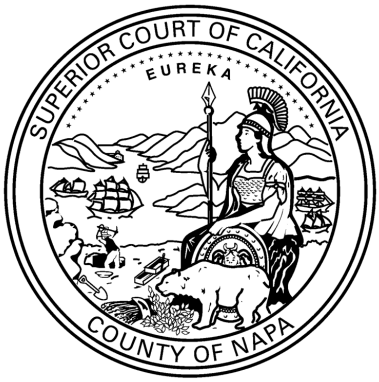
Superior Court of California
County of Napa



Local Rules

Effective 4/18/22

LIST OF CURRENTLY EFFECTIVE RULES
AND THE DATE OF ADOPTION/LATEST REVISION

1	7/1/02	6.3	7/1/02	10.5	7/1/20
1.1	7/1/20	6.4	7/1/03	10.6	1/1/12
1.2	1/1/16	6.5	1/1/17	10.7	1/1/12
1.3	7/1/02	6.6.1	7/1/20	10.8	1/1/12
2.1	1/1/12	6.6.2	1/1/07	10.9	4/18/22
2.2	1/1/11	6.6.3	7/1/02	11.1	7/1/09
2.3	1/1/11	6.7	1/1/16	11.2	1/1/12
2.4	1/1/20	6.8	1/1/06	11.3	1/1/12
2.5	1/1/11	6.9	7/1/17	11.4	1/1/26
2.6	1/1/11	6.10	7/1/17	11.5	7/1/09
2.7	1/1/11	6.11	1/1/18	11.6	1/1/18
2.8	7/1/14	6.12	1/1/18	11.7	7/1/18
2.9	1/1/11	7.1	1/1/17	11.8	1/1/16
2.10	1/1/11	7.2	1/1/17		
2.11	1/1/11	7.3	1/1/17		
2.12	1/1/11	7.4	1/1/21		
2.13	1/1/11	7.5	1/1/17		
2.14	1/1/19	7.6	1/1/20		
2.15	1/1/17	7.7	7/1/20		
2.16	7/1/13	7.8	1/1/17		
2.17	7/1/17	7.9	1/1/17		
3.1	1/1/16	7.10	1/1/21		
3.2	1/1/16	7.11	1/1/17		
3.3	7/1/20	7.12	1/1/17		
3.4	7/1/08	7.13	1/1/17		
3.5	1/1/16	8.1	1/1/99		
3.6	1/1/16	8.2	1/1/12		
3.7	1/1/16	9	7/1/02		
3.8	1/1/19	9.1	1/1/11		
3.9	1/1/19	9.2	1/1/11		
4.1	7/1/14	9.3	1/1/11		
4.2	7/1/02	9.4	1/1/13		
4.2.1	7/1/16	9.5	1/1/17		
4.3	1/1/16	9.6	7/1/12		
4.4	7/1/06	9.7	1/1/18		
4.5	1/1/06	9.8	1/1/17		
4.6	7/1/09	9.9	1/1/17		
4.7	1/1/13	9.10	7/1/20		
5.1	7/1/93	10.1	7/1/20		
5.2	1/1/99	10.2	7/1/20		
6.1	7/1/02	10.3	1/1/12		
6.2	1/1/11	10.4	7/1/20		

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RULE 1: SCOPE OF RULES FOR THE SUPERIOR COURT

These rules are intended to supplement the California Codes and Rules of Court. All attorneys and self-represented parties appearing before the Napa Superior Court must know and abide by these rules, as well as all applicable California Codes and Rules. Further, these rules are cumulative and are to be read as a whole. Thus, every rule applies to every case and every party or attorney appearing before the Napa Superior Court unless common sense or another provision of these rules exempts or supersedes it. These rules, the annual judicial assignments, and the court's schedules and calendar are available on the court's website at http://www.napa.courts.ca.gov.
(Effective 7/1/02)

1.1 Effective Date of Rules

These rules shall take effect on January 1, 2018. (Effective 7/1/02; revised 7/1/03; revised 7/1/05; revised 1/1/06; revised 7/1/06; revised 1/1/07; revised 7/1/07; revised 7/1/08; revised 1/1/09; revised 7/1/09; revised 1/1/10; revised 1/1/11; revised 7/1/11; revised 1/1/12; revised 7/1/12; revised 1/1/13; revised 7/1/13; revised 7/1/14; revised 7/1/15; revised 1/1/16; revised 7/1/16; revised 1/1/17; revised 7/1/17; revised 1/1/18; revised 7/1/18; revised 1/1/19; revised 1/1/20; revised 7/1/20; revised 1/1/21)

1.2 Title of Rules

These rules shall be known as "Local Rules for the Superior Court of the State of California, County of Napa". (Effective 1/1/99; revised 1/1/16)

1.3 Construction and Application of Rules

These rules shall be liberally construed to serve the proper and efficient administration of the business and affairs of this court and to promote and facilitate the administration of justice by the Superior Court of Napa County.

These rules may be amended or repealed, and new rules may be added, by majority vote of the judges. Rule and subdivision headings do not affect in any manner the scope, meaning, or intent of any of the provisions of these rules.

These rules are adopted pursuant to Code of Civil Procedure section 575.1. Any party or counsel for a party failing to abide by these rules may be sanctioned upon motion of any party or counsel for a party or on the court's own motion as set forth in Code of Civil Procedure section 575.2.

(Effective 7/1/02)

RULE 2: COURT ORGANIZATION

2.1 Policy Making Authority

Responsibility for formulating policy, including regulations concerning court administration, is vested in the Executive Committee of the court system with advice from all judges of the court. The Executive Committee is comprised of the Presiding Judge, the Assistant Presiding Judge, and the Court Executive Officer. (Effective 1/1/99; revised 1/1/11; revised 1/1/12)

2.2 Administrative Authority

The Court Executive Officer is appointed by, and serves at the pleasure of, a simple majority of the judges. (Effective 7/1/02; revised 1/1/11)

2.3 Presiding Judge, Assistant Presiding Judge, and Acting Presiding Judge

A Presiding Judge and Assistant Presiding Judge shall be elected by a simple majority of the judges, not later than August every other year, to serve a two-year term beginning the following January 1. If the Presiding Judge is absent or unable to act, the Assistant Presiding Judge shall be the Acting Presiding Judge. If both the Presiding Judge and Assistant Presiding Judge are absent or unable to act, the Senior Judge shall be the Acting Presiding Judge. (Effective 7/1/02; revised 7/1/06; revised 7/1/08; revised and renumbered 1/1/11)

2.4 Location and Schedule of Court Sessions

Sessions of the court shall be held in the courtrooms in the Historic Courthouse, Criminal Courthouse, and Juvenile Courthouse. In addition, the court may conduct sessions at any appropriate location within the county of Napa at the direction of the judicial officer presiding at such hearing. Courtrooms are at the following locations:

Historic Courthouse, 825 Brown Street, Napa
- Courtroom A
- Courtroom B
- Courtroom C

Criminal Courthouse, 1111 Third Street, Napa
- Courtroom 1
- Courtroom 2
- Courtroom 3
- Courtroom 4
- Courtroom 5
- Courtroom 6

Juvenile Courthouse, 2350 Old Sonoma Road, Napa
Courtroom JH (Juvenile Hall)

(Effective 7/1/02; revised 1/1/06; revised and renumbered 1/1/11; revised 1/1/16; revised 1/1/20)

2.5 Applications for Ex Parte Orders

Except as otherwise specifically preempted by California Rules of Court, rule 3.20, ex parte applications shall conform with these rules:

A. **Civil.** Applications involving civil matters shall be presented to a judicial officer of the civil division at 11:30 a.m. each court day. Unless the nature of the application precludes giving notice to the other side, such notice must be given and an appointment must be made by calling the clerk of the court no later than 10:00 a.m. the preceding court day. The court may waive notice for good cause. Ex parte applicants must check in with the civil division no later than 10:30 a.m. the day of the hearing. (Revised 1/1/13)

B. **Family Law/Juvenile/Guardianships.** Applications involving family law, juvenile, and guardianship matters shall be filed at the civil division filing counter by 10:00 a.m. for a judicial decision to be issued the same day on the papers alone, or for the matter to be placed on calendar the following court day. No drop box filing is allowed.

By 3:00 p.m. each court day (by 1:00 p.m. if the court day is an early closure Friday), a Family Law Ex Parte Status Information page will be posted on the court's website at http://www.napa.courts.ca.gov indicating as to each matter filed by 10:00 a.m. that day, whether a decision has been made on the papers, or whether the matter will be placed on calendar for clarifying questions at 11:30 a.m. the following court day.

Orders will be available for pick up from the civil division by 3:00 p.m. the day orders are issued (by 1:00 p.m. for orders issued on early closure Fridays).

Unless the nature of the application precludes giving notice to all parties (and to the Probation Department in Welfare & Institutions Code sections 300 and 602 matters), such notice must be given no later than 10:00 a.m. the court day before the application is filed with the court.

(Revised 7/1/15)

C. **Probate**. With the exception of guardianship ex partes, which shall be heard as set forth in subdivision B above, applications involving probate matters shall be presented to a judicial officer of the civil division at 11:30 a.m. each court day. Unless the nature of the application precludes giving notice to the other side, such

notice must be given and an appointment must be made by calling the clerk of the court no later than 10:00 a.m. the preceding court day. The court may waive notice for good cause.

D. Unavailability or Disqualification. If the judge to whom an application should be presented under this rule is unavailable (i.e., not physically present) or is disqualified, or in cases of emergency, the application may be presented to any available judge of the court.

(Effective 7/1/02; revised 7/1/03; revised 7/1/05; revised 1/1/06; revised and relettered 7/1/06; revised 1/1/07; revised and renumbered 1/1/11)

2.6 "Duty" Judge

One judge shall be the duty judge each month. The duty judge shall be responsible for the handling of emergency protective orders, off-hours search warrants, off-hours writs, and other matters requiring judicial attention off-hours.

The judges shall annually designate which month each will serve and will notify Napa County Central Dispatch of these designations. A duty judge unable to act will arrange for a substitute and will notify dispatch accordingly.

In the event the duty judge cannot be reached, any judge may be contacted for off-hours judicial business. Judges can be reached through Napa County Central Dispatch at (707) 253-4451 during non-court hours.

(Effective 7/1/02; renumbered 1/1/11)

2.7 Compensation of Court-Appointed Counsel and Investigators

Current compensation rates for appointed counsel and investigators are available on the court's website at http://www.napa.courts.ca.gov. (Effective 1/1/99; revised 7/1/04; revised 7/1/07; renumbered 1/1/11)

2.8 Telephonic Appearances

A. Program Overview. The Napa Superior Court permits telephonic appearances as set forth in California Rules of Court, rules 3.670 and 5.324.

