceptance or Recusal (mandatory form RI-ADR03) within 15 days of the Notice of Assignment.

- F. Parties' Duty to Schedule the Mediation: It is the duty of the parties, not the mediator, to schedule and complete the mediation by the completion date stated on the order. Failure to do so will result in a report to the court that the parties failed to schedule or complete the mediation and will subject them to an order to show cause and monetary and/or non-monetary sanctions pursuant to Local Rule 3211.

When discussing the time and place for the mediation session, the parties shall consider the following: (a) the mediator's convenience; (b) the completion of discovery and motions necessary for a meaningful session; (c) the scheduling of all persons required to participate in person at the mediation session and; (d) the parties' ability to comply with the mediator's requirements for mediation briefs or other pre-mediation activities.

- G. Participant Lists: Attendance and participant lists shall comply with California Rules of Court, Rule 3.894 and Local Rule 3275. 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 pursuant to California Rules of Court, Rule 3.894 and Local Rule 3275. 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.

If any party fails to comply with this rule, or fails to otherwise confirm that all persons required to personally attend the mediation will personally attend the mediation, or that all persons allowed to participate by telephone pursuant to Local Rule 3275C will participate by telephone, the mediator may cancel the mediation session and report to the court on Judicial Council form ADR 100 that the mediation was not scheduled or was scheduled but did not take place, subjecting the party to sanctions pursuant to Local Rule 3211.

- H. 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.
- I. 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, other than that discovery necessary to engage in a productive mediation session. In an appropriate case, a protective order pursuant to CCP § 2017.020 and related provisions may be issued by the Court.

- J. 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 pursuant to Local Rule 3211 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.

If the mediation cannot be completed by the mediation completion date, the parties must comply with section K. The mediator has no authority to schedule or conduct mediations after the mediation completion date.

- K. Continuance of 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 (mandatory form RI-ADR05) to their assigned department and shall serve a copy of any order on the mediator. Sanctions may be ordered for failure to complete mediation by the mediation completion date pursuant to Local Rule 3211.

(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; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15)

RULE 3275

APPEARANCES REQUIRED AT MEDIATION; ATTENDANCE SHEETS

- A. Required Attendees: All parties, principals, trial counsel, 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 C 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 in section C.
- B. Attendance of Insurance Carriers: 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 C below. Parties with potential insurance coverage 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. Telephonic Appearances: The mediator must require the personal attendance of the persons set forth in Sections A and B. the mediator may not permit a telephone appearance unless good cause was shown in a timely manner before the session. If good cause for a telephone appearance is shown to the mediator in a timely manner, the mediator may excuse, in writing, a party, attorney or representative from the requirement to attend a mediation session in person, and instead permit attendance by telephone.
- D. Presence of Counsel: Each party may have counsel present at all mediation sessions that concern the party.
- E. Good Faith Participation: All participants in the ADR process must participate in good faith.
- F. Failure to Comply: Before a mediation session is conducted, if the mediator determines that a party has failed to comply with sections A, B, and/or C, or Rule 3273G or H, the mediator may cancel the mediation session and report to the court on Judicial Council form ADR 100 that mediation was not scheduled or was scheduled but did not take place.
- G. Attendance Sheets: The mediator is required to ask all participants in the mediation to complete the attendance sheet (Judicial Council Form ADR-107) 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; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15)

RULE 3290
MANDATORY SETTLEMENT CONFERENCE STATEMENTS

- A. In addition to the requirements prescribed in California Rule of Court 3.1380(c), mandatory settlement conference statements shall be no more than 10 pages in length.
- B. The court may permit the filing of a statement that exceeds (10) pages in length upon a showing of good cause.

(Adopted 5-13-13, effective 7-1-13; amended 4-24-15, effective 7-1-15)

**DIVISION 3
CIVIL LAW AND MOTION**

**RULE 3315
EXHIBITS FOR CIVIL LAW AND MOTION MATTERS**

All exhibits or other evidence offered by a party in support of or in opposition to any civil law and motion matter shall be filed with the clerk of the Court, unless lodging of that material is specifically authorized by statute, the California Rules of Court, or local rule. Any Notice of Lodgment shall include a citation to the statute or rule that authorizes that type of document to be lodged.

(Adopted 4-24-14, effective 7-1-14)

**RULE 3316
TENTATIVE RULINGS**

- A. 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. Parties that do not have Internet access may call 1-760-904-5722.
- B. The tentative ruling shall become the ruling of the Court unless, by 4:30 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 or by calling 1-760-904-5722. 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 4:30 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.” Failure to include this information in a notice of motion or demurrer will not relieve a party from the obligation to request oral argument following the issuance of a tentative ruling.

(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; amended 4-24-14, effective 7-1-14; amended 11-8-14, effective 1-1-15)

**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)

**DIVISION 4
TRIAL RULES AND PROCEDURES**

**RULE 3401
PRE-TRIAL RULES**

1) APPLICATION

- a) Unless the judge to whom a case is assigned for all purposes orders otherwise, this rule applies to all civil trials, except for (i) non-jury unlawful detainer trials and (ii) non-jury trials estimated to take no more than five hours.
- b) In non-jury trials estimated to take five hours or less, compliance is encouraged but not mandated.
- c) References to “counsel” also include self-represented parties.

2) EXCHANGE OF DOCUMENTS

Not later than 14 days before the date set for trial, or by such other time agreed upon by counsel, counsel for all parties shall exchange each of the following:

- a) A list of all witnesses the party intends to call to testify at trial, including the witness's name and a single-sentence description of the anticipated subjects on which the witness is expected to testify. In a jury trial, the list shall also identify (i) the community in which each non-expert witness resides and (ii) the occupation and area of the principal office of each expert witness.
- b) A list of all exhibits that the party intends to introduce at trial, except those intended to be used solely to impeach a witness. The list shall include the exhibit number, a title or other brief description, and the number of pages in the exhibit. Except for exhibits to be used solely for impeachment of a witness, if any exhibit has not previously been exchanged in discovery, a copy of that exhibit shall also be exchanged.
- c) A list of facts or issues of law that the party believes are not controverted and to which the party is willing to agree.
- d) If a plaintiff, a description of each claim in support of which the party intends to offer evidence at trial and of the relief being sought as to each claim, including the nature of each element of damages for which recovery is sought and the amount of each element of economic damages. If a defendant, a description of each affirmative defense in support of which the party intends to offer evidence at trial.
- e) Any motions in limine that the party intends to bring.
- f) In a jury trial, a proposed statement of the case suitable for reading to the jury venire (unless the parties have already agreed to begin voir dire with brief opening statements in accordance with Code of Civil Procedure section 222.5). The statement of the case should be neutral and non-argumentative. It should include the basic uncontested facts and, to the extent necessary, the contentions of the parties. It should rarely exceed four or five simple sentences. It should use plain English, without legal or technical jargon.
- g) In a jury trial, a list of form jury instructions and the text of special jury instructions that the party proposes to use.
- h) In a jury trial, a proposed verdict form.

3) ISSUES CONFERENCE

Not less than seven days before the date set for trial, or by such other time agreed upon by counsel, lead trial counsel for all parties shall meet (either in person or by telephone) and conduct an Issues Conference. Counsel for the plaintiff shall be responsible for arranging the conference at a mutually agreeable time and place. During the conference, counsel shall:

- a) Discuss each witness intended to be called by the respective parties, to determine whether that witness's testimony can be rendered unnecessary by an agreement either (i) to the facts or (ii) to how the witness would testify.
- b) Discuss each exhibit intended to be introduced by the respective parties, to determine (i) whether that exhibit's introduction can be rendered unnecessary by an agreement to the facts, and if not, (ii) whether the parties can agree upon either the admissibility or the authenticity of the exhibit.
- c) Discuss each potential uncontroverted fact or issue of law to determine whether the parties can agree that it is true.
- d) Discuss each proposed motion in limine to determine whether the relief sought is opposed, and if so, whether the parties can agree to a resolution.
- e) Discuss whether counsel will exchange electronic copies of any and all briefing and evidentiary exhibits in a standardized format prior to trial.
- f) In a jury trial, discuss whether counsel will provide brief opening statements to the venire panel as permitted by Code of Civil Procedure section 222.5, and if not, whether the parties can agree upon a joint proposal for the statement of the case.
- g) In a jury trial, discuss the proposed jury instructions to determine whether the parties can agree on how the jury should be instructed.
- h) In a jury trial, discuss the proposed verdict form to determine whether the parties can agree upon a joint proposal.

4) JOINT PRETRIAL STATEMENT AND ACCOMPANYING DOCUMENTS

- a) Following the Issues Conference, counsel shall prepare a Joint Pretrial Statement and the additional documents specified below. Unless the parties agree otherwise, the documents shall be prepared by counsel for the plaintiff. All shall be signed by lead trial counsel for each party.
- b) The Joint Pretrial Statement shall be contained in a single document with a single caption and a single set of signatures. The statement shall include the following:
 - i) A joint statement of parties and counsel, listing the full name of each party still in the action and the name of the attorney, if any, who will represent that party at trial.
 - ii) A stipulation reciting the precise facts or legal issues to which the parties agree. If the parties have resolved any potential motions in limine, the stipulation should recite those resolutions.
 - iii) A joint statement of claims and defenses in the manner described in subdivision 2. Except for good cause, no party will be allowed to introduce evidence to support any claim, any element of damage, or any affirmative defense that is not listed on that statement.
 - iv) In a jury trial, a joint statement of the case in the manner described in subdivision 2, unless counsel have agreed to begin voir dire with brief opening

statements as permitted by Code of Civil Procedure section 222.5. If counsel are unable to agree on a joint proposal for the statement of the case, then counsel shall include a joint statement of the case to the limited extent to which all counsel can agree, together with the separate proposals as to those aspects on which counsel cannot agree.

- c) In addition to the Joint Pretrial Statement, counsel shall prepare:
- i) A joint witness list in the manner described in subdivision 2. Except for good cause, no party will be allowed to call any witness who is not on that list for any purpose other than impeachment of a witness.
 - ii) A joint exhibit list in the manner described in subdivision 2. The exhibit list shall indicate whether the parties have stipulated to the admission or the authenticity of the exhibits. Except for good cause, no party will be allowed to introduce any exhibit that is not on that list for any purpose other than impeachment of a witness.
 - iii) In a jury trial, the form jury instructions and any special jury instructions on which all parties agree. If the parties do not all agree as to all instructions requested, counsel shall also prepare the form jury instructions and any special jury instructions on which all parties have not agreed. Each of the latter instructions shall identify the party or parties who are proposing or have agreed to that instruction.
 - iv) In a jury trial, an agreed-upon verdict form. If counsel are unable to agree on a joint proposal for the verdict form, then counsel shall include a joint proposed verdict form to the limited extent to which all counsel can agree, together with their separate proposals as to those aspects on which counsel cannot agree.
- d) If counsel for any party fails to participate in the Issues Conference, or otherwise fails to cooperate in the preparation of the documents specified above, then counsel for the remaining party or parties shall prepare and sign proposed versions of those documents. In that event, the Proposed Joint Pretrial Statement shall include a declaration describing the attempts made by the remaining party or parties to confer with or obtain the cooperation of the non-complying party.

5) TRIAL BRIEFS

Trial briefs concerning the legal issues presented by the trial are required in non-jury trials and encouraged in jury trials. However, submission of a trial brief does not excuse compliance with any provision of this rule.

6) MOTIONS IN LIMINE

- a) Motions in limine shall be brought only if the parties disagree as to the subject of the motion. If there is no disagreement, then the agreed-upon issue shall be included in the parties' stipulation of facts and legal issues.
- b) Every motion in limine submitted to the Court:
 - i) Shall be in writing.

- ii) Shall be numbered sequentially according to the party or side bringing it (e.g., Plaintiff's No. 1, Plaintiff's No. 2, Defendant Smith's No. 1, Defendant's #2, etc.).
- iii) Shall be tailored to the specific issues of the case and to the specific evidence expected to be introduced at trial. They shall not seek declarations of existing law of general application, e.g., that the opposing party may not introduce inadmissible hearsay.
- iv) Shall be supported by a memorandum of points and authorities.
- c) Any motion or opposition to a motion that depends upon the existence of particular facts shall be supported by competent, admissible evidence establishing those facts. Any declaration submitted must demonstrate the declarant's personal knowledge. Any documentary evidence must be authenticated.
- d) Any motion seeking to preclude the introduction of any evidence or to otherwise prevent the mention or display of inadmissible and prejudicial matter in the presence of the jury:
 - i.) Shall clearly describe the specific evidence or matter alleged to be inadmissible and prejudicial.
 - ii.) Shall be supported by a declaration that both:
 - (1) Demonstrates that the subject of the motion has been discussed with opposing counsel, and that opposing counsel has either (A) indicated that such matter will be mentioned or displayed in the presence of the jury or (B) refused to stipulate that such matter will not be mentioned or displayed in the presence of the jury unless and until it is admitted into evidence; and
 - (2) Explains the specific prejudice that will be suffered by the moving party if the motion is not granted.
- e) Except in cases of issue preclusion based on responses to requests for admissions, previously ordered sanctions for abuse of the discovery process, or other extraordinary circumstances, the Court will not entertain a motion seeking to exclude evidence merely because it differs from a party's discovery responses.
- f) Any party submitting any motions in limine shall submit a single proposed order encompassing all motions made by that party. As to each motion, the proposed order shall state the precise relief sought so that the ruling can be understood from the language of the order without the need to refer to the text of the motion. If the motion seeks to exclude certain evidence, the proposed order shall describe the precise evidence being excluded, shall direct counsel not to refer to the excluded evidence during trial, and shall direct counsel to advise their parties and witnesses not to refer to it.