1. Preference may be given to cases with telephonic appearances.

2. Hearings are conducted in open court or in private as the court may designate. All attorneys or parties making telephonic appearances call a designated toll-free teleconference number a few minutes before the calendar is scheduled to check in with the clerk. Attorneys or parties remain on the court's

speakerphone telephone line and hear the same business as those present in court. Attorneys or parties not participating telephonically appear in person. The court calls cases for hearing. All attorneys or parties on a case participate in the hearing. All present in the courtroom hear the discourse of those making telephonic appearances, unless the case is heard in private.

B. Appearance Procedure.

1. An attorney or party making a telephonic appearance must call the court's designated toll-free teleconference line approximately five (5) minutes prior to the scheduled hearing time and check in with the clerk. An attorney or party calling after the check-in period shall be considered late for the hearing and shall be treated by the court in the same manner as if the attorney or party had personally appeared late for the hearing.

2. An attorney or party appearing telephonically shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. A person appearing by telephone must not use the "hold" button, as it is not within the policy of the court to wait for an attorney or party to rejoin the line.

(Effective 7/1/02; revised 7/1/03; revised 7/1/06; revised 1/1/07; revised 7/1/08; renumbered 1/1/11; revised 7/1/14)

2.9 Tentative Ruling System

The court has adopted a tentative ruling system in civil law and motion and probate matters. Tentative rulings will be available no later than 3:00 p.m. on the court day before the scheduled hearing, and may be obtained on the court's website at http://www.napa.courts.ca.gov. Rulings may also be obtained by calling (707) 299-1270.

Oral argument on matters for which a tentative ruling has been posted will be permitted only if a party notifies all other parties and the court by 4:00 p.m. on the court day before the hearing that the party intends to appear and argue. Notice to the court shall be given by calling (707) 299-1270 (when recording begins, press "0"). If notice of intent to appear has not been given to all parties and to the court, no oral argument will be permitted and the tentative ruling will become the court's ruling. If no tentative ruling is posted on a particular matter, or if the tentative ruling indicates that an appearance is required, then the parties must appear at the hearing.

(Effective 7/1/02; revised 7/1/03; revised 1/1/07; revised 1/1/09; renumbered 1/1/11)

Each noticed motion or petition must include the following information, in bold type and placed in a conspicuous location on the notice, motion, or petition:

"The Napa Court uses a Tentative Ruling System. To receive the tentative ruling, visit the court's website at http://www.napa.courts.ca.gov or telephone the court at (707) 299-1270 after 3:00 p.m. the court day before the scheduled hearing date. Unless the court directs otherwise, no oral argument will be permitted unless a party or counsel for a party requests a hearing by calling the court and all other parties or counsel no later than 4:00 p.m. the court day before the hearing."

(Effective 7/1/13)

2.10 Facsimile Filing

The Napa Superior Court will accept agency fax filing of all documents except those specified in California Rules of Court, rule 2.300.

Direct filing of documents by fax to the Napa Superior Court is allowed on a case-by-case basis if deemed necessary and appropriate to expedite a matter and then only upon prior approval or by direction of a judicial officer. The telephone number for fax filings is (707) 253-4229 for civil filings, and (707) 253-4673 for criminal filings. The court does not allow direct fax filings of documents that require a fee, a signature of a judge, documents with multiple exhibits, or any document not permitted by law to be faxed. The submitting party is to retain the original of any faxed document, and shall provide it to the court only upon court order or request of opposing party.

A fax filing cover sheet is required and must contain the following information:

1. The judicial officer to whom the fax filing is directed.

2. The judicial officer who permitted a direct fax filing, if applicable, and the date and time of such authorization.

Fax filings must comply with all filing requirements otherwise listed in the State or Local Rules. Compliance with all rules and proper transmission of the documents are the responsibility of the sending party and/or the fax filing service.

(Effective 7/1/02; revised 1/1/07; renumbered 1/1/11)

2.11 Sealing of Juror Information

The addresses and telephone numbers of jurors may be sealed at the time the jurors are impaneled. Upon petition to the court, the information may be unsealed upon 20 days' notice to any juror who

may be affected by a court order unsealing the information. Upon recording of the verdict in a criminal case, the court shall follow the procedure specified in Code of Civil Procedure section 237. (Effective 7/1/02; renumbered 1/1/11)

2.12 Courtroom Security

To ensure the security of the courthouses and courtrooms, no person, except those authorized to do so, shall enter any courthouse or courtroom carrying, or in possession of, any weapon or device as described in Penal Code section 171b, or any other thing that may reasonably be used as a weapon. "Weapon" includes any knife, even if less than four (4) inches in length. Court security staff may search any person entering any courthouse or courtroom for possession of weapons. (Effective 7/1/02; renumbered 1/1/11)

2.13 Court Reporter Fees

Court reporter fees are due and payable at the beginning of the hearing or trial. "Beginning" is defined as the moment the matter is assigned to the trial court and the judicial official calls the action for hearing or trial.

Unless the court orders otherwise for good cause, a half-day fee shall be charged for any matter which lasts more than one (1) hour but not more than four (4) hours. A full day fee shall be charged for any matter lasting more than four (4) hours.

Court reporter fees are collectible in all matters other than criminal and juvenile matters.

Court Reporter fees for the estimated length of the hearing or trial must be deposited prior to hearing or trial in either the civil division, Historic Courthouse, 1st Floor, or in the criminal division, Criminal Courthouse, 1st Floor. For mailing, send to the Napa Superior Court, 825 Brown Street, or 1111 Third Street, Napa, CA 94559.

For any hearing estimated to last more than one (1) hour but not more than four (4) hours, each party shall deposit their pro-rata share of $225.00, or for any hearing estimated to last more than four (4) hours, each party shall deposit their pro-rata of share $450.00.

If, for whatever reason (fee waiver/governmental agency), one side is not required to post fees, the other side(s) shall still be responsible for its pro-rata share. Any delay in payment or deviation from above procedures shall immediately be referred to the trial judge for resolution.

(Effective 7/1/03; renumbered 1/1/11)

2.14 Court Reporting Services

A. General Provisions. The Napa Superior court provides court reporting services at the court's expense in all proceedings for which such services are required by law. Official court reporters will not be provided in proceedings for which such services are not legally mandated. The following chart sets forth the types of proceedings for which official court reporters will be provided by the court. For all other proceedings, if a party wishes the matter to be reported, the party shall be required to arrange for the attendance of a pro tem reporter. It will be that party's responsibility to pay the pro tem reporter's fee.

Case Type	Shorthand Reporter Provided by Court?
Felony Case	Yes
Misdemeanor Case	No
Infraction Case	No
Juvenile 300	Yes
Juvenile 602	Yes
Unlimited Civil incl. Unlimited UDs	No
Limited Civil incl. Limited UDs	No
Small Claims	No
Family Law	No
Adoption	No
Probate	No
Guardianship	No
Conservatorships	No
Civil Ex Parte	No
Domestic Violence	No
Civil Harassment	No

B. Exceptions for Parties With Fee Waivers. For case types where an official court reporter is generally not provided by the court and electronic recording is not available, parties with a current fee waiver on file with the court may still request the services of an official court reporter. The court will waive the official court reporter fees for this service; however, parties will still be required to pay court reporter transcript costs. To request an official court reporter pursuant to this rule, parties must submit the Napa Superior Court Request for Court Reporter Services form (NC-1) to the clerk's office as soon as they become aware of the proceeding they wish to be reported. (Effective 1/1/19)

C. Court Reporting Services Requested by Parties for Civil Trials. A party in any type of civil case must file a statement prior to the Case Management

Conference date indicating whether the party requests the presence of an official court reporter. Parties should be aware that, as set forth in subsection A above, such services will generally not be available. (Relettered 1/1/19)

(All sections/subsections without parenthetical history effective 7/1/04; revised 1/1/06; revised 1/1/07; section renumbered 1/1/11; revised 1/1/12)

2.15 Audio and Video Recording and Transmission

Audio and video recording and transmission is permitted only inside a courtroom, and only when authorized by the judicial officer presiding in that courtroom. Audio and video recording and transmission is forbidden anywhere else within any courthouse, unless authorized in writing by the presiding judge. Sworn law enforcement personnel acting within the course and scope of their duties are exempt from this rule. (Effective 7/1/06; renumbered 1/1/11; revised 1/1/17)

2.16 Master Calendar System

The Napa Superior Court uses a Master Calendar system for civil and criminal matters. Unless otherwise ordered, cases are not assigned to a single judge for all purposes. (Effective 7/1/13)

2.17 Communication With Court Staff

Neither the parties nor their counsel shall initiate communications with the research attorney staff, but shall promptly respond to inquiries directed to them by staff members.
(Effective 7/1/03; renumbered 1/1/06; renumbered 7/1/17)

RULE 3: DOCUMENTS PRESENTED FOR FILING

3.1 Use of Napa County Forms

Parties are required to use all forms adopted for mandatory use by the Napa County Superior Court. (Effective 7/1/93; revised 7/1/04; revised and renumbered 1/1/16)

3.2 Proof of Service

If no proof of service is filed with the court prior to the time set for hearing, the matter may be taken off calendar. (Effective 7/1/02; renumbered 1/1/06; renumbered 1/1/16)

3.3 Courtesy Copies of E-Filed Documents

Parties must provide a courtesy copy of any (1) e-filed document exceeding 15 pages (including exhibits), and (2) any color document (e.g., color photographs, maps, charts). Courtesy copies shall be delivered to Court Counsel or the clerk of the court no later than the next court day after filing. (Effective 1/1/16; revised 1/1/18; revised 7/1/20)

3.4 Endorsing Copies

The Court Executive Officer will endorse a maximum of two (2) copies of any filed document at the time of filing. Additional copies will be provided by photocopying and the standard fee for copies will be charged. (Effective 7/1/02; renumbered 1/1/06; renumbered 7/1/08)

3.5 Will-Call Box

Copies submitted for endorsement without an envelope will be placed in the attorneys' "will-call box" in the clerk's office. Endorsed items not picked up may be destroyed. (Effective 7/1/02; renumbered 1/1/06; revised 7/1/07; renumbered 7/1/08; revised 1/1/16)

3.6 Filing Documents in Matters Set on Shortened Time

Unless otherwise ordered by the court, for all matters set on shortened time, the last paper filed must be filed no later than 9:00 a.m. two (2) court days before the matter is scheduled to be heard by the court. (Effective 7/1/02; renumbered 1/1/06; renumbered 7/1/08; renumbered 1/1/16)

3.7 Lodging of Non-California Authority

Pursuant to California Rules of Court, rule 3.1113(i)(1), parties shall not lodge or file copies of cited non-California authorities unless specifically requested by the court. (Effective 1/1/12; renumbered 1/1/16)

3.8 Permissible Exhibits

A. Permissible Exhibits. Absent leave of court, the only acceptable means to file exhibits in support of a motion or at trial is by paper filing, or if available, e-filing. Exhibits must be legible and complete, and not require use of another resource to hear or view the exhibits. Compact Discs (CD's), Digital Video Discs (DVD's) and/or other types of digital storage devices are specifically prohibited and are not allowed to be submitted as exhibits to be filed.