7) EXHIBITS

- a) Exhibits must be numbered in advance. Each exhibit shall bear a separate exhibit number (i.e., avoid marking exhibits "3a, 3b, 3c...").

- b) Unless there are less than 10 exhibits, all documentary exhibits and photographs (8 ½" x 12" or smaller) should be placed in a loose-leaf notebook with numbered dividers corresponding to the exhibit number.
- c) For ease of reference during testimony, each page of each exhibit shall bear a unique and consecutive page number.
- d) Counsel are encouraged to exchange their exhibits electronically in a standardized format.

8) JURY INSTRUCTIONS

- a) The proposed jury instructions shall be fully edited and shall be in the form required by California Rule of Court, rule 2.1055, including the index prescribed by rule 2.1055(b).
- b) If there are CACI instructions applicable to the legal issues presented, the Court will use those CACI instructions unless the party proposing a different instruction demonstrates that the instruction proposed would more accurately state the law and be more clearly understood by the jurors.
- c) The instructions should be divided into two sets: those to which all parties agree, and those to which some party has an objection.

9) FILING TRIAL DOCUMENTS

- a) No trial document shall be filed prior to the trial date. Instead, all trial documents shall be filed on the first day of trial in the department to which the case has been assigned for trial.
- b) In addition to the copies provided to opposing counsel and any copies to be conformed, counsel shall provide the original and one copy of each of the following trial documents to the Court:
 - i) Joint Pretrial Statement, or Proposed Joint Pretrial Statement.
 - ii) Joint Witness List, or Proposed Joint Witness List.
 - iii) Joint Exhibit List, or Proposed Joint Exhibit List.
 - iv) Exhibits.
 - v) Requests for judicial notice (if any).
 - vi) Motions in limine (if any), and proposed order.
 - vii) Oppositions to motions in limine (if any).
 - viii) Trial brief (if any).
 - ix) Stipulation of facts or issues of law (if any).
 - x) In a jury trial, jury instructions and verdict form.

- c) Any party who intends to read from a deposition transcript during trial shall lodge the original transcript with the court on the first day of trial.

10) EFFECT OF A CONTINUANCE OF TRIAL

In the event that the trial is continued after the Issues Conference has been conducted and the trial documents have been prepared, counsel need not conduct a further Issues Conference or revise any of the trial documents unless there has been a material change. In the event that counsel for any party believes that any trial document needs to be changed or supplemented, that counsel shall meet and confer with all other counsel.

11) ENFORCING COMPLIANCE

Parties or their counsel who fail to comply with any portion of this rule without good cause are subject to sanctions, including but not limited to orders striking all or part of that party's pleading, dismissing all or part of that party's action, entering a judgment by default against that party, postponing the trial, or imposing monetary, evidentiary, or issue sanctions. Code Civ. Proc., section 572.5.

(Adopted 5-13-13, effective 7-1-13; amended 11-8-14, effective 1-1-15; amended administratively to correct typographical error 3-25-15, effective 3-25-15; amended 4-29-16, effective 7-1-16)

RULE 3402 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; amended and renumbered from Rule 3370, 10-15-13, effective 1-1-14)

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:

- 1. All requested and relevant Jury Instructions shall be submitted to the Court on the first assigned trial date.
- 2. Any and all motions, including motions in limine, shall be submitted to the assigned trial department on the first assigned trial date.
- 3. 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.

(Adopted 7-1-94; Amended 10-17-98, effective 1-1-99; Renumbered from Rule 3.0040, 8-1-11, effective 1-1-12; amended 10-15-13, effective 1-1-14)

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)

**RULE 3570
DECLARATION FOR ISSUANCE OF WRIT OF POSSESSION**

A party requesting the issuance of a writ of possession of real property must make such request by submitting a Declaration for Issuance of Writ of Possession form, Riverside Superior Court Form, approved for mandatory use and available from the clerk of court. Failure to use the mandatory Riverside Superior Court Form may result in the rejection of the application.

(Adopted 11-7-12, effective 1-1-13)

**DIVISION 6
SMALL CLAIMS**

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

(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; repealed 10-15-13, effective 1-1-14)

RULE 3640
ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT

The judgment creditor or person to whom the judgment has been assigned shall file with the clerk of court an acknowledgment of satisfaction of judgment upon payment by the judgment debtor. The judgment creditor or assignee shall fill out and file Judicial Council of California Form SC-90 to acknowledge full payment. To acknowledge only partial payment of the judgment, the judgment creditor or assignee may fill out and file Judicial Council of California Form EJ-100.

A judgment debtor who requests that the clerk of court enter a full or partial satisfaction of judgment must make such request by completing and filing a Small Claims Declaration of Satisfaction of Judgment form, Riverside Superior Court Form, approved for mandatory use and available from the clerk of court. Failure to use the mandatory Riverside Superior Court Form may result in the rejection of the request.

(Adopted 11-7-12, effective 1-1-13)

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**TITLE 4
CRIMINAL**

**RULE 4001
WHERE TO FILE DOCUMENTS**

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 designated in the Administrative Order – Where to File Criminal Documents. The order can be located on the court's website at <http://www.riverside.courts.ca.gov/> by clicking on *Local Rules* under the *General Information* tab. Documents are to be filed 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 in the administrative order referenced above. 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.

(Adopted 11-4-11, effective 1-1-12; amended 10-19-12, effective 1-1-13; amended 5-13-13, effective 7-1-13)

**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 4007
WALK-THROUGH ARREST WARRANTS**

A law enforcement officer seeking an arrest warrant on a walk-through basis shall complete and submit to the court the Declaration by Law Enforcement for Walk-Through Arrest Warrant and Order form.

(Adopted 10-19-12, effective 1-1-13)

**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.
3. A request to increase bail pursuant to section 1269c of the Penal Code shall be made on the Declaration in Support of Increased Bail form.

(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; Amended 10-19-12, effective 1-1-13)

RULE 4017 FELONIOUS SOURCE OF BAIL

A request for a hold on the release of an arrestee / defendant from custody pursuant to section 1275.1 of the Penal Code shall be made on the Declaration re: Felonious Source of Bail form.

(Adopted 10-19-12, effective 1-1-13)

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 Fax 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; Amended 10-19-12, effective 1-1-13)

**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 case.
 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; Amended 10-19-12, effective 1-1-13)

**RULE 4042
EVALUATION FOR VETERANS COURT**

A defendant who wishes to be evaluated for transfer of his or her case to Veterans Court must first complete and submit to the court the Veterans Court Program Referral form.

(Adopted 10-19-12, effective 1-1-13)

**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)

RULE 4080
PETITION TO SEAL AND DESTROY ARREST RECORDS

A petition to the court to seal and destroy arrest records pursuant to section 851.8 of the Penal Code shall be made on the Petition to Seal and Destroy Arrest Records form.

(Adopted 10-19-12, effective 1-1-13)

RULE 4082
EXPUNGEMENT

- (a) All petitions for dismissal pursuant to Penal Code sections 1203.4 or 1203.4a must be served on the District Attorney. Proof of service must be filed with the clerk's office at the time the petition is filed.
- (b) If it has been more than ten (10) years from the date of disposition of the case, or five (5) years in the case of a misdemeanor, or the case has been destroyed pursuant to Government Code sections 68152 and 68153, the petitioner must

provide evidence to support the claim for relief, along with the petition. This subdivision shall not be construed to relieve the petitioner of any other obligation to provide supporting evidence that may exist.

(Adopted 10-19-12, effective 1-1-13; amended 4-20-18, effective 7-1-18)

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**TITLE 5
FAMILY AND JUVENILE RULES**

**DIVISION 1
FAMILY RULES**

**RULE 5100
APPLICATION OF RULES**

- A. Applicability of Rules. These rules apply in all departments of the Riverside Superior Court hearing family law matters.
- B. Sanctions.
1. Sanctions may be imposed for violation of and/or failure to comply with the local court rules.
 2. If a party or counsel fails to comply with any of these rules, the court on motion of a party or on its own motion may:
 - a. Strike out all or any part of any pleading of that party; or
 - b. Dismiss the action or proceeding or any part thereof; or
 - c. Enter a judgment by default against that party; or
 - d. Impose other penalties of a lesser nature as otherwise provided by law.

The court may order the party, or his or her counsel, to pay to the moving party reasonable expenses in making the motion, including reasonable attorney fees. No penalty may be imposed without prior notice to, and an opportunity to be heard by, the party against whom the penalty is sought to be imposed.

References:

Civil Code of Procedure 575.2
California Rules of Court, rule 5.14

(Adopted 10-15-13, effective 1-1-14)

**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 at the court facility as designated in the Administrative Order – Where to File Family Law Documents. The order can be located on the court's website at <http://www.riverside.courts.ca.gov/> by clicking on *Local Rules* under the *General Information* tab.

(Adopted 11-4-11, effective 1-1-12; amended 10-19-12, effective 1-1-13; amended 5-13-13, effective 7-1-13)

RULE 5105
FACSIMILE TRANSMISSION FILINGS

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 Facsimile Transmission Cover Sheet (form RI-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 electing to directly fax file can:

- a.) Pay a fax registration fee for each fiscal year (e.g., 7/1 – 6/30) to fax an unlimited number of pages (See the court's fee schedule). Parties may register online or may complete form RI-MC001 to register for the court's direct fax filing program; or
- b.) Pay a fee per page for each fax filing submitted to the court (See the court's fee schedule).

References:

California Rules of Court, rule 2.300 et. seq.

Local Forms:

Direct Fax Filing Registration form (RI-MC001)

<http://www.riverside.courts.ca.gov/localfrms/ri-mc001.pdf>

Facsimile Transmission Cover Sheet (RI-MC005)

<http://www.riverside.courts.ca.gov/localfrms/ri-mc005.pdf>

(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; amended 10-15-13, effective 1-1-14; amended administratively to refer litigants to the court's fee schedule for the appropriate fee, 6-28-16, effective 7-1-16)

RULE 5110
REQUEST FOR ORDERS

- A. Forms, Format and Procedures. Requests for Orders shall comply with the applicable California Rules of Court.
- B. Filing Fees. All Requests for Orders are subject to statutory fees under the Government Code.

- C. Late Filed Papers. The court, in its discretion, may refuse to consider late filed papers.
- D. Page Limits. The court, in its discretion, may refuse to consider declarations which exceed the mandatory page limits.
- E. Duty to Notify Court of Settlement. 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 RI-FL010 so the matter can be promptly taken off calendar.
- F. Orders After Hearing. Preparation and submission of orders after hearing are governed by the California Rules of Court.

References:

Civil Code of Procedure 1005

California Rules of Court, rule 2.100 et. seq.

California Rules of Court, rules 5.90 through 5.125

Local Form:

Stipulation regarding Hearing Resolution (RI-FL010)

<http://riverside.courts.ca.gov/localfrms/ri-fl010.pdf>

(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; amended 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14)

RULE 5115 SURROGACY PETITIONS AND JUDGMENTS

A. Certificate of Assignment

The first paper filed in a surrogacy action or proceeding 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.

B. Surrogacy Checklist

A Surrogacy Judgment Checklist outlining compliance with the statutory and local rules requirements will be submitted on the local form prescribed by the court with each surrogacy action.

C. Hearing

The court may require a hearing if it has a good faith, reasonable belief that the assisted reproduction agreement for gestational carriers or attorney declarations were not executed in accordance with Family Code § 7962.

D. Sealing

Any request for sealing of a surrogacy action shall comply with California Rules of Court.

Reference

Family Code 3030

Family Code 7960 - 7962

California Rules of Court, rules 2.550, 2.551

Local Forms:

Certificate of Assignment - Surrogacy (RI-FL040)

<http://www.riverside.courts.ca.gov/localfrms/ri-fl040.pdf>

Surrogacy Judgment Checklist

(Adopted 10-30-15, effective 1-1-16; amended 4-28-17, effective 7-1-17; amended 4-20-18, effective 7-1-18)

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 CONTINUANCES

Continuances are disfavored and will be granted only for good cause shown. Parties may request a continuance by submitting a stipulation and order or a written request to continue.

A. Stipulation and Order to Continue

The parties must file a written stipulation and proposed order, signed by all parties, continuing the hearing. The court may deny any stipulation that does not state good cause for a continuance. The stipulation and order must state whether any temporary orders are reissued. Any stipulation for continuance is subject to statutory fees under the Government Code. The parties may use local form RI-FL306 to submit their stipulation.

B. Request to Continue

All requests to continue must be in writing with required notice. The court may deny any request that does not state good cause for a continuance. Any request to continue a hearing is subject to statutory fees under the Government Code. Requests may be made on Judicial Council Forms FL-306, Application and Order for Reissuance, FL-300, Request for Order, or local form RI-FL306.

References:

Civil Code of Procedure 595.2, 1054(b)

Government Code 70677(c)

Pham v. Nguyen (1997) 54 CA4th 11, 62 CR2d 422

County of San Bernardino v. Doria Mining & Eng'g Corp. (1977) 72 CA3d 776,
140 CR 383.

Local Forms:

Request/Stipulation and Order for Continuance of Hearing (RI-FL306)

(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; amended 10-15-13, effective 1-1-13)

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

DOMESTIC VIOLENCE RESTRAINING ORDERS

A. Submission of Request for Restraining Orders

Requests for restraining orders shall be issued or denied on the same day they are received if submitted to the court by 2:00 p.m. Requests for restraining order received after 2:00 p.m. may be issued the same day if the court has time for effective review.

B. Waiving the Hearing on a Permanent Restraining Order

Upon the denial of a temporary restraining order, the petitioner shall have the option of waiving his or her right to a noticed hearing on the issuance of a permanent restraining order. Requests to waive the hearing may be submitted on Judicial Council Form DV-112.

C. Modifying and Terminating Permanent Restraining Order

(1) Modification. Modification of a permanent restraining order prior to its expiration date shall be made on a Request for Order (FL-300). Requests for modification of the order must include a proposed Restraining Order After Hearing (form DV-130).

(2) Termination by Protected Party. Termination (dismissal) of a permanent restraining order prior to its expiration date may be made by the protected party on local form RI-FL016. Requests for termination (dismissal) of the order must include a proposed Findings and Order to Terminate Restraining Order After Hearing (form DV-400).

(3) Termination by Restrained Party. Termination (dismissal) of a permanent restraining order prior to its expiration date shall be made by the restrained party on a Request for Order (FL-300). Requests for termination (dismissal) of the order

must include a proposed Findings and Order to Terminate Restraining Order After Hearing (form DV-400).

D. Modification of Custody, Visitation and Support Orders within Restraining Orders
Statutory filing fees will be charged on a request to modify child custody, visitation, or support order only after a protective order is no longer in effect.

References:

Family Code 6200 et. seq.

California Rules of Court, rules 5.380 through 5.386

Local Form:

Request to Dismiss Domestic Violence Restraining Order (RI-FL016)

(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; amended 10-15-13, effective 1-1-14; amended 4-28-17, effective 7-1-17)

**RULE 5145
CASE MANAGEMENT**

A. Direct Calendar Case Assignment

1. Notice of Assignment. New cases are assigned to a specific judicial officer for all purposes. The petitioner will receive a notice of case assignment when the petition is filed. A copy of the notice of case assignment must be served on the respondent with the petition.
2. Commissioner Hearing Matter as a Temporary Judge. The Commissioner hears matters as a Temporary Judge pursuant to stipulation between the parties. The stipulation is implied when parties proceed without objection. If a statement on non-stipulation to a Commissioner is filed, the Commissioner will hear matters and report findings and conclusions to the Family Law Supervising Judge for approval or rejection.

B. Family Centered Case Resolution Process

- 1) Purpose, Definitions and Procedures. This rule establishes processes and procedures to manage cases from initial filing to final disposition in an effective and timely manner.
- 2) Scheduling of Case Status Conference and Service of Family Law Case Management Order.
 - a. A Family Law Case Management Order will be issued at the time a family law petition is filed.
 - b. The petitioner must serve the respondent with a copy of the Family Law Case Management Order along with the petition.

- c. Case status conferences may be set and noticed by the court when benchmarks set forth in the California Rules of Court have not been met.
- 3) Alternative Dispute Resolution (ADR). Parties who file a stipulation prior to the conference indicating they are participating in ADR or Collaborative Law will be exempt from the Case Status Conference.
- 4) Judgment, Dismissal or Trial. The Case Status Conference will be vacated by the court if a judgment or dismissal has been filed, or a trial date has been set.

References:

Civil Code of Procedure 259

Family Code 2450(a), 2451

California Rules of Court, rule 5.83

Standards of Judicial Administration, standard 5.30

(Adopted 10-15-13, effective 1-1-14; amended 10-30-15, effective 1-1-16; amended 4-29-16, effective 7-1-16)

RULE 5150

MANDATORY SETTLEMENT CONFERENCES

Except in cases where a Domestic Violence Restraining Order has been issued or a request for Domestic Violence Restraining Order is pending, the following rules apply:

A. Requesting a Settlement Conference. A party may request a settlement conference and trial by filing local form RI-FL008. Prior to filing a request, the requesting party must have complied with serving their preliminary declaration of disclosure and filing a Declaration Regarding Service of Preliminary Declaration of Disclosure (Judicial Council Form FL-141) with the court. If the requesting party has not filed Judicial Council Form FL-141, the mandatory settlement conference will not be scheduled.

B. Declarations of Disclosure. Unless previously filed, both parties shall file with the court the following documents at least ten days before the Mandatory Settlement Conference:

1. Party Requesting the Settlement Conference. Declaration Regarding Service of Final Declaration of Disclosure (FL-141), unless the other party has waived disclosure in writing (FL-144).
2. Party Responding to the Request for Settlement Conference.
 - a. Declaration Regarding Service of Preliminary Declaration of Disclosure (FL-141), unless already filed.
 - b. Declaration Regarding Service of Final Declaration of Disclosure (FL-141), unless the other party has waived disclosure in writing (FL-144).

C. Prior to the Settlement Conference.

1. File and Serve. Unless previously filed and served, at least ten days before the Mandatory Settlement Conference, the parties shall file with the court and serve on each other:
 - a. A hearing brief including:
 - i. Summary of existing orders, including dates the orders were entered;
 - ii. A written summary of all pending discovery;
 - iii. Spousal support declaration using Judicial Council Form FL-157 if spousal support is at issue, or a similar declaration that adequately describes the factors under Family Code § 4320; and
 - iv. Attorney's fees declaration using Judicial Council Form FL-158 if attorney's fees are at issue, or a similar declaration that addresses the factors covered in Judicial Council Form FL-319.
 - b. Community property declaration (FL-160), including proposed division of community property, if community property is at issue.
 - c. Separate property declaration (FL-160), if separate property is at issue.

Parties may use optional local form RI-FL014 to prepare their hearing brief, or they may prepare a brief on pleadings that is in compliance with the California Rules of Court.

2. Serve. At least ten days before the Mandatory Settlement Conference, the parties shall serve on each other, and provide to the court upon request:

- a. Current income and expense declaration, including all required attachments (pay stubs/profit and loss);
- b. Two most recent tax returns, including personal and corporate returns, if applicable, including all attachments and schedules, W-2 forms, and 1099 forms;
- c. Most recent financial statements, showing current balances of any assets and debts that the parties will request the court to make findings or orders on;
- d. Financial statements showing balances of assets and debts at date of separation that the parties will request the court to make findings and orders on;
- e. Supporting documents for any credits or reimbursements sought.
- f. Documents showing fair market values of property;
- g. Any documents related to imputation of income, including:
 - i. job listings
 - ii. job search efforts
 - iii. vocational evaluations; and
- h. A Proposed Judgment with a good faith settlement of all issues in the case.

D. Appearance. Trial counsel, parties, and persons with full authority to settle the case must personally attend the conference, unless excused by the court for good cause.

References:
Family Code 2100 et. seq.
California Rules of Court, rule 5.394

Local Form:

Request for Settlement Conference and Trial (RI-FL008)
<http://riverside.courts.ca.gov/localfrms/ri-fl008.pdf>

Settlement Conference Statement (RI-FL014)
<http://riverside.courts.ca.gov/localfrms/ri-fl014.pdf>

(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; amended 10-19-12, effective 1-1-13; amended 10-15-13, effective 1-1-14; amended 4-24-14, effective 7-1-14)

RULE 5153

TRIAL RULES AND PROCEDURES

A. Definition of Trial. A trial is defined as any hearing needing a period of no less than two and a half hours of a single court day.

B. Prior to the Trial Readiness Conference. At least 10 days before the Trial Readiness Conference, or 10 days before trial, if no Trial Readiness Conference, all attorneys and self-represented parties shall prepare and file a written stipulation including:

1. Undisputed facts;
2. Disputed facts, including each party's proposed finding on each disputed fact;
3. Undisputed issues;
4. Disputed issues, including each party's proposed order on each disputed issue;
5. Exhibits that can be admitted without foundation;
6. Exhibits requiring further foundation, including a description of the exhibit and identifying the proffering party (not including impeachment exhibits);
7. Time estimate for trial; and
8. List of witnesses each side intends to call, a short description of anticipated testimony, and time estimates for direct and cross examination (not including impeachment witnesses).

C. Updated Documents. At least ten days before trial, the parties shall update and serve on each other any documents required by Local Rule 5150(c)(2). The court will presume that any document more than 90 days old requires an update. The parties must provide these documents to the court upon request.

The court may order more frequent updates of the documents described in Local Rule 5150(c)(2).

D. Exhibits. Unless otherwise ordered by the court, all exhibits shall be pre-marked and exchanged 10 days before the day of trial. Petitioner's exhibits shall be marked with numbers (1, 2, 3, etc.) and the Respondent's exhibits marked with letters (A, B, C, etc.).

E. Reporter Fees. Reporter fees for the entire trial shall be paid 10 days prior to the first day of trial.

F. Appearance. Trial counsel, parties, and persons with full authority to settle the case must personally attend the trial readiness conference and trial, unless excused by the court for good cause.

G. Exceptions to this Rule. Generally, trial proceedings for Orders to Show Cause and Affidavit for Contempt and Domestic Violence Restraining Orders are exempt from this rule.

1. Orders to Show Cause and Affidavit for Contempt. Contempt trials shall be governed by applicable Penal Codes, California Codes, California Rules of Court and the California and United States Constitutions.
2. Domestic Violence Restraining Orders. If both parties are self-represented and there is a Domestic Violence Restraining Order or other order prohibiting contact between the parties, then the requirement to meet and confer is excused. However, parties shall separately prepare and serve all documents as required in paragraph B, above.

Each party shall file their documents with the court 10 days before the Trial Readiness Conference, or 10 days before trial if no Trial Readiness Conference.

H. Enforcing Compliance. Parties or their counsel who fail to comply with any portion of this rule without good cause are subject to sanctions as outlined in Local Rule 5100.

References:

California Rules of Court, rules 5.393 and 5.394

Local Forms:

Trial Rules and Procedures (RI-FL035)

<http://www.riverside.courts.ca.gov/localfrms/ri-fl035.pdf>

Joint Statement of Disputed and Undisputed Facts (Spousal Support) (RI-FL020)

(Adopted 5-20-05, effective 7-1-05; Renumbered from Rule 5.0053, 8-1-11, effective 1-1-12; amended 10-19-12, effective 1-1-13; amended 10-15-13, effective 1-1-14; amended 4-24-15, effective 7-1-15)

RULE 5155

CHILD CUSTODY RECOMMENDING COUNSELING OF CUSTODY AND VISITATION

A. Parties requiring child custody recommending counseling of custody/visitation issues will be assigned an appointment time/date prior to the court date and shall complete one counseling appointment prior to the court date.

- B. Testimony of Child Custody Recommending Counselor. Child Custody Recommending Counselors are employees of the Court. All subpoenas for Child Custody Recommending Counselor testimony shall comply with the Government Code. Subpoenas shall be served on the Child Custody Recommending Counselor at least five (5) court days before the date of testimony.
- C. Disclosure. Parties are to fully disclose information to the Child Custody Recommending Counselor. Any documents brought to the appointment must be served on the other party prior to the Child Custody Recommending Counselor's review.
- D. Appearances. Parties must personally appear at the child custody recommending counseling appointment. Either party seeking to appear at the appointment by telephone must obtain prior approval from the Family Court Services Department Head.

Requests to appear by telephone for Child Custody Recommending Counseling shall be submitted to the Family Court Services Department a minimum of seven (7) days prior to the scheduled appointment. Requests to appear by telephone for Child Custody Recommending Counseling must be submitted using the local form.