B. Recorded or Digital Evidence. A party who would like to offer into evidence an electronic sound or sound-and-video recording, or any other type of digital file, in a motion or pleading that is filed with the court must lodge the recorded or digital evidence and file a transcript (or description, if transcription not possible) of the relevant portions sought to be considered by the court as an exhibit. The lodged material must be accompanied by an original notice of lodgment that includes: (1) a numbered listing of all of the items lodged, (2) a brief description of all lodged items, and (3) a copy of the notice of lodgment with the means of return in accordance with California Rules of Court, rule 3.1302(b).

(Effective 1/1/19)

3.9 Signatures On E-Filed Documents

For documents e-filed with the court, the filing party may use /s/ followed by the name of the individual on the signature line of a document, in lieu of an original signature. (Effective 1/1/19)

RULE 4: CRIMINAL RULES

4.1 Filing Complaints and Citations

Initial complaints must be filed with the clerk on the first floor of the Criminal Courthouse. In-custody complaints must be filed no later than 11:00 a.m. of the second court day following the defendant's arrest. All other complaints must be filed no later than two (2) court days before the date set for arraignment.

Complaints or citations presented for filing before 4:30 p.m. will be deemed filed on the date of receipt; complaints or citations received after 4:30 p.m. will be deemed filed the following court day.

(Effective 7/1/02; revised 7/1/09; revised 7/1/14)

4.2 Documents Necessary for a Hearing

Counsel must prepare in advance all documents necessary for any hearing, including, but not limited to, plea forms and probation orders. (Effective 7/1/02)

4.2.1 Plea in Absentia in Non-Domestic Violence ("DV") Misdemeanor Cases

A defendant in a non-DV misdemeanor case may enter a plea in absentia through counsel by using Napa Superior Court's mandatory form, Plea in Absentia (Criminal), located on the court's website at http://www.napa.courts.ca.gov. Defendant and counsel are required to sign the form. (Effective 7/1/16)

4.3 Motions

Unless otherwise ordered or specifically provided by law, all motions must be filed and served in accordance with the requirements of California Rules of Court, rule 4.111(a). (Effective 7/1/02; revised 1/1/12; revised 1/1/16)

4.4 *In Limine* Motions

All *in limine* motions must be in writing. They must be filed and served at or before the Readiness Conference. (Effective 7/1/02; revised and renumbered 1/1/06; revised 7/1/06)

4.5 Jury Instructions and Verdict Forms

Jury instructions and verdict forms must be submitted on the first day of trial. (Effective 7/1/02; renumbered 1/1/06)

4.6 Stipulations and Orders

Any stipulation between the parties that results in a court date being scheduled must be presented to the court with a proposed order at least two (2) court days before the agreed upon court date in the stipulation. Stipulations that are presented without a proposed order will not be accepted for processing. (Effective 7/1/09)

4.7 Effective Date of Filing

All documents presented for filing by 5:00 p.m. to a clerk or deposited in the court drop box will be deemed filed on the date of receipt. (Effective 7/1/09; revised 1/1/13)

RULE 5: TRAFFIC INFRACTION TRIALS

5.1 Trial by Written Declaration

The court, pursuant to this rule, adopts the trial by declaration process, defined in Vehicle Code section 40902. In addition, pursuant to Vehicle Code section 40903, any person who fails to appear at trial as provided by law may be deemed to have elected to have a trial by written declaration. (Effective 7/1/93)

5.2 Traffic and Engineering Surveys

The court takes judicial notice of all surveys lodged with the court. Upon request, the certified survey shall be produced by the court for inspection by the defendant. (Effective 1/1/99)

RULE 6: CIVIL RULES

6.1 Case Management Conference

The Case Management Conference provided by rule 6.6.1 will be noticed no sooner than 120 days and no later than 180 days after the filing of the original complaint. (Effective 7/1/02)

6.2 Trial Management Conference

Unless otherwise ordered by the court, Trial Management Conferences are generally held the second to the last court day of the week preceding the week in which the jury will be selected, or, in a court trial, the first witness called. The case will be assigned to a trial judge at the Trial Management Conference. This assignment is deemed the assignment from the master calendar. The Trial Management Conference is deemed to be the commencement of trial for all purposes, including discovery and motion cutoff, disclosure of witnesses and expert witnesses, and commencement of all trial-related fees, such as jury and court reporter fees. All *in limine* motions will be heard at the Trial Management Conference, and the court will attend to all other trial management issues to facilitate expeditious commencement of trial. (Effective 7/1/02; revised 1/1/06; revised 1/1/11)

6.3 Short Cause Trials

Short cause cases shall be assigned a date certain at the time of the Case Management Conference. Counsel must be prepared for trial on the date set. No continuances will be granted except upon a showing of good cause by a timely noticed motion. Stipulations to continue between counsel will not be construed as good cause. (Effective 7/1/02)

6.4 Long Cause Trials

Long cause cases shall be assigned a date certain at the time of the Case Management Conference. Counsel must be prepared for trial on the date set. No continuances will be granted except upon a showing of good cause by a timely noticed motion. Stipulations to continue between counsel will not be construed as good cause. (Effective 7/1/02; revised 7/1/03)

6.5 Trial Procedures

A. Exhibits. All exhibits, except for those used solely for impeachment purposes, must be exchanged between counsel no later than five (5) court days prior to the Trial Management Conference.

Unless otherwise ordered by the court, all exhibits the parties intend to introduce at trial, except those to be solely used for impeachment purposes, must be marked by counsel as exhibits and lodged with the court on the date of the Trial Management Conference. Marking consists of placing the exhibit tag on the exhibit with the case number written on the bottom center of the tag.

Plaintiffs/petitioners must use tags designated "Plaintiff" or "Petitioner". Defendants/respondents must use tags designated "Defendant" or "Respondent". The parties may mark joint exhibits, which shall be designated "Joint".

The parties shall meet and confer and agree on the manner of marking their exhibits. Options include, but are not limited to the following: plaintiffs/petitioners mark their exhibits numerically and defendants/respondents mark their exhibits alphabetically (more than one letter per exhibit is not permitted); the use of numerals in which each party is allocated a block of numbers to be used sequentially, *e.g.*, plaintiff may be allocated numbers 1 to 200, the first defendant numbers 201 to 400, and the second defendant numbers 401 to 600; the use of deposition exhibit numbers. Documentary exhibits consisting of more than one page must be internally paginated in sequential numerical order to facilitate reference to the document during interrogation of witnesses. If there are questions concerning the manner of marking exhibits, please contact the appropriate judicial officer's judicial assistant.

At the Trial Management Conference, parties shall also submit to the court an index of exhibits with their corresponding numbers or letters. If the trial date is continued, the parties shall retain possession of their own exhibits until the next scheduled Trial Management Conference.

(Revised 7/1/11; revised 1/1/17)

B. **Motions *In Limine*.** All motions *in limine* must be in writing and filed with the clerk of the court no later than ten (10) court days prior to the Trial Management Conference. Oppositions to motions *in limine* shall be filed at least five (5) court days before the Trial Management Conference. The court shall have the discretion to strike (*i.e.*, not consider) late-filed motions and oppositions. No oral motions *in limine* will be considered by the court. (Revised 1/1/17)

C. **Jury Instructions.** The parties are ordered to lodge with the clerk of the court all jury instructions they intend to request no later than the Trial Management Conference. If a party wishes to present appropriate points and authorities concerning an instruction, a separate copy must be provided to the court. The jury instructions must be completed with all blanks filled in and all bracketed portions either stricken or the brackets eliminated. (Revised 1/1/17)

D. **Statement of the Case.** For a jury trial, the parties must, in advance of the Trial Management Conference, meet and confer for the purpose of agreeing upon a brief non-argumentative summary of the factual nature of the case that will be

read to the jury. The agreed upon Statement of the Case is to be lodged with the clerk of the court no later than the Trial Management Conference.
(Effective 1/1/17)

(This section/all subsections effective 7/1/02 unless otherwise noted, and all those subsections revised 7/1/04; further revisions to each subsection are noted; deletions from this section 1/1/16; subsections lettered 1/1/17)

6.6 Administration of Civil Litigation

6.6.1 Service of Complaint

Upon the filing of a Complaint, the plaintiff shall receive the following from the clerk for service upon the parties:

1. Notice of Case Management Conference indicating the courtroom, date, and time of conference. The Case Management Conference will be set within 180 days of the filing date of the original Complaint. The court may continue this date if necessary to comply with Government Code section 68616.

2. An ADR Information Sheet.

A. Forms with Summons and Complaint and Return of Proof of Service. The plaintiff shall serve the Summons and Complaint, which must be served together with a Notice of the Case Management Conference and the ADR Information Sheet promptly after the pleading is filed. Proof of service shall be filed with the court within ten (10) days of this service. The ADR Sheet need not be served on any defendant in any civil action brought by the District Attorney or the Attorney General in the name of the People of the State of California.

B. New Parties in Cross-Complaint. If a Cross-Complaint names new parties, the cross-complainant shall serve copies of the Notice of Case Management Conference and the ADR Information Sheet on the new parties at the same time that the Cross-Complaint is served.

(Effective 7/1/02; revised 7/1/20)

6.6.2 Mandatory Settlement Conferences

In addition to requirements of California Rules of Court, rule 3.1380(c), each party shall submit to the court and serve on each other a Settlement Conference Statement that must include a statement of the factual and legal contentions in dispute, a list of all special damages claimed, copies of pertinent medical reports, and other pictorial or documentary evidence pertinent to settlement, the highest previous offer and the lowest previous demand, the date when the last

face-to-face or telephonic settlement discussion was held between all parties, and a statement as to any special problems relating to settlement such as lack of or disputed insurance coverage.

It is the policy of the court to encourage settlements at any stage of the proceedings and the civil master calendar judge may, at the request of a party to the action, set a cause for a Voluntary Settlement Conference on any date convenient to the court and counsel.

(Effective 7/1/02; revised 1/1/06; revised 1/1/07)

6.6.3 Cases Stayed Under California Rule of Court 3.650(d)

Once notification is received regarding said stay, the court shall issue an Order to Show Cause re Removed Case with a review date approximately 180 days from the date of notification.
(Effective 7/1/02)

6.7 Requests for Hearing Continuances and Taking Matters Off Calendar

A. **Hearing Continuances.** Requests for continuance of hearings shall be made by presenting to the clerk's office a stipulation signed by all counsel and self-represented parties and the required fees. No hearing will be continued without written order of the court, and for good cause shown, after the third court day before the hearing date. No matters will be continued after announcement of a tentative ruling thereon, except by order of the court for good cause.

B. **Taking Matters Off Calendar.** A matter may be taken off calendar by the moving party no later than the third court day before the hearing, and thereafter only by order of the judge who was to hear the matter. Any request for relief by the party responding to the matter will remain set for hearing unless continued or withdrawn by that party.

(Effective 1/1/16)

6.8 Uninsured Motorist Cases

An action for personal injury or property damage against an uninsured defendant may be designated an "uninsured motorist case" upon application of the plaintiff filed within 30 days of the commencement of the action. Upon the filing of such an application, the court will set a hearing date 180 days from the date of the designation, to allow for arbitration pursuant to Government Code section 68609.5. At the hearing, the action will be dismissed (without prejudice) unless the court, for good cause, extends the time for resolution of the case.
(Effective 7/1/02; revised 7/1/03; renumbered 1/1/06)

6.9 Hearings Exceeding 15 Minutes

If any hearing on a regularly noticed motion exceeds 15 minutes, the court shall have the authority to continue said hearing to a different date when the court has adequate time to hear extended argument. (Effective 7/1/03; renumbered 1/1/06; renumbered 7/1/17)

6.10 Attorney Fees in Default Proceedings

A. Limited and Unlimited Jurisdiction Defaults. Whenever the obligation sued upon provides for the recovery of attorney fees, the fee in each default civil case, whether unlimited or limited jurisdiction (and excluding unlawful detainers) shall be fixed pursuant to the following schedule:

$500.00 Minimum
20 percent up to $5,000
15 percent of next $10,000
10 percent of next $25,000
5 percent above $40,000

Any party seeking attorney fees in excess of those provided for herein shall submit a declaration to the court, substantiating the extraordinary fees.

B. Unlawful Detainers. For default unlawful detainer actions, the default amount for attorney fees shall be $600.00. Any party seeking attorney fees in excess of those provided for herein shall submit a declaration for submission to the court, substantiating the extraordinary fees. (Revised 7/1/15)

(Effective 7/1/03; renumbered 1/1/06; revised 7/1/12; renumbered 7/1/17)

6.11 Requests for Extension of Time to File

A party requesting an extension of time to file a return of summons, responsive pleading, default judgment, or any other required pleading shall submit a Judicial Council Ex Parte Application for Extension of Time to Serve Pleading (Form CM-020). (Effective 7/1/08; revised 1/1/12; renumbered 7/1/17; revised 1/1/18)

6.12 Appointment of Elisor

A party seeking the appointment of an elisor shall comply with Local Rule 7.13.
(Effective 1/1/18)

RULE 7: FAMILY LAW PROCEEDINGS

7.1 Scope

Rule 7 pertains to all family law matters, including those related to the Family Law Act, Uniform Parentage Act, the Domestic Violence Prevention Act, the Uniform Child Custody Jurisdiction Act, the Domestic Partnership Act, and guardianships of the person. (Effective 7/1/02; revised 7/1/11; revised 1/1/17)

7.2 Calendar Assignments

Dissolution/custody matters in which at least one party is represented by counsel are calendared in the master family law department, separate from all other family law matters, including dissolution/custody matters in which both parties are self-represented. The dates, times, departments, and judicial assignments for these calendars may be found on the court's website at http://www.napa.courts.ca.gov. (Effective 7/1/11; revised 1/1/17)

7.3 Proof of Service

Proof of timely service should be filed with the clerk no later than two (2) calendar days before the date set for hearing. Parties should retain a file-stamped copy of the proof of service to provide the court in the event the original has not yet been placed in the court file. (Effective 7/1/07; revised and renumbered 7/1/11; renumbered 1/1/17)

7.4 Family Law Case Management

A. **Policy.** It is the policy of the Napa Superior Court that all family law cases initiated will be managed to expedite resolution of the case, reduce the cost of litigation, and focus on early settlement. These rules relating to the administration of family law actions apply to all actions for dissolution, nullity, legal separation of spouses in a marriage or partners in a domestic partnership, actions to establish parental relationship, and such other cases assigned to the program by the family law judge filed after January 1, 2007. (Effective 7/1/07; revised 7/1/08; revised and lettered 7/1/11)

B. **Forms to be Issued by Clerk Upon Filing of Petition.** Upon the filing of a case subject to Family Law Case Management, the petitioner shall receive two (2) copies of the Notice of Family Law Case Management. This document provides the parties with notice of the date, time, and location of the Family Law Case Management Conference. It also highlights the dates by which the required documents should be filed and served. (Effective 7/1/07; revised 7/1/08; renumbered 1/1/11; revised and renumbered 7/1/11; revised 1/1/17)

C. **Service of Summons and Petition -- Forms to be Served on Other Party.** The petitioner shall serve the following documents on the opposing party:

1. Summons, Petition, and, if applicable, petitioner's completed Declaration Under Uniform Child Custody Jurisdiction Enforcement Act.

2. Notice of Family Law Case Management.

(Effective 7/1/07; revised 7/1/08; renumbered 7/1/11; renumbered 1/1/17)

D. Case Management Conferences.

1. Calendar. The first Family Law Case Management Conference will be held at least one year after the filing of the Petition by a petitioner represented by counsel, and at least one year after the filing of the Petition by a self-represented petitioner, unless a judgment resolving all issues has been entered prior to the Family Law Case Management Conference. Once a date has been set for a Family Law Case Management Conference, it cannot be changed without a showing of good cause. (Effective 7/1/07; revised 1/1/11; revised 1/1/17; revised 1/1/21)

2. Appearance Mandatory. Appearance at the Family Law Case Management Conference is mandatory. The case is subject to dismissal if both parties fail to appear at the Family Law Case Management Conference. (Effective 1/1/11; revised & renumbered 7/1/11; revised 1/1/21)

3. Service of Case Management Conference Report. Each represented party must file and serve a Family Law Case Management Conference Report (or jointly file one report) at least five (5) calendar days prior to the Family Law Case Management Conference. Represented parties shall use the Napa Superior Court's mandatory Family Law Case Management Conference Report, a local form available on the court's website at http://www.napa.courts.ca.gov. Use of the local form is optional for unrepresented parties. (Effective 7/1/07; revised & relettered 7/1/08; revised 1/1/11; renumbered 7/1/11; revised 1/1/21)

4. Purpose. At the first Family Law Case Management Conference, the court will review the status of the case, discovery plans, settlement options, alternative dispute resolution, and unresolved issues. The court may also make further orders that the court deems necessary, consistent with Family Code sections 2032(d) and 2450. (Effective 7/1/07; revised & relettered 7/1/08; revised 7/1/11; revised 1/1/17)

(Subsection renumbered 7/1/08; renumbered 1/1/11; renumbered 7/1/11; renumbered 1/1/17)\

(Section effective 7/1/07; revised 7/1/08; renumbered 7/1/11; renumbered 1/1/17)

7.5 Ex Parte Matters

A. **Filing/Scheduling**. Ex parte applications involving matters within the scope of this rule must be filed at the civil division filing counter by 10:00 a.m. for a judicial decision to be issued the same day on the papers alone, or for the matter to be placed on calendar the following court day. No drop box filing is allowed. (Effective 7/1/11; revised 1/1/17)

By 3:00 p.m. each court day (by 1:00 p.m. if the court day is an early closure Friday), a Family Law Ex Parte Status Information page will be posted on the court's website at http://www.napa.courts.ca.gov indicating as to each matter filed by 10:00 a.m. that day, whether a decision has been made on the papers, or whether the matter will be placed on calendar for clarifying questions at 11:30 a.m. the following court day. (Effective 7/1/15)

B. **Notice.** To satisfy the requirement of filing a declaration of notice, the applicant may use or follow the format of the Declaration re Notice of Ex Parte Hearing, a local form available on the court's website at http://www.napa.courts.ca gov. (Effective 7/1/11; revised 7/1/15; revised 1/1/17)

C. **Orders.** Orders issued on ex parte requests will be available for pick up from the civil division by 3:00 p.m. the day the orders are issued, and by 1:00 p.m. for orders issued on early closure Fridays. (Effective 7/1/15; relettered 1/1/17)

(Section renumbered 1/1/17)

7.6 Master Family Law Calendar

At the Master Family Law Calendar call, counsel or self-represented parties shall state their names, appearances, whether moving or responding, and an accurate time estimate for the hearing on the matter of issues not agreed upon, including preliminary statements, testimony, and closing comments. The court will assign all matters to a department on a date and time certain within that calendar week subject to availability. Counsel and the parties must be prepared to proceed at the time of hearing.

The court will grant priority, where possible, to matters where special circumstances exist (*e.g.*, out-of-town counsel or parties, witnesses under subpoena or present in court). At the calendar call, the court will give preference to stipulations, requests for continuances, and uncontested matters. Matters set for hearing on the master calendar will be continued only in accordance with subsection D.

A. **Conflict With Other Court Appearance**. Counsel are expected to arrange for coverage or to arrange continuances with the court and all parties or counsel for parties in the event of calendar conflicts. (Effective 7/1/02; renumbered 7/1/07; renumbered 1/1/11; revised and renumbered 7/1/11)

B. **Setting Trials**. After the filing of an At-Issue Memorandum & Certificate of Readiness, the court will place the matter on the master calendar for setting of trial. The mandatory local form is available on the court's website at http://www.napa.courts.ca.gov. The court will provide notice to the parties. (Effective 7/1/11; revised 7/1/17)

C. **Matters Taken Off Calendar**. After service of the moving papers, no matter shall be taken off calendar without stipulation or notice to the responding party or attorney and the court. The moving parties or their attorneys must notify the civil division immediately by telephone in the event the matter will not proceed to hearing. This notification should be followed by a written transmittal signed by the party and/or the attorney confirming that the matter is to be taken off calendar with a copy to opposing counsel or the party. (Effective 7/1/02; renumbered 7/1/07; renumbered 1/1/11; renumbered 7/1/11)

D. **Continuances**. After service, three (3) continuances, not counting those needed for further child custody and visitation mediation, may be obtained by agreement upon payment of the continuance fee. Additional continuances may not be by stipulation but only by appearance and order of the court upon a showing of good cause. (Effective 7/1/02; revised and renumbered 7/1/07; revised 7/1/08; renumbered 1/1/11; revised and renumbered 7/1/11)

1. Stipulations. If a written stipulation for a continuance and fee is received by 1:00 p.m. one (1) court day before the Master Family Law Calendar, the court date will be continued by the court in accordance with the stipulation and no appearances are necessary at the Master Family Law Calendar. (Effective 7/1/11; revised 1/1/13)

2. Special Set Hearings. No continuances will be granted for those matters specially set. Rather, the parties must drop and re-file the matter. If the matter has settled, the parties must appear in court and announce the stipulation on the record or provide the court with a written stipulation.

3. Special Set Long Cause (More Than One Day) Hearings. Continuances shall only be granted upon a showing of good cause upon a properly noticed motion to continue.