- E. Confidentiality. Child Custody Recommending Counseling is 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 Child Custody Recommending Counselor, the parties, and attorneys; therefore, each must cooperate in this regard and not disclose confidential information to outsiders. This confidentiality will not preclude the Child Custody Recommending Counselor from making a recommendation to the Court if the parties fail to reach an agreement.
- F. Agreements. The Child Custody Recommending Counselor shall prepare a written agreement and proposed order. Persons present shall sign the agreement unless represented by counsel.
- G. Proposed Order. Where the Child Custody Recommending Counselor concludes that the parties are near agreement, or that certain disposition is presently appropriate, the Child Custody Recommending Counselor will submit a proposed order to the Court.
- H. Adoption of Proposed Order. Upon review and if appropriate, the Court will sign the proposed order.
- I. Mandatory Parent Orientation On-Line Class. Parents shall complete an on-line Parent Orientation Class when custody and/or visitation is raised as an issue for the first time in the case. Both parties must bring a copy of the certificate of completion from the on-line class to the child custody recommending counseling appointment.

The Court may order parents to complete the on-line class at any time at the Court's discretion.

J. Child Custody Recommending Counseling Complaint and Request for Change Procedures

1. The purpose of this section is to establish a procedure for addressing complaints against Child Custody Recommending Counselors, and for requesting a change of a Child Custody Recommending Counselor. This section is intended to help the court promptly resolve any complaints or requests in a manner that is respectful and fair to the parties and the Child Custody Recommending Counselor.

2. The Family Court Services Department Head shall be the coordinator for addressing complaints or requests for change.

3. Any complaints against the Child Custody Recommending Counselor must be submitted in writing to the Family Court Services Department Head within ten (10) days of the child custody recommending counseling appointment. Complaints may be made on the local form.

4. Any requests to change the Child Custody Recommending Counselor must be submitted in writing to the Family Court Services Department Head a minimum of seven (7) calendar days prior to the appointment. Requests for change may be made on the local form.

5. The Family Court Services Department Head will 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.

6. If the matter is not resolved or closed after preliminary review, the complaint will be investigated by a Deputy Executive Officer. The Deputy Executive Officer will issue a final decision as to what action, if any, will be taken and complainant will be notified in writing.

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 child custody recommending counseling shall remain confidential and not subject to inspection by the public.

8. The Family Court Services Department Head will review all requests for change of the Child Custody Recommending Counselor prior to the scheduled appointment. The

requesting party will be notified of the decision verbally or in writing prior to the scheduled appointment.

References:

Government Code 68097, 68097.1 and 68097.2
Family Code 3160 through 3188
California Rules of Court, rule 5.210

(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; amended 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14; amended 11-8-14, effective 1-1-15; amended 4-24-15, effective 7-1-15; amended 4-20-18, effective 7-1-18)

RULE 5156
PEREMPTORY CHALLENGE OF A CHILD CUSTODY RECOMMENDING COUNSELOR

(Adopted 10-18-02, effective 1-1-03; Renumbered from Rule 5.0056, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; repealed 10-15-13, effective 1-1-14)

RULE 5160
APPEARANCE BY TELEPHONE FOR FAMILY LAW MATTERS

A. Request for Telephonic Appearance. An appearance by telephone requires a court order. The party making the request is responsible to ensure a clear and audible telephone connection on the day of the hearing.

B. Except for Department of Child Support hearings, all requests for a telephone appearance must be made on local form RI-FL679, filed with the court and served on all parties at least 10 court days before the scheduled hearing. The judicial officer has discretion to grant or deny any request.

C. On the day of the hearing, the party granted the telephonic appearance will contact the courtroom and provide their contact number to the court clerk. 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.

References:

California Rules of Court, rule 5.9

Local Form:

Request to Appear by Telephone and Order (RI-FL679)

(Added 10-30-99; effective 1-1-00; Renumbered from Rule 5.0060, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14)

RULE 5165
EMERGENCY ORDERS IN FAMILY LAW MATTERS

A. Emergency Orders. Requests for emergency orders, including requests to shorten time, are also known as ex parte applications. These rules do not apply to ex parte applications for domestic violence restraining orders under the Domestic Violence Prevention Act.

B. Notice. A party seeking emergency orders must give notice to all parties or their attorneys so that it is received no later than 10:00 a.m. on the court day before the request is to be considered by the court. The declaration regarding ex parte notice may be made on local form RI-FL004. The declaration regarding notice of an order shortening time request may be made on local form RI-FL041.

Requests for emergency orders shall be reviewed and confirmed for hearing, granted on submitted pleadings, or denied on the same day they are received if submitted to the court by 2:00 p.m.

C. Service. After providing notice, each party must be served with the documents requesting the emergency orders.

D. Determination Based on Pleadings. The court will determine emergency orders based on the submitted pleadings.

- i. Denied. If the request for emergency orders is denied, the court will contact the moving party and a hearing will be scheduled for a future date.
- ii. Confirmed for Hearing. If the request for emergency orders is confirmed for hearing, the hearing will be scheduled in accordance with how notice was given.
- iii. Granted. If the request for emergency orders is granted on the submitted pleadings, the court will contact the moving party and a hearing will be scheduled for a future date.

References:

California Rules of Court, rules 5.151 through 5.169

Local Form:

Declaration regarding Ex Parte Notice (RI-FL004)

<http://riverside.courts.ca.gov/localfrms/ri-fl004.pdf>

(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; amended 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14; amended 4-29-16, effective 7-1-16)

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

A petitioner may file local form Ex Parte Request and Order to Set Aside Default 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.

References:

Civil Code of Procedure 473(c)(1)
Van Sickle v. Gilbert (2011) 196 Cal.App. 4th 1495 citing *Julius Schifaugh IV Consulting Services, Inc. v. Avaris Capital, Inc.* (2008) 164 Cal.App.4th 1393, 1395; 79 Cal. Rptr. 3d 910.)

Local Form:

Ex Parte Request and Order to Set Aside Default (RI-FL002)
<http://riverside.courts.ca.gov/localfrms/ri-fl002.pdf>

(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; amended 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14)

RULE 5170
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; deleted 10-19-12, effective 1-1-13)

RULE 5175
COURT ORDERED CHILD CUSTODY EVALUATIONS

A. Finding a Qualified Private Child Custody Evaluator. A list of private child custody evaluators is available through the Riverside Superior Court Resource List found online at www.riverside.courts.ca.gov/familylaw/custodyvisitation.shtml. The child custody evaluators are not affiliated with the court, and each child custody evaluator is independently responsible for compliance with any and all applicable legal requirements. The individuals on this list have submitted an Annual Declaration of Child Custody Evaluator Qualifications. The court does not endorse, evaluate, supervise, or otherwise monitor the private child custody evaluators. The parties are responsible for ensuring a private child custody evaluator meets all the legal qualifications.

B. Peremptory Challenges to Child Custody Evaluators. When a private child custody evaluator is appointed, other than by stipulation, each side will be permitted one peremptory challenge to the specific child custody evaluator.

C. **Withdrawal From a Case.** A child custody evaluator has the right to withdraw from a case upon a showing of good cause before the trial court that made the appointment.

D. **Complaints Regarding Child Custody Evaluators.** Complaints about the performance of a child custody evaluator shall be in writing and directed to the Family Court Services Manager for review and written response within thirty (30) days from the date the written complaint was received.

E. **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-appointed child custody evaluator or between the child custody evaluator and the court. Minor's counsel may exchange both oral and written ex parte communications with an evaluator. No attorney or party to the action shall provide the child custody 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.

F. **Child Custody Evaluators Training Requirements and Qualifications.** Court appointed Child Custody Evaluators shall document that they meet the qualifications and training requirements by filing with the court Judicial Council form FL-326 Declaration of Private Child Custody Evaluator Regarding Qualifications. The FL-326 will be filed within 10 days of the appointment and prior to initiating evaluation services on a case.

References:

Family Code 3110 through 3118 and 3151

California Rules of Court, rules 5.220, 5.225, 5.230 and 5.235

Local Forms:

Annual Declaration of Child Custody Evaluator Qualifications (RI-FL007)

<http://riverside.courts.ca.gov/localfrms/ri-fl007.pdf>

Child Custody Evaluation Report (RI-FL006)

<http://riverside.courts.ca.gov/localfrms/ri-fl006.pdf>

(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; amended 10-19-12, effective 1-1-13; amended 10-15-13, effective 1-1-14)

RULE 5177
SUPERVISED VISITATION PROVIDERS

A. Standards and procedures for both professional and non-professional visitation providers are governed by the Family Code and the Standards of Judicial Administration.

B. List. A list of visitation providers is available through the Riverside Superior Court website at www.riverside.courts.ca.gov/familylaw/supchildvisit.shtml. The individuals/entities have identified themselves to the Riverside Superior Court as visitation providers and have completed a supervised visitation provider annual declaration. The visitation providers are not affiliated with the court and each visitation provider is independently

responsible for compliance with any and all applicable legal requirements. The court does not endorse, evaluate, supervise, or otherwise monitor the visitation providers.

References:

Family Code 3200 and 3200.5

Standards of Judicial Administration, standard 5.20

Local Forms:

Supervised Visitation Annual Declaration (RI-FL012)

<http://riverside.courts.ca.gov/localfrms/ri-fl012.pdf>

Provider Information Sheet (RI-FL013)

<http://riverside.courts.ca.gov/localfrms/ri-fl013.pdf>

(Adopted 10-15-13, effective 1-1-14)

RULE 5180

FORMAL JUDGMENT AND ADDENDA TO JUDGMENT

(Adopted 5-20-05, effective 7-1-05; Renumbered from Rule 5.0080, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; repealed 10-15-13, effective 1-1-14)

RULE 5185

COURT-APPOINTED COUNSEL COMPLAINT PROCEDURES

- A. The purpose of this section is to establish a procedure for addressing complaints against court-appointed counsel for a child.
- B. Complaints regarding the conduct and procedures employed by counsel appointed for a child shall be in writing and will be handled by the judicial officer to whom the case is assigned.
- C. The Court will determine what action, if any, to take including whether the complaint should be referred to the appropriate professional licensing board, and if counsel should be removed from the Minor Counsel Appointment List.
- D. Written notice of the outcome will be sent to complainant within 90 days of receipt of the complaint.

References:

Family Code 3150 et. seq.

California Rules of Court, rule 5.240. 5.241 and 5.242

(Adopted 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14)

**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 at the court facility as designated in the Administrative Order – Where to File Juvenile Documents. The order can be located on the court's website at <http://www.riverside.courts.ca.gov/> by clicking on *Local Rules* under the *General Information* tab.

(Adopted 11-4-11, effective 1-1-12; amended 10-19-12, effective 1-1-13; amended 5-13-13, effective 7-1-13)

**RULE 5227
CUTOFF TIME FOR FILINGS IN JUVENILE CASES**

- A. Delinquency Cases: Detention filings must be filed in their entirety no later than 3:00 p.m. of the Court day prior to the detention hearing. For a detention filing to be complete, the detention petition and the probation officer report must be received by the Court prior to the cut-off time.

- B. Dependency Cases: All dependency filings must be filed in their entirety no later than 3:00 p.m. on the Court day prior to the scheduled hearing. For a filing to be complete, the dependency petition and the social worker report must be received by the Court prior to the cut-off time.

(Adopted 4-28-17, effective 7-1-17)

**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 5237
NON-TRAFFIC INFRACTIONS**

All persons under 18 years of age cited for non-traffic infractions shall be required to appear in person before the juvenile court along with their parent or legal guardian.