4. Fees. If a stipulation is filed, both parties shall split the continuance fee unless otherwise agreed. If one side requests a continuance, the requesting party pays the continuance fee. There is no fee if the continuance is for further child custody and visitation mediation or if minor's counsel requests the continuance. There is no fee for a party who has been granted a fee waiver.

5. Use of Form FL-6. Parties are encouraged to use FL-6, Family Law Stipulation and Order, to facilitate compliance with this rule. The optional local form is available on the court's website at http://www.napa.courts.ca.gov. (Effective 1/1/20)

(All sections/subsections without parenthetical history effective 7/1/11; section renumbered 1/1/17)

7.7 Hearings - General

A. Presence of Parties and Attorneys. If a party or attorney cannot appear because of illness, extreme economic hardship, or other good cause, that party or attorney must immediately contact the other party and every reasonable effort shall be made to continue the hearing. In the absence of a negotiated continuance or settlement, the party must file a declaration detailing the communication or attempted negotiations with the other party and a request for a reasonable continuance. (Revised 1/1/17; revised 7/1/20)

B. Failure to Appear. Failure of the moving party or attorney to be present at the calendar call or to have informed the clerk of their presence shall result in the matter being removed from the calendar, and if the responding party has appeared, attorney fees and costs may be awarded to the appearing party. In the event the responding party fails to appear, the court may continue the matter and award attorney fees or enter an order on the pleading and testimony of the moving party. (Revised 7/1/20)

C. Tardiness. If for any reason an attorney or party is unable to be present at the time of the calendar call, the court and opposing party must be notified immediately by telephone of the reasons for, and the extent of, such delay.

D. Calling the Case. At the hearing, the moving party or the moving party's attorney will be asked to state the issues. The responding party will be asked to concur in moving party's statement of issues and to state any additional issues. Attorneys are expected to be thoroughly prepared to answer the questions of the court concerning the facts of the case and cite applicable statutory and case law if an unusual or contested point of law is involved. Live testimony will be received or disallowed in accordance with Family Code section 217. (Subsection relettered 1/1/17)

(Section/all subsections effective 7/1/02 and revised 7/1/06 and 7/1/08; section renumbered 1/1/11; revised 7/1/11; subsection deleted 1/1/17; section renumbered 1/1/17)

7.8 Settlement Conferences

A. Mandatory Settlement Conferences. All long-cause matters (estimated to take more than one day) shall be set for a mandatory Settlement Conference. (Effective 1/1/11)

B. **Voluntary Settlement Conferences.** A Settlement Conference may be held upon request of both parties and with the approval of the court. The Settlement Conference shall be calendared on the Master Family Law Calendar, either by motion or upon request of both counsel at the Family Law Case Management Conference. The Settlement Conference will be assigned to a department on a date and time certain within that calendar week subject to availability. Each party and the attorney for each party must personally attend the Settlement Conference unless specifically excused by the court. A voluntary Settlement Conference should not be calendared until the case is adequately prepared and ready for a meaningful Settlement Conference. (Effective 7/1/02; revised and renumbered 1/1/11; revised and renumbered 7/1/11)

C. **Discovery.** Discovery must be completed not later than five (5) court days prior to the Settlement Conference, except upon order of court for good cause. (Effective 7/1/02; renumbered 1/1/11; renumbered 7/1/11; renumbered 1/1/16)

D. **Meet and Confer Requirement.** The parties or their attorneys must meet and confer in good faith, in person or telephonically, no later than two (2) court days before the Settlement Conference in an attempt to resolve issues, stipulate to facts, and delineate the issues remaining for resolution at the Settlement Conference. (Effective 7/1/11; renumbered 1/1/16)

E. **Settlement Conference Statements.**

1. Time Requirements. At least two (2) court days before the Master Family Law Calendar from which the Settlement Conference is to be assigned, or at least five (5) calendar days before a specially set Settlement Conference, each party must prepare, lodge with the court, and serve on the other party a Settlement Conference Statement as set forth below. If service is by mail, an additional five (5) calendar days' notice is required. (Effective 7/1/02; revised and renumbered 1/1/07; renumbered 1/1/11; revised and renumbered 7/1/11)

2. Contents.

a. Caption. The caption shall contain the time and Master Family Law Calendar date and trial date if set. (Effective 7/1/02; revised 1/1/07; renumbered 1/1/11; revised and renumbered 7/1/11)

b. Income and Expenses. In all cases where support or attorney fees is in issue, a current Judicial Council Income and Expense Declaration shall be prepared, signed, and dated. In addition, all income and other financial information as required by Local Rule 7.11 shall be attached. (Effective 7/1/02; revised 1/1/07; renumbered 1/1/11; revised 1/1/17)

c. Assets & Liabilities. In all cases where property issues (characterization, division, and/or valuation) are unresolved, each party must prepare a comprehensive inventory of all assets (real and personal) and liabilities claimed by the parties to be community property and/or community debt. This inventory can either be typed on applicable Judicial Council forms, or may be prepared in any form which contains substantially the same information as set forth on the Judicial Council forms.
The parties must attach to their Settlement Conference Statements copies of the completed inventory assets and liabilities forms indicating their claim to values and proposal for division of the property.

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

(Effective 7/1/02; revised 1/1/07; renumbered 1/1/11; renumbered 7/1/11)

d. Contentions About Child and Spousal Support. Both parties shall specify their contentions as to the amount of child support and amount and duration of spousal support. Include calculations showing guideline child support. If any child is a recipient of public assistance, and the Department of Child Support Services is the assignee of the support, the statement shall show that the Department of Child Support Services has been notified of the time and date of the Settlement Conference and provided copies of all pertinent, current financial documents (*i.e.*, Income and Expense Declarations, support calculations, etc.). (Effective 7/1/11)

e. Contentions About Attorney Fees, Accountant Fees, Expert Fees, and Costs. Both parties shall include in their statement their position regarding requests for attorney and accountant fees, other expert fees, and court costs. Where appropriate, such requests shall be supported by adequate documentation. (Effective 7/1/11)

(Relettered 1/1/16)

(Section renumbered 1/1/17)

7.9 Trial Exhibits

See Local Rule 6.5, "Trial Procedures". (Effective 7/1/02; renumbered 1/1/11; renumbered 7/1/11; renumbered 1/1/17)

7.10 Child Custody and Visitation

A. Mediation.

1. Mandatory Mediation. Every Request for Order or motion concerning custody and visitation shall include the following order: "The parties are ordered to attend orientation and mediation prior to the court hearing." (Effective 1/1/99; renumbered 1/1/11; revised and renumbered 7/1/11; revised 7/1/12; revised 1/1/13; revised 1/1/17)

2. Orientation Class. Prior to child custody/visitation mediation, each party is ordered to complete an online orientation class scheduled by Family Court Services. Only those parties who completed the orientation within five (5) years prior to the mediation session are exempt from attending this orientation. (Effective 7/1/11; revised 1/1/17)

3. Attendance and Participation of Parties. The court may sanction any party who fails to attend orientation or mediation. Sanctions may include, but are not limited to, monetary fines, denial of relief sought, dismissal of the Request for Order or motion, entry of substantive orders, or contempt. (Effective 7/1/11; revised 7/1/12)

4. Non-Recommending Confidential Mediation. The Napa Superior Court utilizes non-recommending confidential mediation, subject to recommendation exceptions permitted by law. (Effective 7/1/11; revised 1/1/17)

5. Attendance and Participation of Interpreters in Mediation. A neutral person who is fluent in both English and the party's native language may interpret for a party in mediation if there is no mediator available to conduct the mediation in that party's native language. Individuals who serve in this capacity will be required to sign a confidentiality agreement. In no case may a minor child of the parties serve as an interpreter. (Effective 7/1/11; renumbered 1/1/17)

6. Agreement of the Parties. If an agreement is reached in mediation, the mediator will prepare a written agreement. Parties will approve and be given a copy of their agreement before leaving the mediation session. Attorneys will have an opportunity to review and approve, or disapprove, the agreement. If the agreement is approved by the parties and their attorneys, the agreement will be presented to the court for approval and will become a court order once signed by the court. (Effective 7/1/11; renumbered 1/1/17; revised 1/1/21)

7. Same-Day Mediation. Where the court determines that there is an urgent need for mediation, the parties may be referred for same-day mediation. These sessions are limited in time and focus on the single issue identified by the court. (Effective 7/1/11; renumbered 1/1/17)

8. Subsequent Mediation. Without first filing a Request for Order or a motion, parties may return to mediation within one (1) year of the date of the original mediation referral if both parties are willing to participate.

a. Each party must contact Family Court Services to schedule a date and time for the mediation, and file a Stipulation for Subsequent Mediation. The mandatory local form is available on the court's website at http://www.napa.courts.ca.gov.

b. The court or Family Court Services, in its discretion, may waive mediation if a Request for Order or a motion is filed following an unsuccessful subsequent mediation.

(Effective 7/1/11; revised 7/1/12; revised 7/1/16; revised and renumbered 1/1/17; revised 7/1/17)

9. Mediation Complaints and Requests for New Mediator. Complaints regarding a mediator are handled as follows:

a. Complainant shall complete a form provided by Family Court Services and mail or deliver it to the Court Executive Officer.

The Court Executive Officer or that officer's designee ("investigator") will conduct an investigation of the matter including consultation with the mediator(s) assigned to the case. Within 15 days, the investigator will determine whether to replace the challenged mediator, add a second mediator to the case, or take no action. The date and action will be recorded by the investigator and the complainant will be informed promptly in writing. The investigator's decision is final.

(Effective 7/1/11; revised 7/1/13; renumbered 1/1/17; revised 7/1/20)

B. Complaints Regarding Appointed Counsel for the Child

Complaints regarding the conduct of or procedures employed by counsel for minor children appointed by the court must be made in writing to the Supervising Family Law Judge and/or Court Executive Officer. A copy of the complaint must be provided to all parties. The court must determine what action to take, if any, including whether the complaint should be referred to the appropriate professional licensing board. The court must provide a written response to all parties and minor's counsel.

(Effective 1/1/99; revised and renumbered 1/1/11; revised and renumbered 7/1/11)

C. Court-Ordered Child Custody Evaluations

1. Peremptory Challenges. The parties and minor's counsel are each permitted one peremptory challenge to a child custody evaluator appointed by the court. Unless waived, a peremptory challenge must be made within five (5) court days of notice of the appointment. Minor's counsel appointed after the expiration of the time allowed to the parties to make a peremptory challenge under this rule may not make a peremptory challenge to the evaluator.

2. Withdrawal From a Case. An evaluator may request to withdraw from a case by delivering a written declaration demonstrating good cause under penalty of perjury to the judicial officer assigned to the case and must give copies of the request to all parties and minor's counsel. Any objections to the request to withdraw must be filed with the court and served on the evaluator, all parties, and minor's counsel within ten (10) days' notice of the request to withdraw. After time for filing of objections to the request to withdraw has expired, the court may, upon a finding of good cause, grant the request to withdraw, deny the request, or set a noticed hearing to resolve the issue.

3. Complaints Regarding Evaluators. Complaints regarding the conduct of, or procedures employed by, a private child custody evaluator must be made in writing to the Supervising Family Law Judge and/or the Court Executive Officer. A copy of the complaint must be provided to the evaluator, all parties, and to any minor's counsel. The court must determine what action, if any, to take including whether the complaint should be referred to the appropriate professional licensing board. (Effective 7/1/11; revised 1/1/17)

4. Requests for Removal of Evaluator. A request for the removal of an evaluator must be made by noticed motion filed the case, and served on the evaluator, all parties, and minor's counsel, if applicable. (Effective 7/1/11; revised 1/1/17)

5. Ex Parte Communications. Unless there is a stipulation, ex parte communication by counsel with the evaluator is prohibited, except to schedule appointments. An attorney for a party or minor's counsel must not provide the evaluator with documents pertaining to the case without first providing the other side and minor's counsel, if any, with a copy of the documents.

6. Locating Qualified Private Child Custody Evaluator. The court has prepared an information sheet on how to find qualified child custody evaluators. (See Appendix A)

(All sections/subsections without parenthetical history, effective 7/1/11; subsection deleted 1/1/17; section renumbered 1/1/17)

7.11 Requirements in Financial Matters.

A. Disclosure of Income Tax Returns. Parties shall bring a copy of their most recent federal tax return to the hearing. In addition, when child, family, or spousal support is requested, a party may require the opposing party to provide copies of both state and federal income tax returns pursuant to Family Code section 3552. A request for tax returns must be made no later than 10:00 a.m. five (5) court days before the hearing. Copies of the tax returns including all schedules, W-2s, 1099s and K-1s must be provided to the requesting party or counsel the earlier of five (5) court days after the request or 10:00 a.m. two (2) court days before the hearing. Tax returns served pursuant to this rule must not be filed with the court except as provided in Family Code section 3552.

B. Child and Temporary Spousal Support Guidelines. The court uses the DissoMaster™ computer program to calculate guideline child support (except in Department of Child Support Services enforcement actions) and temporary spousal support. In calculating temporary spousal support, the court uses the "Santa Clara" formula as contained within the DissoMaster™ computer program.

C. Request for Attorney Fees.

1. Attorney Declaration. Any request for attorney fees or costs in excess of $2,000 must be accompanied by a factual declaration completed by the attorney. The declaration must state the attorney's hourly rate, the amount of fees already paid, the source of payment for fees already paid, the amount of fees due and payable, how fees requested were or will be spent, and identification of a source for payment of the fees. The declaration shall further state such facts as may be relevant to the court's determination of the reasonableness of the fees.

2. Bifurcation Re: Fees and Costs. Where counsel requests fees pursuant to Family Code section 271, the court will defer any decision until all other issues have been determined and will not receive an attorney's declaration relating thereto until commencing consideration of the attorney fee issue.

D. Request for Expert Fees. Any request for expert fees must be accompanied by a factual declaration completed by the expert. The declaration must state the expert's hourly rate, the scope of the expert's task, and an estimate of the number of hours required to complete the task.

(This section/all subsections effective 7/1/11; deletions from this section 1/1/17; section renumbered and all subsections lettered 1/1/17)

7.12 Family Law Facilitator

The Napa County Superior Court has established an office of family law facilitator for self-represented parties. The court will make referrals to the family law facilitator as appropriate. By this rule, the court designates and establishes in the office of the family law facilitator all the duties prescribed or permitted by the Family Law Facilitator Act, Family Code section 10000, et seq. (Effective 7/1/02; renumbered 1/1/11; renumbered 7/1/11; renumbered 1/1/17)

7.13 Appointment of Elisor

A. Request for Order. A court order for the appointment of an elisor must be made by a Request for Order. The Request for Order must include at least one (1) supporting declaration with a list of the exact documents the elisor is being asked to sign. The request must be accompanied by a proposed order.

B. Mandatory Information in Supporting Declaration(s). The supporting declaration(s) must include all of the following:

1. The title, date, page(s), and line(s) of the court order upon which the request to appoint the elisor is based.

2. A description of the good faith efforts to meet and confer to resolve the issue informally.

3. Specific facts establishing the necessity of the appointment of an elisor, including the reason, by a person with personal knowledge, why each document requires the elisor's signature.

C. Mandatory Language in Proposed Order. The proposed order must include all of the following:

1. Designation of "The Clerk of the Court or Clerk's Designee" as the elisor. The order cannot state a name or title of a specific court employee. (A record of the clerk of the court and its designees authorized to sign the order can be obtained from the Court Executive Office.

2. The party's name for whom the elisor is being appointed; the exact title or a sufficient description that accurately identifies each document to be signed; and the capacity of the elisor who will be signing each document.

D. Mandatory Additional Requirements.

1. Copies of all documents to be signed must be attached to the proposed order.

2. The original documents presented to the elisor for signing must be identical to the copies of the documents attached to the proposed order.

E. Order Granted.

1. If the court grants the order, the party must contact the Court Executive Officer to schedule an appointment for the actual signing of the documents.

2. If the elisor is signing documents that require notarization, the party must arrange for a notary public to be present when the elisor signs the documents.

(Effective 7/1/16; renumbered 1/1/17)

RULE 8: ADOPTION PROCEEDINGS

8.1 Adoption Hearings

Adoption hearings will be scheduled at the request of petitioner or counsel on any probate court appearance calendar. All proposed reports, orders, accounting, agreements, consents, and other pleadings required by law shall be on file prior to scheduling a hearing. (Effective 1/1/99)

8.2 Access to Adoption Files

Pursuant to Family Code section 9200, applicants seeking access to adoption files shall set forth a detailed factual showing sufficient to establish good cause approaching the necessitous. Parties shall use the Petition to Inspect Adoption Records, a mandatory local form available on the court's website at http://www.napa.courts.ca.gov. (Effective 7/1/93; revised 7/1/08; revised 1/1/12; revised 1/1/13)

RULE 9: PROBATE

Except as otherwise specified by these rules, the procedures set forth in California Rules of Court and the Probate Code govern all probate proceedings. (Effective 7/1/02)

9.1 Preparation of Orders

All motions and petitions must be accompanied by a proposed Order or Letters. (Effective 7/1/02; renumbered 1/1/11)

9.2 Pre-Approved Probate Calendar -- See Tentative Ruling System, Local Rule 2.9

Routine, unopposed probate matters submitted by counsel and approved by a tentative ruling, with the exception of the matters listed in rule 9.3, do not require appearance by counsel. If the matter is not approved by tentative ruling, the tentative ruling will state that the court is either continuing the case for two (2) weeks for any defects to be remedied, or placing the matter on the calendar for appearance by counsel. For approved matters, the court will file the Order and/or Letters and return up to two (2) endorsed copies to counsel's courthouse folder. Counsel requiring return of endorsed copies by mail must submit a pre-addressed stamped envelope. (Effective 7/1/02; renumbered 1/1/11)

9.3 Matters Requiring Appearance

The following probate matters require appearance of counsel or parties at the hearing:

A. Application for appointment of conservator;

B. Termination of conservatorship (other than by death of the conservatee);

C. Contested matters;

D. Other matters at the request of the court.

(Effective 7/1/02; renumbered 1/1/11)

9.4 Guardianship Investigations – Mandatory Orders – Local Forms

Every petition for appointment of a guardian of the minor shall be accompanied by a proposed order for investigation, using the appropriate Napa Superior Court mandatory form, which can be found on the court's website at http://www.napa.courts.ca.gov. A copy of the signed order for investigation must be served on Child Welfare Services within two (2) court days of being signed by a judicial officer. (Effective 7/1/12; revised 1/1/13)

9.5 Conservatorship Investigations – Standing Orders

The Napa Superior Court Probate Investigator is hereby appointed to investigate all conservatorship matters for which a court investigation report is required by law. In these matters, a Judicial Council Order Appointing Court Investigator (Form GC-330) shall also be filed. To avoid this automatic appointment, a petition to waive appointment must be filed. (Effective 7/1/12; revised 1/1/17)

9.6 Costs

Costs must be itemized. However, up to a total of $200.00 in "miscellaneous costs" for duplication or telephone calls or the like by the personal representative or the attorney may be approved without itemizing. (Effective 7/1/93; renumbered 1/1/11; renumbered 7/1/12)

9.7 Compensation of Attorneys, Conservators, Guardians, Trustees, and Requests for Extraordinary Fees

A. No compensation for conservators or guardians or their legal counsel, or for extraordinary fees, shall be paid without prior court approval. The court will review such fee petitions in accordance with the provisions of California Rules of Court, rules 7.702, 7.703, and 7.750, et seq. Pursuant to California Rules of Court, rule 7.751(b), all petitions for orders fixing and allowing compensation to a guardian or conservator or their legal counsel must comply with California Rules of Court, rule 7.702.

B. When court approval is needed for compensation to a trustee, the amount will be determined in accordance with the provisions of Probate Code section 15680, et seq., and California Rules of Court, rule 7.776. Generally, a fee of one percent of the market value of the trust assets will be considered the reasonable compensation for ordinary trustee services, although the court will entertain requests for a higher rate of compensation. If a trustee seeks additional compensation for extraordinary services, the trustee must provide the court with a detailed description of the extraordinary services rendered and the amount of additional compensation requested.

C. A party may aid the court in its determination of just and reasonable compensation for trustees, conservators, guardians, or their legal counsel by filing in advance of the hearing a statement addressing factors that may be considered by the court such as those provided in California Rules of Court, rules 7.756 and 7.776.

(Effective 7/1/02; revised 7/1/09; renumbered 1/1/11; renumbered 7/1/12; revised 1/1/18)

9.8 Preliminary Distributions

Petitions for preliminary distributions must include a statement as to why the estate may not now be closed. (Effective 7/1/02; renumbered 1/1/11; renumbered 7/1/12; renumbered 1/1/17)

9.9 Payment of Court Investigator Fees

Pursuant to Probate Code sections 1513.1 (guardianships), the court shall make an assessment for any investigation or review conducted by the court investigator, and shall order reimbursement to the court for the amount of the assessment, unless the court defers or waives reimbursement based on a showing of hardship. Payment of the assessed court investigator fee is due before the initial hearing date on any matter for which a court investigation was conducted. Failure to make timely payment will not delay approval of any petition or accounting, but will result in the matter being referred to the court's monetary collection program.

If the guardian or other person liable for payment of the assessment believes the fees should be deferred or waived due to hardship, the subject petition shall include a request for deferral or waiver and shall set forth facts establishing a hardship.