(Adopted 11-8-14, effective 1-1-15)

Reference:
Welfare and Institutions Code Section 664(c)(1)

**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 5262
STANDARDS FOR COUNSEL REPRESENTING CHILDREN IN DEPENDENCY
PROCEEDINGS**

- A. Private Counsel is expected to comply with Cal. Rule of Court 5.660 regarding competency of counsel. If private counsel does not comply with Cal. Rule of Court 5.660, a knowing and intelligent waiver may be obtained by the Court from the represented party.
- B. Appointed attorneys for parties in dependency proceedings shall comply with requirements set forth in these Local Rules, as well as those set forth in Cal. Rule of Court 5.660. Each appointed attorney shall keep verification on file and provide same upon demand.
- C. Appointed attorneys for children in dependency proceedings must, at minimum:
 - 1. Establish and maintain an attorney-client relationship with the child using age-appropriate language;

2. Visit child clients in their placements prior to each statutory hearing whenever possible and practicable;
 3. Conduct thorough, continuing and independent investigations and interviews at every stage of the proceedings;
 4. Contact social workers and other professionals associated with the client's case, including CASA and school personnel, prior to each hearing;
 5. Request services to access entitlements and ensure a comprehensive service plan, and attend meetings related to the child as practicable;
 6. Monitor compliance with court orders, including provision of an effectiveness of court-ordered services;
 7. File pleadings, motions, responses, or objections as necessary to represent the child;
 8. Prepare for and participate in all hearings;
 9. Prepare for and participate in 241.1 hearings with a goal of maintaining dependency jurisdiction whenever possible and appropriate;
 10. Investigate the interests of the child beyond the scope of the juvenile proceeding and notify the Court of, and as appropriate, request authority from the Court to pursue issues on behalf of the child;
 11. Determine if appeals and writs are appropriate, and file same if necessary;
 12. Accept appointments as guardian ad litem;
 13. Advocate for adherence to mandated timelines; and
 14. Arrange for qualified substitutive representation when necessary to avoid court delay.
- D. Appointed attorneys for parents and guardians in dependency proceedings must, at minimum:
1. Meet with, interview and counsel the parent, explain the parent's rights, the court system, the proceedings, the lawyer's role, rights of custodial and non-custodial parents, and what to expect in the legal process;
 2. Determine the reason for removal (both from the agency and the client's view), whether the agency made reasonable efforts to avoid removal of the child, the parent's desired interest re: placement, visitation and communication with the

- child, whether relatives or friends are available for placement, and whether immediate services are warranted;
3. Conduct thorough, continuing, and independent investigations and interviews at all stages of the proceedings;
 4. Contact social workers and other professionals associated with their client's case;
 5. Obtain necessary authority for release of information;
 6. Develop a theory and strategy of the case to implement at hearings;
 7. Maintain client control;
 8. Review reports with client;
 9. Negotiate settlements;
 10. Participate in mediations and settlement conferences;
 11. Advocate for court services to meet the parent's needs, enable access to entitlements and ensure a comprehensive service plan;
 12. Monitor implementation of the service plan;
 13. File pleadings, motions, responses, or objections as necessary to represent the parent;
 14. Prepare for and participate in hearings, including contacting and interviewing the parent before each hearing, consulting with the client to determine whether client should testify, preparing the parent to testify, protecting the client by making appropriate objections;
 15. Determine if appeals and writs are appropriate, and file same if necessary;
 16. Advocate for adherence to mandated timelines; and
 17. Arrange for qualified substitutive representation where necessary to avoid court delay.
- E. Appointed attorneys appearing in dependency proceedings must provide the Executive Office of the Court with a Certification of Competency, which confirms the attorney has satisfied these Local Rules, and the competency requirements set forth in the California Rules of Court. Attorneys whose employer has a contract with the Court for representation of the parties shall provide a Certification of

Competency once upon hire or initiation of the contract, and resubmit such certification upon renewal of the contract.

(Added 10-28-16, effective 1-1-17)

RULE 5263

TIMELINES AND PROCEDURES FOR SETTLEMENT AND DISCOVERY

- A. Settlement should be considered as soon as practicable. Counsel must consider whether the client's interests may be best served, and the case more appropriately resolved, by mediation or other settlement discussions.
- B. Discovery shall be conducted as set forth in Local Rule 5290.

(Adopted 4-29-16, effective 7-1-16)

RULE 5264

PROCEDURE FOR SCREENING, TRAINING AND APPOINTING ATTORNEYS REPRESENTING PARTIES IN DEPENDENCY CASES

- A. Counsel shall meet or exceed the requirements set forth in Local Rule 5265 and the California Rules of Court.
- B. When a dependency petition has been filed, the Court will appoint counsel for each minor who is the subject of the dependency petition as soon as practicable. Counsel will be appointed through the firm or firms that have a contract with the Court for legal representation in juvenile dependency matters in that geographic area. Appointed counsel for the minor shall also serve as the CAPTA Guardian ad Litem, unless the Court finds the child would not benefit from such appointment, pursuant to Cal. Rule of Court 5.660.
- C. Each parent may hire a private attorney. If an attorney is not retained, the Court will appoint counsel for each parent through the firm or firms that have a contract with the Court for legal representation in juvenile dependency matters.

(Adopted 4-29-16, effective 7-1-16)

RULE 5265

MINIMUM EXPERIENCE, TRAINING, EDUCATION OF ATTORNEYS REPRESENTING PARTIES IN DEPENDENCY CASES

- A. Competency of Counsel
 - i. All appointed attorneys representing parties in dependency cases must comply with Cal. Rule of Court 5.660 regarding competency of counsel.

- ii. All retained attorneys representing parties in dependency cases should comply with Cal. Rule of Court 5.660 regarding competency of counsel.
- B. Appointed counsel representing parties in Juvenile Dependency Court must satisfy the following minimum requirements:
- i. Member in good standing of the State Bar of California; and
 - ii. Demonstrate adequate forensic skills, knowledge and comprehension of the statutory scheme relating to cases before the Juvenile Court, the purposes and goals of dependency proceedings, the Rules of Court, and cases relevant to such proceedings, and procedures for filing petitions for extraordinary writs; and
 - iii. Completed at least eight (8) hours of training or education in the area of juvenile dependency, or demonstrate sufficient recent experience in juvenile dependency proceedings to demonstrate competency in the area. Training must include the following:
 - 1. Overview of dependency law and related statutes and cases; and
 - 2. Information on child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation and reasonable efforts; and
 - 3. Instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home placement; and
 - iv. Counsel must complete at least eight (8) hours of continuing education relating to dependency proceedings at least every three (3) years; and
 - v. Counsel must provide verification of the recent experience, training and continuing education set forth in this Rule upon demand to demonstrate competency in the area of juvenile dependency.
- C. If private counsel representing a party in a dependency case does not comply with Cal. Rule of Court 5.660 regarding competency of counsel, a knowing and intelligent waiver may be obtained by the Court from the represented party.

(Adopted 4-29-16, effective 7-1-16)

RULE 5266
APPROPRIATE CASELOADS FOR ATTORNEYS REPRESENTING CHILDREN

Attorneys shall limit their caseload to a number of cases that allows the attorney to competently perform the duties required by Welfare & Institutions Code section 317(e), and otherwise provide adequate representation for the child.

(Adopted 4-29-16, effective 7-1-16)

RULE 5267

COMPLAINTS BY PARTIES REGARDING PERFORMANCE OF COURT-APPOINTED ATTORNEYS IN DEPENDENCY CASES

- A. This section applies to complaints against court-appointed counsel in a juvenile dependency proceeding.
- B. Complaints regarding the conduct and procedures employed by counsel appointed in a juvenile dependency proceeding shall be made to the contract holding agency or law firm appointed to represent the party. Such contract holding agency or law firm receiving a complaint pursuant to this local rule shall handle all such complaints within a reasonable time.
- C. Notification. When a complaint is received by the agency, law firm, or contract holder appointed to represent a party, the recipient of the complaint shall promptly notify the Court of the complaint.
 - i. Resolved. Once a resolution is reached, the recipient of the complaint shall promptly notify the complaining party and the Court of the resolution.
 - ii. Unresolved. If the issue remains unresolved to the satisfaction of all parties, the contract holding agency or law firm that was appointed as counsel shall inform the Court that a mutually agreeable resolution could not be reached.

Notification to the complaining party of the outcome of the complaint shall include information regarding the party's ability to bring the issue before the Court and/or the State Bar of California, and how to take such action.

- D. The Court shall take action, if appropriate.
- E. Nothing in this local rule limits or prohibits a party from raising concerns regarding their counsel with the Court or the State Bar of California.

(Adopted 4-29-16, effective 7-1-16)

RULE 5268

INFORMING COURT OF INTERESTS OF DEPENDENT CHILD REQUIRING FURTHER INVESTIGATION, INTERVENTION OR LITIGATION

Counsel shall inform the Court of interests of a dependent child that require further investigation, intervention or litigation pursuant to the guidelines set forth in Local Rule 5271.

(Adopted 4-29-16, effective 7-1-16)

**RULE 5270
STANDARDS FOR COUNSEL**

(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; repealed 4-29-16, effective 7-1-16)

**RULE 5271
JUVENILE GUARDIANS AD LITEM**

The following procedures shall be followed when informing the Court of the interests of a dependent child:

- A. At any time during a dependency proceeding, any interested person may notify the court that the minor who is the subject of the proceeding may have an interest or right which needs to be protected or pursued in another judicial or administrative forum. If counsel for the minor becomes aware of such interest or right, he or she shall so notify the court as soon as it is reasonably possible for counsel to do so.
- B. Notice to the court may be given by the filing of Judicial Council form JV-180. The person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected and the nature of the proceedings being contemplated or conducted there.
- C. If the person filing the notice is the counsel for the minor, the motion shall state what action on the child's behalf the counsel believes is necessary, whether the counsel is willing or able to pursue the matter on the child's behalf, whether the association of counsel specializing in practice before that agency or court may be necessary or appropriate, whether the appointment of a guardian ad litem may be necessary to initiate or pursue the proposed action, whether joinder of an administrative agency to the juvenile court proceedings pursuant to Welfare and Institutions Code § 362 may be appropriate or necessary to protect or pursue the child's interests and whether further investigation may be necessary.
- D. If the person filing the notice is not the counsel for the child, a copy of the notice shall be served on the counsel for the child, or, if the child is unrepresented, the notice shall so state.
- E. The court may set a hearing on the notice if the court deems it necessary in order to determine the nature of the child's right or interest or whether said interest should be protected or pursued.
- F. If the court determines that further action on behalf of the child is required, the court shall address the following at the hearing:

- (1) Authorize the minor's counsel to pursue the matter on the child's behalf;
- (2) Appoint a counsel for the child if the child is unrepresented;
- (3) Notice a joinder hearing pursuant to Welfare and Institutions Code § 362 compelling the responsible agency to report to the court with respect to whether it has carried out its statutory duties with respect to the child;
- (4) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);
- (5) Take any other action the court may deem necessary or appropriate to protect the welfare, interests and rights of the child.

(Adopted 11-8-14, effective 1-1-15)

References:

WIC §§ 317, 317.6

California Rules of Court, rule 5.660

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 to make, in the judgment of the court, minor changes to the petition, 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 to make, in the judgment of the court, minor changes to the petition, 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; amended 10-30-15, effective 1-1-16)

**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 5296
PSYCHOTROPIC MEDICATIONS**

- A. All requests for orders for psychotropic medications must comply with the requirements set forth in California Rule of Court 5.640.
- B. If a child is a dependent of the juvenile court pursuant to Welfare & Institutions Code section 300 and has been removed from the custody of the parent pursuant to Welfare & Institutions Code section 361, the prescribing physician must obtain court authorization regarding prescribing and administering psychotropic medications for that child.

- C. If a child is a ward of the juvenile court pursuant to Welfare & Institutions Code section 602, if the parent or legal guardian does not authorize administration of medications, the prescribing physician must obtain court approval regarding prescription and administration of psychotropic medications for that child.
- D. All filings relating to psychotropic medications in juvenile cases should be filed at the court facility as designated in the Administrative Order – Where to File Juvenile Documents. The order can be located on the court's website at <http://www.riverside.courts.ca.gov> by clicking on *Local Rules* under the *General Information* tab.
- E. Notice shall be provided pursuant to Cal. Rule of Court 5.640.

(Adopted 10-30-15, effective 1-1-16)

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TITLE 7
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**DIVISION 1
GENERAL PROVISIONS**

**(a)
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**RULE 7000
APPLICATION OF RULES**

A. Applicability of Rules. These rules apply to matters filed under any of the following authorities:

1. The Probate Code
2. Division 5, Part 1 of the Welfare & Institutions Code, also known as the Lanterman-Petris-Short Act
3. Division 9, Part 3, Chapters 11 (Elder Abuse and Dependent Adult Civil Protection Act) or 12 (Protective Placements and Custody of Endangered Adults) of the Welfare & Institutions Code
4. Division 7 (Dead bodies) or 102 (Vital Records and Health Statistics) of the Health and Safety Code

B. Sanctions

1. Sanctions may be imposed for violation of and/or failure to comply with the local court rules.
2. If a party or counsel fails to comply with any of these rules, the court on motion of a party or on its own motion may:
 - a. Strike out all or any part of any pleading of that party; or
 - b. Dismiss the action or proceeding or any part thereof; or
 - c. Enter a judgment by default against that party; or
 - d. Impose other penalties of a lesser nature as otherwise provided by law.

The court may order the party, or his or her counsel, to pay to the moving party reasonable expenses in making the motion, including reasonable attorney fees.

No penalty may be imposed without prior notice to, and an opportunity to be heard by, the party against whom the penalty is sought to be imposed.

(Adopted 4-20-18, effective 7-1-18)

**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, the documents initiating the action or special proceeding shall be filed in the relevant region at the court facility as designated in the Administrative Order – Where to File Probate Documents. The order can be located on the court's website at <http://www.riverside.courts.ca.gov/> by clicking on *Local Rules* under the *General Information* tab. 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.

(Adopted 11-4-11, effective 1-1-12; amended 5-13-13, effective 7-1-13)

**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.

1. 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 the hearing on uncontested matters, Counsel or a self-represented party may request a continuance of at least three weeks by emailing the Probate Examiners at least four court days prior to the hearing. The email must indicate that the party requesting the continuance has notified all parties entitled to notice of the hearing and any other interested persons for whom he or she has reason to know may attend the hearing of the request for continuance.

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.

Email requests will not be taken on contested matters and 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 Matters Recommended for Approval. At the call of the calendar if petitioner is not present and the matter has been recommended for approval by the probate examiners:

1. If objection or exception is taken to the matter, 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 minute order.

(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; amended 10-30-15, effective 1-1-16)

RULE 7112
LODGING OF REQUIRED DOCUMENTS FOR ACCOUNTINGS

All original documents submitted by fiduciaries in support of their inventory and appraisals or accountings as required by Local Rule 7129 or 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 inventory and appraisal or 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 be the mandated local form RI-PR060 "Financial Document(s) Cover Sheet," and 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 directed 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; amended 11-8-14, effective 1-1-15)

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 SSI or Medi-Cal benefits if the court finds that the recipient of the SSI or 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; amended 4-24-14, effective 7-1-14)

RULE 7118
PROBATE APPOINTED COUNSEL

A. GENERAL ELIGIBILITY REQUIREMENTS

- 1. As provided in the California Rules of Court, Rule 7.1101(g), in addition to the requirements set forth in Rule 7.1101, counsel appointed by the court must complete at least twelve hours of MCLE either during the attorney's current State Bar reporting period or the most recent period that has expired in the subjects of decedent estates, conservatorships/guardianships, or trust administration, and must meet the requirements for each specific area(s) of interest selected from the following:
 - a) Decedent Estate and Trust Administration. Prior to filing the application and within the past three years, the attorney must have represented parties in at least six different probate or trust administration court proceedings,

including three decedent estate or trust proceedings from inception through final account and/or order for distribution. The attorney must have experience and/or training in tax-related issues sufficient to enable him or her to identify tax issues from the facts of the case and to competently represent the client's interests concerning the potential tax consequences of the particular matter.

- b) Conservatorships. Attorneys representing conservatees in Conservatorship proceedings must satisfy the requirements of California Rules of Court, Rule 7.1101(b)(2) and (f)(1).
- c) Guardianships. Attorneys representing wards in Guardianship proceedings must satisfy the requirements of California Rules of Court, Rule 7.1101(b)(1) and (f).
- d) Conservatorships of the Person. Prior to filing the application and within the past five years, the attorney must have represented parties in at least four conservatorship of the person matters (including at least two proceedings from their inception) which involve securing the appointment and qualification of the conservator of the person.
- e) Limited Conservatorships. Attorneys representing limited conservatees in Conservatorship proceedings must satisfy the requirements of California Rules of Court Title Seven, Rule 7.1101(b)(2). In addition, the attorney must understand the legal and medical issues arising out of developmental disabilities and the role of the Regional Center. The attorney must have at least three hours of MCLE in the areas of guardianships/conservatorships either during the attorney's current State Bar reporting period or the most recent period that has expired.
- f) Estate Planning and Taxation. Prior to filing the application and within the past three years, the attorney must have extensive experience in matters regarding estate planning, estate, gift, or income tax or related tax matters pertaining to trusts and decedent estates. The attorney must have represented parties in at least three substituted judgment (Probate Code section 2580 et seq.) or particular transaction matters (Probate Code section 3100 et seq.). The attorney must have at least ten hours of MCLE in the areas of estate planning and taxation either during the attorney's current State Bar reporting period or the most recent period that has expired.
- g) Medi-Cal Planning. Prior to filing the application and within the past three years, the attorney must have represented parties in at least three Probate Code section 3100 petitions, including at least two in which there was a request to increase either the Community/Spouse Resource Allowance and/or to obtain a support order. The attorney must be familiar with the laws and regulations for Medi-Cal eligibility, and shall be knowledgeable on the

rules regarding the increase of the CSRA/MMMNA, exempt assets, gifting rules, special needs trusts under 42 U.S.C. 1396p(d)(4)(a) and (c), and tax and estate planning ramifications related to Medi-Cal planning. The attorney must have at least three hours of MCLE in the areas of guardianships/conservatorships either during the attorney's current State Bar reporting period or the most recent period that has expired.

- h) **Compromises/Judgments and Special Needs Trusts for Minors/Persons with Disabilities.** Prior to filing the application and within the last three years, the attorney must have represented parties in at least three petitions for approval of compromise under Probate Code section 3500 or Code of Civil Procedure section 372 which involved creation of special needs trusts. The attorney must be familiar with the advantages and disadvantages of the various funding alternatives available under Probate Code section 3600 et seq., special needs trusts under 42 U.S.C. 1396p(d)(4)(a) and (c), and the application of MICRA to medical malpractice settlements. The attorney must have at least three hours of MCLE in the areas of guardianships/conservatorships either during the attorney's current State Bar reporting period or the most recent period that has expired.
- i) **Fiduciary Appointments/Guardians ad Litem.** The attorney must have at least five years in practice, with recent experience serving as a fiduciary or guardian ad litem. An attorney who acts as a guardian ad litem or fiduciary may not be covered by his or her professional liability insurance. Although insurance coverage is not a requirement, the attorney may wish to consult his or her professional liability insurance carrier prior to accepting such appointment.
- j) **Evidence Code Section 730 Experts/Referees/Special Masters.** The attorney must have at least five years in practice, with experience serving as an Evidence Code section 730 expert, Code of Civil Procedure section 638 referee, or special master. The attorney also must have substantial expertise in the substantive area of law involved in the matter.
- k) **Health Care Decisions for Adults Without Conservators and Tuberculosis Detention Proceedings/Capacity Determinations.** Prior to filing the application and within the past three years, the attorney must have extensive experience in matters relating to medical treatment and bio-ethical issues. The attorney must be familiar with Probate Code section 3200 or Health and Safety Code section 121365 proceedings. These cases often involve complex treatment issues and may require immediate attorney response to medical emergencies. Consequently, the attorney must be familiar with the medical parameters underlying these issues in order to adequately represent the client's interests. The attorney must have at least three hours of MCLE in the areas of guardianships/conservatorships either during the

attorney's current State Bar reporting period or the most recent period that has expired.

2. Proof of compliance with the requirements set forth in this rule shall be provided using a mandatory local form filed as an attachment to Judicial Council form GC-011, and shall be filed in the same court location where proceedings under Welfare and Institutions Code section 5350 et seq. are filed.

B. COMMUNICATION WITH THE CLIENT

1. Subsection B of this rule shall apply to all counsel appointed by the court in a matter under the Probate Code either as a guardian ad litem for a party or as counsel for a proposed ward, ward, proposed conservatee, conservatee, or spouse or registered domestic partner. This subsection shall not apply to cases where counsel is appointed to represent a ward after appointment of a guardian at a hearing solely relating to an annual guardianship status report.
2. Counsel shall establish and maintain a meaningful and professional attorney-client relationship by having sufficient communication with the client. This communication shall be directly with counsel, and not through non-attorney staff.
 - a) The attorney is expected to establish the attorney-client relationship by an in-person meeting with the client prior to the date of the hearing.
 - b) The attorney is expected to confer with the client prior to the date of each subsequent court hearing.

(Adopted 10-19-12, effective 1-1-13; amended 4-28-17, effective 7-1-17)

(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.
- (d) When a minor, conservatee, or decedent's estate receives an asset as the heir or beneficiary of a deceased conservatee or ward, 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 that requires distribution of the asset from the estate of the deceased conservatee or ward.
- (e) When an inventory and appraisal for the estate of a minor, conservatee, or decedent includes property to be appraised by the guardian or conservator or personal representative pursuant to Probate Code 2610(a) and / or Probate Code 8901(c) and (d), the guardian, conservator or personal representative shall lodge concurrently with the filing of the Inventory and Appraisal original account statements for each account showing the account balance as of the date of appointment of the guardian or conservator or the decedent's date of death. The account statements shall be lodged in the manner provided in Local Rule 7112. Submitting an account statement pursuant to this rule satisfies the requirement to file the statement pursuant to Probate Code 2620(c). Any variation between the

statement and the balance reflected in the inventory or account that is not otherwise readily understandable from the statement shall be explained by a declaration filed with the lodged documents.

(Adopted 11-4-11, effective 1-1-12; amended 4-24-14, effective 7-1-14; amended 11-8-14, effective 1-1-15)

**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 7131
CONFIDENTIAL FILING OF TERMS OF THE TRUST**

Where notice is required to be given pursuant to Probate Code § 1208(b) such as where a trust is a beneficiary of a decedent's estate, the petitioner shall file separately from the petition as a confidential document a true and correct copy of the trust, including any amendments, disclaimers, and any directions or instructions to the trustee that affect the disposition of the trust. The confidential document shall be filed using the court's mandatory local form RI-PR058 – Trust Documents Coversheet – Confidential – as the cover page. The confidential document shall not be released to any party absent a prior order of the court.

(Adopted 10-15-13, effective 1-1-14; amended 11-8-14, effective 1-1-15)

**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)

**RULE 7139
PROBATE CODE SECTION 850 PETITIONS**

- A. Any Petition under Probate Code section 850 must state the names and last known addresses of all parties entitled to notice pursuant to Probate Code section 851.
- B. For any Petition under Probate Code section 850(a)(3)(B), the parties entitled to notice pursuant to Probate Code section 851(b) shall include the following:
1. The parties entitled to notice under Probate Code section 851(b)(1) shall include the following:

- a) If a will and any codicil has been conclusively admitted to probate in the State of California within the meaning of Probate Code sections 8226 and 8007, to all beneficiaries mentioned in that will and codicil.
 - b) If a court in the State of California has ordered appointment of an administrator and if the later of the following time periods has elapsed: (1) one hundred twenty (120) days after such appointment of administrator and (2) sixty (60) days after proponent of a Will first obtains knowledge of the Will, to all heirs at law.
 - c) If a court in the State of California has made an order determining entitlement and the order is final within the meaning of Probate Code section 11705, to all heirs or beneficiaries identified in the order.
 - d) If none of (a) or (b) or (c) applies, then to all beneficiaries mentioned in every known Will, whether admitted to probate or not, to all beneficiaries mentioned in every known Codicil, whether admitted to probate or not, and to all heirs at law.
2. The parties entitled to notice under Probate Code section 851(b)(3) shall include each person listed in section 17203.
- C. For any Petition under Probate Code section 850 that concerns a lease of land held by the Bureau of Indian Affairs, the parties entitled to notice pursuant to Probate Code section 851(a)(2) shall include the Bureau of Indian Affairs.
- D. For any Petition under Probate Code section 850 that concerns an asset which is subject to the Employee Retirement Income Security Act (ERISA--29 USC sections 1001 et seq.) and which is held by an institution defined in Probate Code section 2890(c) or by a financial institution defined in Probate Code section 2892(b), the parties entitled to notice pursuant to Probate Code section 851(a)(2) shall include the financial institution.

(Adopted 5-4-12, effective 7-1-12)

(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

Petitions for preliminary or final distribution shall contain an allegation that all real or personal property taxes, current federal and California 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; amended 4-24-14, effective 7-1-14)

**RULE 7153
OVERHEAD COSTS**

In decedent's estate administration cases, statutory fees or commissions are intended to cover all expenses incurred to carry out the ordinary duties of a personal representative that would be considered business overhead, including duplication of documents, long distance telephone calls, postage charges, and travel costs. Therefore, the Court will only allow reimbursement for these costs in extraordinary circumstances, such as those incurred to render services that could be the subject of a request for extraordinary fees or commissions.

(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; amended 4-2-18, effective 7-1-18)

**RULE 7156
NOTICE TO INDIAN TRIBE**

- (a) Notice of the time and place of hearing on a petition, report, or account, and a notice of the filing of an inventory, together with a copy of the petition, report, inventory, or account, shall be mailed to the Indian tribe of the minor or conservatee at least 15 days before the hearing, or within 15 days after the inventory is filed, if both of the following conditions exist:
- (1) The guardianship or conservatorship estate includes money received from the minor or conservatee's Indian tribe, property acquired with that money, or revenue or profit from that money or property.
 - (2) The petition, report, inventory, or account is filed under any one or more of the following provisions: Section 1510, 1601, 1820, 1861, 1874, 2422, or 2423; Article 7 (commencing with Section 2540) of Chapter 6 of Part 4; Section 2570, 2571, 2580, 2592, 2610, 2613, or 2620; Chapter 8 (commencing with Section 2640) of Part 4; Chapter 9.5 (commencing with Section 2670) of Part 4; Section 3080 or 3088; or Chapter 3 (commencing with Section 3100) of Part 6.
- (b) Notice to the tribe shall be to the tribal chairperson, unless the tribe has designated another agent for service.