(Effective 7/1/09; revised 1/1/10; renumbered 1/1/11; renumbered 7/1/12; revised 1/1/16; renumbered 1/1/17)

9.10 Hearing Dates for Conservatorships and Guardianships

Unless the court orders otherwise, a hearing date shall be set generally no sooner than 45 calendar days after the filing date to allow time for preparation of the court investigator's report, unless a temporary guardianship or conservatorship is granted ex parte, in which case the hearing shall be set within 30 days. (Prob. Code, § 2250, subd. (1)) (Effective 7/1/16; renumbered 1/1/17; revised 7/1/20)

RULE 10: JUVENILE COURT RULES

10.1 Competency Requirements for Counsel

A. Attorneys who represent parties in juvenile court dependency proceedings shall meet the minimum standards of training and/or experience set forth in California Rules of Court, rule 5.660(d)(3). Attorneys of record for a party to a dependency matter who have not been previously certified under these rules, and who believe they meet the minimum standards of competency, shall, within ten (10) days of their first appearance in a dependency matter, complete and submit to the Court Executive Officer of the court a memorandum certifying that they meet the standards of competence as set forth in California Rules of Court, rule 5.660(d)(3). (Revised 7/1/20)

B. Attorneys who meet the minimum standards of training and/or experience as set forth here and as confirmed by the memorandum of certification submitted to the court shall be deemed competent to practice before the juvenile court in dependency cases except as provided in subdivision C of this rule.

C. Notwithstanding the submission of a memorandum certifying that the attorney has met the minimum standards for training and/or experience, the court may determine, based on conduct or performance of counsel before the court in a dependency case, that a particular attorney does not meet minimum competency standards. In such a case, the court will proceed under rule 10.2(D).

D. The Court Executive Officer is responsible for maintaining and monitoring memoranda of certification for accuracy and compliance with renewal requirements and for maintaining a roster of attorneys who meet the requirements of this rule. Appointments may only be made from the most up-to-date roster. Attorneys must submit updated certification attesting to completion of continuing education as required by California Rules of Court, rule 5.660(d)(3).

E. In the case of an attorney who maintains a principal office outside of this county, proof of certification by the juvenile court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile proceeding in this county. (Revised 7/1/20)

(Effective 7/1/02; revised 7/1/05; revised 1/1/07; revised and renumbered 1/1/12)

10.2 Minimum Standards of Education and Training

A. Attorneys appearing in a dependency matter before the juvenile court shall not seek certification and shall not be certified by the court as competent until the attorney has completed the minimum training and educational requirements set forth in California Rules of Court, rule 5.660(d)(3), including continuing education as required, and provided evidence of completion to the Court Executive Officer as provided in rule 10.1(A).

B. When a certified attorney fails to submit evidence of completion of at least the minimum required training and education to the court by the due date, the court must notify the attorney of decertification. That attorney shall have 20 days from the date of the mailing of the notice to submit evidence of completion of the required training or education. (Revised 7/1/20)

C. After initial certification by the court, attorneys shall submit a new certificate of competence to the court at least every three (3) years. Attorneys shall attach to the renewal certificate of competence evidence that they have satisfied the continuing education requirements of California Rules of Court, rule 5.660(d)(3). (Revised 7/1/20)

D. If the attorney fails to submit the required evidence or fails to complete the required minimum hours of continuing training or education, or the court makes a finding under rule 10.1(C), the court must order, except in cases where a party is represented by retained counsel, that certified counsel be substituted for the attorney who fails to complete the required training. In the case of retained counsel, the court must notify the party that retained counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute counsel shall be solely within the discretion of the party so notified, except for child's counsel, who may be removed by the court. (Revised 7/1/20)

(Effective 7/1/02; revised and renumbered 1/1/12)

10.3 Standards of Representation

A. Attorneys are expected to meet with the client(s) in person before each substantive hearing, including the attorney for a child who is at least four (4) years old, unless this is impracticable. The meeting with the child should, unless impracticable due to distance from Napa, take place at the child's placement. The attorney for a child is also expected to contact the child's caretaker (if other than a parent) before each substantive hearing. Periodic review hearings are substantive.

B. Attorneys are expected to complete, file, and serve all necessary forms, including health questionnaire, ICWA, paternity, and waiver of rights (if appropriate), before, or the same day as, the jurisdictional hearing, and to promptly file and serve change of address and contact information for the client.

(Effective 7/1/02; revised and renumbered 1/1/12)

10.4 Caseload Standards

Attorneys appointed to represent children must take care to ensure they can adequately and competently represent clients in a manner consistent with the requirements of Welfare and Institutions Code section 317(c), California Rules of Court, rule 5.660, and these rules. Any attorney who is unable to meet these requirements because of the size of the attorney's caseload or the demands of a particular case or cases, must notify the juvenile court judge that the attorney is unable to accept any new cases. Further, said attorney must move to be relieved as attorney of record in any existing case in which the attorney cannot provide adequate and competent representation. Upon an adequate showing, the court must appoint substitute counsel for the child. (Effective 7/1/02; revised 1/1/07; renumbered 1/1/12; revised 7/1/20)

10.5 Procedures for Reviewing and Resolving Complaints

A. Parties to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of their appointed attorney in a juvenile court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a child, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent, or CASA. (Revised 7/1/20)

B. The court shall review a complaint within ten (10) days of receipt. If the court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, the court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint, and shall give the attorney 20 days from the date of the notice to respond to the complaint in writing.

C. After a response has been filed by the attorney or the time for submission of a response has passed, the court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to local rules or has acted incompetently. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

D. If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted contrary to the rules of the court, the court

may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of local rules, issue such reasonable monetary sanctions against the attorney as the court may deem appropriate.

E. If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted incompetently, the court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six (6) months, or that the attorney complete a specified number of hours of training or education in the area in which the attorney was found to have been incompetent, or both. In cases in which the attorney's conduct caused actual harm to the client, the court shall order that competent counsel be substituted for the attorney found to have been incompetent, and may, in the court's discretion, refer the matter to the State Bar of California for further action. (Revised 7/1/20)

F. The court shall notify the attorney and the complaining party in writing of its determination of the complaint. If the court makes a finding under subdivision E or F, the attorney shall have ten (10) days after the date of the notice to request a hearing before the court concerning the court's proposed action. If the attorney does not request a hearing within that period of time, the court's determination shall become final.

G. If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request therefore, but in no case shall it be held more than 30 days after it has been requested except by stipulation of the parties. The complainant and the attorney shall each be given at least ten (10) days' notice of the hearing. The hearing may be held in chambers. The hearing shall not be open to the public. The court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

H. At the hearing, each party shall have the right to present arguments to the hearing officer with respect to the court's determination. Such arguments shall be based on the evidence before the court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time the court made its initial determination with respect to the complaint. Within ten (10) days after the hearing, the court or hearing officer shall issue a written determination upholding, reversing, or amending the court's original determination. The hearing decision shall be the final determination of the court with respect to the matter. A copy of the hearing decision shall be provided to both the complainant and the attorney.

(Effective 7/1/02; revised and renumbered 1/1/12)

10.6 Court-Appointed Special Advocate (CASA)

The juvenile court may appoint a Court-Appointed Special Advocate (CASA) to represent the interests of dependent or delinquent children. In order to qualify for appointment, the CASA representative must be trained by and function under the auspices of the CASA program formed and operating under the guidelines established by the California Judicial Council, as consistent with those guidelines established by the National court Appointed Special Advocate Association and California law. (Welf. & Inst. Code § 100; Cal. Rules of Court, rule 5.655) The CASA program shall report regularly to the presiding judge of the juvenile court with evidence that it is operating pursuant to these guidelines. (Effective 7/1/05; revised 1/1/07; renumbered 1/1/12)

10.7 CASA Reports

In any case in which the court has ordered the appointment of a CASA representative, CASA must file reports with the court and serve counsel and CPS at least two (2) court days before each of the following hearings: six-month review; twelve-month review (permanency hearing); eighteen-month review (permanency review hearing); selection and implementation hearing (366.26 hearing); and post-permanency planning reviews. If CASA was appointed before the establishment of jurisdiction, CASA may submit a report to the court at least two (2) court days before the jurisdiction/disposition hearing. The content of the report must be limited to the current condition of the child and needed services; jurisdictional issues must not be addressed. (See, Cal. Rules of Court, rule 5.655(k)(5)) Only counsel and assigned social workers are entitled to receive copies of CASA reports. Relatives, de facto parents, foster parents, and service providers are not entitled to receive copies of CASA reports. The reports will be copied and distributed by CASA. (Effective 7/1/05; revised 1/1/07; renumbered 1/1/12)

10.8 Administration of Psychotropic Medication for Dependents or Wards of the Court

A. Upon the initial filing of a Judicial Council Application Regarding Psychotropic Medication and a Judicial Council Order Regarding Application for Administration of Psychotropic Medication, the clerk shall immediately send a copy of the Application to the consulting psychiatrist who is a member of the consulting group authorized by the Administrative Office of the Courts. The court shall, upon request, provide the consulting physician's report to those persons or agencies listed in California Rule of Court, rule 5.640.

B. For dependents and wards, Child Welfare Services or probation shall send notices of the Application in a manner conforming to California Rules of Court, rule 5.640, to the persons or agencies listed therein.

C. Upon receipt of the Application, the court within seven (7) court days shall approve or set a hearing if the court disapproves or provisionally approves, the Application. The hearing shall be scheduled within ten (10) court days of the

denial or provisional approval of the Application, with written, electronic, or telephonic notice at least two (2) calendar days before the hearing to the persons and agencies listed in California Rules of Court, rule 5.640.

D. Any objections to the Application must be lodged by submission of a Judicial Council Opposition to Application regarding Psychotropic Medication within two (2) court days of receiving notice. Upon receipt of any opposition, the court may in its discretion deny the Opposition and approve the Application without a hearing, or provisionally approve the Application, or deny the Application. If the court provisionally approves or denies the Application, the court will set the matter for a hearing within ten (10) court days, providing written, telephonic, or electronic notice to those listed in California Rules of Court, rule 5.640, at least two (2) calendar days before the hearing.

E. Any approved Application will remain in effect for 180 days, or unless modified or terminated by the court prior to the expiration of the court order to administer the psychotropic medication.

F. A new Application Regarding Psychotropic Medication, deemed an initial Application, must be filed if a physician prescribes a new medication, or a dosage for the same medication listed in the initial Application that exceeds the variance permitted by the initial prescription. The rules pertaining to an initial Application will apply.

G. The clerk shall, for all approved initial Applications (and those under subdivision F) calendar the matter for a court oral report from the social worker or probation officer for review of any adverse reaction to the medication(s), the child's view of the effects, and the effectiveness of the medication in treating the child's symptoms. The oral report calendar setting will take place no later than 45 days after the court's approval of the Application.