(Adopted 5-4-12, effective 7-1-12)

RULE 7158
ACCOUNTING FOR CASH

- A. Transfers Between Cash Accounts. Transfers of cash between accounts as defined in Probate Code § 21 or money market mutual funds as defined in subdivision (b) of Probate Code §9730 shall not be reported in the detailed schedules required by Probate Code §1062(a) (receipts), (b) (disbursements), (d) (calculation of gains or losses on sale or other disposition), or Probate Code § 1063(b) (purchases or other changes in the form of assets).
- B. Totals for Gains and Losses. Each detailed schedule required by Probate Code § 1062(d) (calculation of gains or losses on sale or other disposition) shall contain a calculation of the total of the sales price column of the schedule.
- C. Total for Purchases. Each detailed schedule required by Probate Code § 1063(b) (purchases or other changes in the form of assets) shall contain a calculation of the total of the column of the schedule providing the purchase price of the assets. Items that are not purchased or sold in exchange for cash shall not be included in this total.
- D. Cash Reconciliation. The Probate Examiner's notes shall include language if court staff cannot verify the ending cash on hand by calculating a cash reconciliation. The process for calculating a cash reconciliation is as follows:
 - 1. Add either the cash on hand from the prior accounting or if there is no prior accounting the total of attachment 1 and all accrued dividends from attachment 2 from all Inventory and Appraisals,
 - 2. Add the receipts,
 - 3. Add the total sales price from the detailed schedules required by Probate Code § 1062(d) (calculation of gains or losses on sale or other disposition),
 - 4. Subtract the disbursements,
 - 5. Subtract the distributions of cash, and
 - 6. Subtract the total of the column of the schedule required by Probate Code § 1063(b) (purchases or other changes in the form of assets) providing the purchase price of the assets purchased or sold in exchange for cash.

(Adopted 4/24/14, effective 7-1-14)

RULE 7160
ACCOUNTING FOR RESERVE

If an order for final distribution of an estate of a decedent, ward, conservatee or trust includes a reserve of more than \$1,500, an accounting of the reserve shall be attached to the Ex Parte Petition for Final Discharge (Judicial Council form DE-295 or GC-395). If the reserve amount is \$10,000 or more, the Ex Parte Petition for Final Discharge shall be

set for hearing, and notice of hearing shall be given in the same manner as is required for an accounting.

(Adopted 11-8-14, effective 1-1-15)

**DIVISION 2
DECEDENT'S ESTATES**

**(a)
GENERAL PROCEDURE AND POLICY**

**RULE 7200
FILING OF COPY OF DEATH CERTIFICATE**

A copy of the decedent's death certificate, with the decedent's social security number redacted, shall be filed with any Petition for Probate (Probate Code 7000 et seq), Petition to Determine Succession to Real Property (Probate Code 13150 et seq) or Spousal Property Petition (Probate Code 13500 et seq).

(Adopted 10-30-15, effective 1-1-16)

**RULE 7201
NOTICE OF PETITION TO ADMINISTER**

(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; repealed 10-30-15, effective 1-1-16)

**RULE 7201
NOTICE OF REFUSAL TO PROBATE REJECTED WILL OR CODICIL**

- (a) A petitioner who files a petition for letters of administration, letters of administration with will annexed, probate of will and for letters testamentary, to determine succession to real property, or a spousal property petition must comply with this rule if either of the following is true:
- (1) The petition requests a finding that the decedent died intestate when a will and/or codicil has been lodged as an original with the court or a copy of a will and/or codicil has been otherwise filed with the court.
 - (2) The petition requests probate of or distribution under a will and/or codicil, and a different will and/or codicil has been lodged as an original with the court or a copy has otherwise been filed with the court.

- (b) The petitioner shall serve a copy of the rejected will and/or codicil attached to Local Form RI-PR070 on all heirs of the decedent or potential beneficiaries under the document at least 15 days prior to the hearing on the petition.
- (c) This rule does not apply if any of the following is true:
 - (1) The petition requests probate of or distribution under a will that purports to have been executed after the date of rejected will and/or codicil and that expressly revokes all prior wills.
 - (2) The petition is for letters of administration or distribution under intestate succession and the rejected will and/or codicil provides for distribution that is identical to intestate succession and does not appoint a party other than petitioner to serve as executor.

(Adopted 10-30-15, effective 1-1-16)

**RULE 7203
REQUEST FOR BOND WAIVER**

In all cases where a waiver of bond is being requested, the petitioner must submit a declaration using mandatory local form RI-PR069 which provides the following information:

- (1) An estimate of any federal, state, or county tax liabilities of the estate;
- (2) An estimate of the total maximum potential liability of the estate to any known or reasonably-ascertainable potential unsecured creditors of the estate, including known contingent liabilities;
- (3) Whether the estate is expected to be solvent;
- (4) The name and address of any known or reasonably-ascertainable potential unsecured creditors of the estate, including known contingent liabilities; and
- (5) A detailed description of the efforts taken to obtain the information required by this rule.

(Adopted 4-24-15, effective 7-1-15; amended 10-30-15, effective 1-1-16)

**RULE 7204
CONFIDENTIAL FORMS**

A. CONFIDENTIAL SUPPLEMENT TO DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE(S)

The Confidential Supplement to Duties and Liabilities of the Personal Representatives(s) Judicial Council Form DE-147(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 shall be filed as confidential and shall not be released to any party absent a prior

order of the court. The clerk must maintain the form in a manner that will protect and preserve its confidentiality.

B. NOTICE TO DEPARTMENT OF HEALTH CARE SERVICES

The optional local form for Notice to the Department of Health Care Services (RI-PR036) contains the decedent's social security number. Consequently, the form shall be filed as confidential, and shall not be released to any party absent a prior order of the court. The clerk must maintain the form in a manner that will protect and preserve its confidentiality.

C. NOTICE TO VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

The optional local form for Notice to the Victim Compensation and Government Claims Board (RI-PR039) contains the date of birth of the heirs and/or beneficiaries of the decedent's estate. Consequently, the form shall be filed as confidential, and shall not be released to any party absent a prior order of the court. The clerk must maintain the form in a manner that will protect and preserve its confidentiality.

D. NOTICE TO FRANCHISE TAX BOARD

The optional local form for Notice to the Franchise Tax Board (RI-PR038) contains the decedent's social security number. Consequently, the form shall be filed as confidential, and shall not be released to any party absent a prior order of the court. The clerk must maintain the form in a manner that will protect and preserve its confidentiality.

(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; amended 4-29-16, effective 7-1-16)

**RULE 7205
SPOUSAL PROPERTY ELECTIONS**

Any written election under Probate Code section 13502 must include a declaration under penalty of perjury by the electing surviving spouse or registered domestic partner, or by the personal representative, guardian, or conservator of his or her estate acknowledging the following:

1. That the alternative procedures available pursuant to Probate Code sections 13540, 13541, 13545, 13600, and 13650 have been considered; and
2. That inclusion of the property in the administration of the decedent's estate could result in probate fees, personal representative commissions, and attorney fees that are higher than if an alternative procedure was used.

(Adopted 10-19-12, effective 1-1-13)

(b)

SMALL ESTATE PROCEEDINGS

RULE 7210

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

- (a) If a Petition to Determine Succession to Real Property (Probate Code 13150 et seq) or Spousal Property Petition (Probate Code 13500 et seq) is based upon the decedent's will or codicil, the will or codicil shall be filed with the court prior to or concurrent with the filing of the petition.
- (b) An original will shall be deposited with the court pursuant to Probate Code Section 8200.
- (c.) If the original will has been deposited with a foreign jurisdiction, a duly authenticated copy of the will shall be filed as an attachment to the petition.
- (d) If the original will is lost, a copy of the lost will or a document setting forth the terms of the lost will shall be filed as an attachment to the petition. The attachment must clearly indicate that the original will is lost, and shall be accompanied by a declaration addressing the presumption of revocation under Probate Code 6124.

(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; amended 10-30-15, effective 1-1-16)

RULE 7215

AFFIDAVITS FOR REAL PROPERTY OF SMALL VALUE

When an Affidavit for Real Property of Small Value is filed pursuant to Probate Code section 13200, one of the following must be attached to the affidavit:

- (a) If the decedent died testate, a statement that the decedent died testate and an executed copy of the will; or
- (b) If the decedent died intestate, a statement using mandatory local form RI-PR076 identifying the relationship of the heir(s) which establishes the affiant's claim to entitlement.

(Adopted 4-24-15, effective 7-1-15; amended 4-29-16, effective 7-1-16)

(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)

RULE 7230
WAIVER OF ACCOUNT

Any waiver of account presented under Probate Code 10954 shall be filed using the mandatory local form RI-PR056 – Waiver of Accounting.

(Adopted 11-8-14, effective 1-1-15)

DIVISION 3
GUARDIANSHIPS

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

A. Guardianship of the Person

1. Upon filing of the initial or successor petition for appointment of the guardian of the person, the petitioner or the petitioner's attorney shall furnish to the Clerk a completed Guardianship Investigation Packet, Local Form RI-P18, and a completed Confidential Cohabitant Screening Form, Local Form RI-PR040.
2. If there is more than one proposed guardian of the person, a Social History and Personal Data form (included in the Guardianship Investigation Packet, Local Form RI-P18), and a Confidential Cohabitant Screening Form, Local Form RI-PR040, must be completed and signed by each proposed guardian.

B. Guardianship of the Estate

When a petition requests appointment of a guardian of the estate only, the investigation otherwise required by Probate Code section 1513 is waived unless ordered by the court.

C. Confidentiality

1. The forms included in the Guardianship Investigation Packet, Local Form RI-P18 are confidential and shall only be made available to persons who have been served in the proceedings or their attorneys. The clerk of the court shall make provisions to limit access to these documents exclusively to persons entitled to receipt.
2. The information on the Confidential Cohabitant Screening Form, Local Form RI-PR040 is used by the court and by persons or agencies designated by the court to assist the court in determining whether a proposed guardian should be appointed. The form and the information obtained on the form are confidential and shall not be released to any party or their attorney absent a court order. The clerk must maintain these forms in a manner that will protect and preserve their confidentiality.
3. The results of the screening by the Riverside County Department of Social Services required by Probate Code 1516 are confidential and shall only be made available to the person who is the subject of the screening results or his or her attorney. The clerk of the court shall make provisions to limit access to the results exclusively to persons entitled to receipt.
4. Confidential information from the California Law Enforcement Telecommunications System obtained by the Probate Investigator to complete the investigation required by Probate Code 1513(a) shall be in a separate attachment to the investigation report and shall only be made available to the person who is the subject of the screening results or his or her attorney. The clerk of the court shall make provision to limit access to the results exclusively to persons entitled to receipt.

(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; amended 10-3-15, effective 1-1-16)

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 Request for Order using the mandatory Family Law Judicial Council Form with all supporting attachments in the existing Guardianship case. A hearing shall be scheduled in the family Law Department to address child support issues.

If an Income and Expense Declaration is filed by the guardian, the declaration shall report the income and expenses of the minor and need not report the income and expenses of the guardian.

(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; amended 5-4-12, effective 7-1-12; amended 10-19-12, effective 1-1-13)

**RULE 7311
CONFIDENTIAL GUARDIANSHIP STATUS REPORTS**

- (a) If a guardian is required to file a confidential guardianship status report and an adult has moved into the child's home after the guardianship was established, in addition to the mandatory Judicial Council form the guardian shall file a confidential local form. The form shall provide the date of birth, driver's license number, and social security number of each adult who has moved into the child's home after the guardianship was established.
- (b) The form required by this section and the information contained on the form are confidential. The clerk must maintain these forms in a manner that will protect and preserve their confidentiality.

- (c) The clerk shall obtain State summary criminal information, as defined in Penal Code section 11105, concerning each adult who is indicated on the form filed pursuant to this rule and shall provide the information to the judicial officer who is reviewing the guardianship status report.

(Adopted 5-13-13, effective 7-1-13)

DIVISION 4 CONSERVATORSHIPS

RULE 7400 REQUIRED EDUCATIONAL PROGRAM FOR NON-PROFESSIONAL CONSERVATORS

- a. Each proposed conservator shall attend the educational program for non-professional conservators provided by the court pursuant to Probate Code section 1457 before the hearing on the petition for his or her appointment as a conservator. A conservator who resides outside of Riverside County may make arrangements to attend an equivalent program at a Superior Court in another county in California where available. The proposed conservator shall file written proof of attending the educational program at least four court days prior to the hearing.
- b. If a proposed conservator fails to meet these requirements, the court may continue or deny the petition for appointment, or make other appropriate orders. If the proposed conservator has been appointed as temporary conservator and fails to meet these requirements, the temporary conservator must attend the hearing on the petition for appointment as conservator. If the temporary conservator fails to attend the hearing or fails to show good cause why he or she failed to attend the educational program, the court may suspend the powers of the temporary conservator, terminate the temporary conservatorship, deny or continue the petition for appointment of conservator, or make other appropriate orders.
- c. This rule does not apply to a trust company as defined in Probate Code section 83, a public guardian as defined in Government Code section 27430 et seq., a regional center established pursuant to Chapter 5 (commencing with section 4620) of Division 4.5 of the Welfare and Institutions Code, a licensed professional fiduciary as defined in Probate Code section 60.1, a conservator appointed under Welfare and Institutions Code section 5350 et seq., a limited conservator authorized to consent to the sterilization of an adult with a developmental disability pursuant to Probate Code section 1852, or a temporary conservator appointed pursuant to Probate Code section 2250 unless otherwise ordered by the court.

(Adopted 10-19-12, effective 1-1-13)

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 7404
CONFIDENTIALITY

- A. Capacity Declaration and Dementia Attachment
 - 1. Use of Form. The Capacity Declaration Form (form GC-335) and Dementia Attachment to Capacity Declaration (form GC-335A) provide the diagnoses, medications, and the testimony of a physician or psychologist concerning the following information relating to a conservatee or proposed conservatee:
Medical inability to attend the hearing as required by Probate Code 1825(b);
Mental function deficits as required by Probate Code 810 et seq., 1801, and 1821(a);
Capacity to give informed consent for medical treatment as required by Probate Code 1890(c); and

Findings concerning placement in a secured perimeter residential care facility for the elderly or administration of medications appropriate for the care and treatment of dementia as required by Probate Code 2356.5(f)(3).

2. Constitutional Findings. There is a substantial probability that the privacy of the medical information will be prejudiced if these forms are not filed as confidential. This privacy interest requires that the forms be filed as confidential, and overcomes the right of public access. This rule is narrowly tailored, and is the least restrictive means to protect the privacy of the proposed conservatee or conservatee.
3. Confidentiality. The Capacity Declaration and Dementia Attachment to Capacity Declaration shall be confidential and shall be made available only to parties, persons given notice of the proceedings who have requested these forms or who have appeared in the proceedings, their attorneys, and the court. The court shall have the discretion at any other time to release the forms to other persons if it would serve the interests of the conservatee. The clerk of the court shall make provision for limiting disclosure of the forms exclusively to persons entitled to receive them under this rule.

B. Probate Investigators Referral Report

1. Use of Form. The Probate Investigator's Referral Report (local form RI-PR016) provides phone and email contact information for relatives of the conservatee, contact information concerning the conservatee's residence and school or day program, need for an interpreter, and the conservatee's current medical diagnoses and medications. This information is provided to assist the probate investigator in completing the duties required by law.
2. Confidentiality. The Probate Investigator's Referral Report shall be confidential and shall be made available only to parties, persons given notice of the proceedings who have requested these forms or who have appeared in the proceedings, their attorneys, and the court. The court shall have the discretion at any other time to release the forms to other persons if it would serve the interests of the conservatee. The clerk of the court shall make provision for limiting disclosure of the forms exclusively to persons entitled to receive them under this rule.

(Adopted 10-30-15, effective 1-1-16)

**RULE 7405
TRUSTS**

At the filing of a petition for conservatorship of an estate, the petitioner shall advise the court if the conservatee is the settlor of a pre-existing trust, wherein the proposed conservatee is a beneficiary of such trust. The petitioner shall also advise the court of whether the proposed conservator of the estate is a trustee of said trust. The court shall provide a form for such disclosure, which shall accompany the petition upon filing.

The court may order a conservator of the estate, who is also acting as the trustee of said trust, to account for the trust, concurrent with any account for the conservatorship.

(Adopted 10-30-15, effective 1-1-16)

**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 7407
LIMITED CONSERVATORSHIPS**

- (1) All petitions for limited conservatorship of person, limited conservatorship of estate, or limited conservatorship of person and estate, must include mandatory local form RI-PR059 as an attachment setting forth the specific powers and duties over the Person and/or Estate being requested.
- (2) All orders and letters for limited conservatorship of person, limited conservatorship of estate, or limited conservatorship of person and estate, must include mandatory local form RI-PR062 as an attachment, setting forth the specific powers and duties over the Person and/or Estate granted by the Court.

(Adopted 4-28-17, effective 7-1-17)

**RULE 7409
CONSERVATOR'S ACCOUNTS**

- A. Copies to be Sent. At the time of filing an accounting or a Declaration in Support of Order Dispensing With Accounting, a Riverside Superior Court form entitled "Probate Investigator's Referral Form", must be. A copy of the accounting or declaration shall be mailed to counsel for the conservatee, or to conservatee personally if unrepresented, at least fifteen days before the hearing.
- B. Conservatee's Address. The conservatee's current residence address shall be set forth in each accounting or Declaration in Support of Order Dispensing With Accounting filed.
- C. Declaration in Support of Order Dispensing With Accounting. Any request for an order dispensing with an accounting under Probate Code 2628 must be submitted using local form RI-PR061. If the estate qualifies under Probate Code 2628 and

the conservator elects to use this procedure instead of an accounting, the fully-completed form must be submitted in the same frequency as an accounting under Probate Code 2620.

(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; amended 10-26-07, effective 1-1-08; Moved from Title 6 and renumbered from Rule 6.1205, 8-1-11, effective 1-1-12; amended 10-30-15, effective 1-1-16; amended 4-20-18, effective 7-1-18)

**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 appointment of counsel is required by statute in a proceeding under the Probate Code, that appointment shall be made upon the filing of the petition.

(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; amended 4-24-14, effective 7-1-14)

**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)

RULE 7420
NOTICE OF DEATH OF CONSERVATEE

A conservator of the estate has the same duty to provide notice of a conservatee's death that is imposed on a conservator of the person by Probate Code 2361.

(Adopted 4-28-17, effective 7-1-17)

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)

**DIVISION 6
MENTAL HEALTH MATTERS**

RULE 7610

MEDICATION CAPACITY/RIESE HEARINGS (FACILITY-BASED)

- (a) The person filing a petition for a medication capacity hearing pursuant to Welfare & Institutions Code § 5332 must promptly send an email to the Court Services Supervisor and Division Manager for the Probate Department in the region where the hearing will be conducted with notice that the petition will be filed, the name of the patient, and the date, time, and location of the requested hearing. If an interpreter is necessary for the patient, the email and the petition shall request the presence of an interpreter and must indicate the language required.
- (b) The medical facility must ensure that the patient is present at the appointed time of the hearing unless the patient has waived his or her presence.
- (c) The hearing will be closed to all but necessary participants except for persons expressly invited by the patient and permitted to attend at the judicial officer's discretion, and persons permitted to attend by the judicial officer for safety reasons or training purposes.
- (d) For hearings conducted at the medical facility, it is the responsibility of the medical facility to provide adequate security for the hearing. The following security measures must be met by each medical facility conducting such hearings:
 - 1. Competent and capable security personnel or orderly must be present in the hearing room at all times;
 - 2. A table that is a minimum of 60" wide by 24" deep must be present between the patient and the judicial officer. This table shall be secured to the floor in order to provide a physical barrier. There shall be a minimum of 3'-5" between the edge of the table and the wall behind to accommodate a wheelchair or mobility device and allow the judicial officer sufficient work area;
 - 3. All furniture and potentially dangerous objects in the room shall be secured to the floor; and
 - 4. A separate exit door on the judicial officer's side of the table.

In lieu of the above security requirements, the medical facility may provide video conference equipment to allow the patient and the doctor to appear for the hearing by video. The video equipment must provide two-way video and audio communication compatible with the video conference equipment of the court. The equipment must also provide the ability for the judicial officer to simultaneously view both the patient and the doctor.

- (e) A patient may request judicial review by notifying a member of the facility staff, the court, or the patients' rights office who shall then notify the Public Defender's office.

The person filing an appeal to the superior court pursuant to Welfare & Institutions Code § 5334(e)(1) must provide notice in the same manner required by subsection (a).

(Adopted 10-30-15, effective 1-1-16)

TITLE 8
APPEALS

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**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**

Documents shall be filed at the court facility as designated in the Administrative Order – Where to File Documents. The order can be located on the court’s website at <http://www.riverside.courts.ca.gov/> by clicking on *Local Rules* under the *General Information* tab.

(Adopted 11-4-11, effective 1-1-12; amended 5-13-13, effective 7-1-13)

**RULE 8010
RECORD ON APPEAL**

A. Record of Oral Proceedings

1. The record of oral proceedings in limited civil, excluding limited unlawful detainer appeals as noted in subsection (A)(2), 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 and limited unlawful detainer 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 “Notice of Appeal and Record of Oral Proceedings (Infraction).” Limited unlawful detainer appellants are encouraged to use Local Form “Notice of Appeal and Record of Oral Proceedings (Unlawful Detainer).” 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; amended 2-7-13, effective 3-1-13; administrative change made to remove the reference to the Southwest Justice Center in (A)(1), 10-15-13, effective 1-1-14)

**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 | 20 days after filing record |

Superior Court of California
County of Riverside

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| | designation (8.837) | preparation election (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**

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**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-filing 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:
1. The Presiding Judge;
 2. The Assistant Presiding Judge;
 3. The immediate past Presiding Judge;
 4. The Countywide Supervising Judge for Civil;
 5. The Countywide Supervising Judge for Criminal;
 6. The Countywide Supervising Judge for Family Law;
 7. The Countywide Supervising Judge for Probate;
 8. The Presiding Judge for Juvenile Court; and
 9. Four judges, selected from the bench at large.
- C. The chairperson of the Commissioner Advisory Committee shall be a non-voting member of the Executive Committee.
- D. Executive Committee members shall be appointed by the Presiding Judge. The Presiding Judge shall take into consideration regional balance on the Executive Committee when selecting the at-large judges.
- 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; amended 10-19-12, effective 1-1-13)

RULE 10020
DELEGATION OF JUDICIAL ADMINISTRATIVE RESPONSIBILITIES

- A. Pursuant to California Rule of Court 10.603, the Presiding Judge has the authority to delegate judicial administrative responsibilities and shall do so by appropriate standing order.
- 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 of the Assistant Presiding Judge as provided for in Rule 10010;
 3. Selection/removal of the Court Executive Officer (CEO);
 4. Selection of Subordinate Judicial Officers (SJO's);
 5. Items referred by the Presiding Judge to the judges as a whole for action or advice;
 6. Establishment of the long-range vision for the future of the Court by adoption of the Court's Strategic Plan; and
 7. 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:
 1. Countywide Civil Law Supervising Judge;
 2. Countywide Criminal Law Supervising Judge;
 3. Countywide Family Law Supervising Judge;
 4. Countywide Probate Law Supervising Judge; and
 5. A Presiding Judge for Juvenile Court.

(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; amended 10-19-12, effective 1-1-13)

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

A. Definitions

For purposes of this Local Rule, the following definitions apply:

- (1) The term “court” means any courtroom, courthouse, court office, or court facility in the County where the court conducts business, including but not limited to all entrances, exits, hallways, elevators, stairwells, waiting areas, security screening stations, service areas, lobbies, clerk’s offices, and adjacent court parking areas. It does not include the offices in any courthouse or court facility occupied by independent agencies, including the Offices of the District Attorney and the Public Defender.
- (2) The term “media” or “media agency” means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency.

- (3) The term “media coverage” means any photographing, recording or broadcasting of court proceedings by the media using television, radio, photographic, or recording equipment.

B. Media Inquiries Regarding Coverage of Courtroom Proceedings

Media coverage of court proceedings is governed by California Rules of Court, Rule 1.150.

C. Media Inquiries Regarding Use of Court Facilities

(1) Media Coverage in Court Facilities, Aside from Proceedings in Courtrooms

Media requests to film, photograph, or otherwise broadcast, aside from court proceedings in a courtroom, shall be made in writing to the court’s Public Information Office before the proposed filming or photographing is to occur. The request should include relevant details including, but not limited to: the amount of time needed to complete the assignment, the purpose, scope, proposed time and date of the filming, photographing and/or broadcast. Such written requests will be reviewed, and routed to the Presiding Judge or the Supervising/Lead Judge for the requested facility, or their designee, as appropriate for approval.

(2) Other Media Inquiries to Use Court Facilities

Other media requests for use of court facilities not relating to media coverage of court proceedings in a courtroom, and not falling within Section C(1) of this Local Rule shall be made in writing to the Public Information Office. The written request should include relevant details including, but not limited to: the amount of time requested for use of the court facility, the purpose, scope, and proposed time and date of the requested use of the court facility. Such written requests will be reviewed, and routed to the Presiding Judge or Executive Officer for consideration.

(3) Requirements for Media Regarding Court Policies and Procedures

Each media agency is responsible for ensuring that all its personnel in the court know and follow all court policies and procedures, and any instructions of court representatives.

(4) Court Authority to Revoke Permission

Permission to film, photograph, broadcast or otherwise use the court facility granted pursuant to Section C of this Local Rule may be revoked by the court at any time.

D. Media Inquiries Regarding General Information

All media inquiries as to general information, policies or other matters shall be referred to the Public Information Office. The Public Information Office will coordinate responses to the media with the Presiding Judge, Court Executive Officer, or applicable designees as appropriate.

(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; amended 4-24-15, effective 7-1-15)

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WILL
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