H. An Application that renews the medication with the same prescription will follow the procedures stated for an initial Application, including notice and referral to a consulting physician, but will not be calendared for the 45-day review.

I. The clerk shall send notice of the court oral report calendar setting to those persons or agencies stated in California Rules of Court, rule 5.640, after the initial Application is approved and at least ten (10) days before the oral report hearing.

J. In an emergency, the treating physician may prescribe psychotropic medication without prior court authorization, but the treating physician must submit an initial Judicial Council Order Regarding Application for Psychotropic Medication within two (2) court days following administration of the medication. Thereafter, the court and other agencies will follow the procedures in California Rules of Court, rule 5.640, and this local rule as for an initial Application.

K. The court may contact the prescribing or consulting physician to obtain additional information. The court will, upon request, inform all persons and agencies listed in California Rules of Court, rule 5.640, as to any additional information obtained.

L. The prescribing physician may terminate the prescription at any time, without further notice to the court. The prescribing physician shall immediately notify the child's social worker or probation officer when the medication is discontinued.

M. The prescribing and consulting physicians are encouraged to communicate with each other to offer or receive additional information and to resolve any disagreements.

(Effective 1/1/12)

10.9 Remote Appearances in Juvenile Justice (Delinquency)

A. All Juvenile Justice hearings shall be set for in-person appearances unless otherwise permitted by the court pursuant to the procedures set forth in this Local Rule. Although the court has the technology available to allow for remote appearances, the court has found that there are limitations to the technology that hinders the effective management and resolution of confidential Juvenile Justice hearings, including the attorneys' ability to effectively represent their clients, and the court interpreters' ability to provide effective language access to court users. (See Cal. Code Civ. Proc. § 367.75(b)(2)(5) and (6).)

B. The court will consider allowing a person's remote appearance for Juvenile Justice hearings when there is a showing that an in-person appearance will impede access to justice or other good cause.

C. Notice of the need to appear remotely and the reason for the requested exception shall be provided to the court in one of three ways: (1) at the time the hearing is set; (2) by calling (707) 299-1100 at least one business day in advance of the hearing; or (3) by oral request via remote appearance at the time of the hearing when advanced notice cannot reasonably be provided.

D. The person requesting an exception to the in-person requirement who did not obtain permission at the time the hearing is set shall appear remotely at the scheduled hearing at which time the court will consider any objections and determine whether to allow the remote appearance to proceed or to require an in-person appearance upon continuation of the hearing to a later date/time.

(Effective 4/18/22)

RULE 11: APPELLATE DIVISION

11.1 Applicable Rules

Except as modified by this section, the California Rules of Court on appeals to the Superior Court (commencing with rule 8.800) apply to the appellate division. (Effective 7/1/09)

11.2 Presiding Judge

The presiding judge of the appellate division is designated annually by the chairperson of the Judicial Council. (Effective 7/1/93; renumbered 1/1/06; renumbered 7/1/09; revised 1/1/12)

11.3 Sessions

The appellate division will convene at least once each month at a time and place designated by the presiding judge of the appellate division. (Effective 7/1/93; renumbered 1/1/06; renumbered 7/1/09; revised 1/1/12)

11.4 Briefs

With the exception of briefs filed in appeals from infractions, all briefs filed with the appellate division must be accompanied by three (3) additional copies. (Effective 7/1/02; renumbered 1/1/06; revised and renumbered 7/1/09; revised 1/1/16)

11.5 Applications

Any applications involving matters pending before the appellate division shall be presented to the appellate division presiding judge. All applications shall be heard at 11:30 a.m., by appointment only. The appointment shall be set by calling the clerk of the appellate division. The applicant shall give opposing parties or counsel at least 24 hours' notice of the hearing, unless the nature of the application precludes such notice, and the court for good cause waives notice. (Effective 7/1/02; renumbered 1/1/06; revised 7/1/08; revised and renumbered 7/1/09)

11.6 Use of Court File Instead of Clerk's Transcript

A. In an appeal from a limited civil case, an appellant may elect to use the original trial court file as the record on appeal in lieu of a clerk's transcript, pursuant to California Rules of Court, rule 8.833. An appellant electing to use the trial court file in a limited civil appeal must provide notice of the election when designating the record on appeal, pursuant to California Rules of Court, rule 8.831.

B. In misdemeanor appeals, the court has elected to use the original trial court file in lieu of a clerk's transcript, pursuant to California Rules of Court, rule 8.863.

C. In infraction appeals, the court has elected to use the original trial court file in lieu of a clerk's transcript, pursuant to California Rules of Court, rule 8.914.

(Effective 7/1/09; revised 1/1/18)

11.7 Use of Official Electronic Recording

A. In an appeal from a limited civil case in which the proceedings were officially recorded electronically in accordance with California Rules of Court, rule 8.835, the original recording or a copy prepared by the court may be transmitted as the record of oral proceedings without being transcribed in lieu of a reporter's transcript or settled statement if ordered by the trial court pursuant to California Rules of Court, rule 8.837(d)(6)(A).

B. In an appeal from a misdemeanor case in which the proceedings were officially recorded electronically in accordance with California Rules of Court, rule 8.868, the original of the recording or a copy prepared by the court may be transmitted as the record of the oral proceedings without being transcribed in lieu of a reporter's transcript or settled statement if ordered by the trial court pursuant to California Rules of Court, rule 8.869(d)(6)(A).

C. In an appeal from an infraction case in which the proceedings were officially recorded electronically in accordance with California Rules of Court, rule 8.917, the original recording or a copy made by the court may be transmitted as the record of the oral proceedings without being transcribed in lieu of a reporter's transcript or settled statement if ordered by the trial court pursuant to California Rules of Court, rule 8.916(d)(6)(A).

(Effective 7/1/09; revised 7/1/18)

11.8 Participating Judges

Pursuant to Code of Civil Procedure section 77, appellate division cases will be heard and decided by a three-judge panel, except for appeals from convictions of traffic infractions, which will be heard and decided by the presiding judge of the appellate division. Should the presiding judge of the appellate division be unavailable, the most senior judge of the appellate division will hear and decide an appeal from conviction of a traffic infraction. (Effective 1/1/12; revised 1/1/16)

LIST OF LOCAL FORMS

Local Forms by Form Number

Form No.	Form Name	Mandatory/ Optional	Eff/Rev Date
AD-1	Petition to Inspect Adoption Records and Order	Mandatory	4/17/17
CR-10	Arraignment Form (Statement of Rights)	Mandatory	1/1/20
CR-11	Advisement and Waiver of Right to Counsel (*Faretta* Waiver)	Mandatory	7/1/20
CR-20	Plea Form	Mandatory	7/1/20
CR-21	Plea Form – Attachment One (Additional Charges)	Mandatory	1/1/18
CR-22	Plea Form – Attachment Two (DUI & Wet Reckless Consequences)	Mandatory	1/1/18
CR-23	Plea Form – Attachment Three (Suspended License Consequences)	Mandatory	1/1/18
CR-24	Pretrial Drug Diversion Program Agreement	Mandatory	7/1/20
CR-25	Plea Form – Attachment Five (Deferred Entry of Judgment Driving Program)	Mandatory	7/1/20
CR-26	Plea Form – Attachment Six (General Misdemeanor Deferred Entry of Judgment Program)	Mandatory	7/1/20
CR-27	Misdemeanor Plea Form	Mandatory	7/1/20
CR-28	Plea in Absentia	Mandatory	1/1/18
CR-29	Domestic Violence Plea Form With Waiver of Rights (Misdemeanor) Attachment	Mandatory	1/1/18
CR-30	Notice of Hearing – Reimbursement of Assigned Counsel	Mandatory	1/1/18
CR-40	Own Recognizance & Bail Agreement	Mandatory	3/2/20
CR-50	Time Waiver	Mandatory	1/1/18
CR-51	Waiver of Personal Presence	Mandatory	7/1/20
CR-52	DUI Court Trial Waiver	Mandatory	7/1/20
CR-53	DUI Court Waiver of Personal Presence	Mandatory	1/1/18
CR-60	Criminal Motion (Self-Represented Defendants Only)	Optional	1/1/18
CR-70	Deferred Entry of Judgment Order (General Misdemeanor)	Mandatory	7/1/20
CR-71	Pretrial Drug Diversion Order (Penal Code § 1000)	Mandatory	7/1/20
CR-72	Deferred Entry of Judgment Order (Driving Program)	Mandatory	5/23/22
CR-80	Probation Order	Mandatory	1/1/18
CR-81	Attachment to Probation Order (Proposition 36)	Mandatory	1/1/18
CR-82	Misdemeanor Probation Order	Mandatory	1/1/18
CR-90	Request for Military Diversion; Advisal and Waiver of Rights	Mandatory	1/1/18
CR-91	Order for Military Diversion	Mandatory	7/1/20
CR-92	Order for Diversion Evaluation (Pen. Code § 1001.22)	Mandatory	7/1/20
CR-93	Order for Diversion (Pen. Code § 1001.20, et seq.)	Mandatory	7/1/20
CR-100	Declaration and Order to Revoke Probation (Post Court Services)	Mandatory	1/1/18
CR-101	Declaration and Order to Terminate Diversion/Drug Diversion	Mandatory	1/1/18
CR-110	Notice of Failure to Remand & Order	Mandatory	1/1/18
CR-120	Motion to Modify Ignition Interlock Device Order	Mandatory	1/1/18
CR-130	Instructions for Preparing Expungements	Optional	5/1/17
CR-131	Petition for Dismissal: Transmittal and Agency Review	Mandatory	5/1/17
FL-1	At Issue Memorandum & Certificate of Readiness	Mandatory	4/17/17
FL-2	Case Management Conference Report	Mandatory/ Represented Optional/ Self-Represented	1/1/21
FL-3	Declaration Re: Notice for Ex Parte Hearing	Optional	4/17/17

FL-4	Ex Parte Application and Order to Be Relieved As Attorney of Record for Minor	Optional	4/17/17
FL-5	Stipulation for Subsequent Mediation	Mandatory	7/1/17
FL-6	Family Law Stipulation & Order	Optional	1/1/20
GU-1	Order for Court Investigation Regarding Appointment of Relative Guardian(s)	Mandatory	7/1/20
GU-2	Order for Investigation of Non-Relative Guardian(s) by Health & Human Services, Child Welfare Division	Mandatory	7/1/20
GU-3	Order for Investigation by Relative Guardian(s) by Health & Human Services, Child Welfare Division	Mandatory	4/17/17
NC-1	Request for Court Reporter Services	Mandatory	1/1/19
SC-1	Declaration of Judgment Debtor for Entry of Satisfaction of Judgment (Small Claims)	Optional	7/1/20

Local Forms by Form Name

Form Name	Form No.	Mandatory/ Optional	Eff/Rev Date
Advisement and Waiver of Right to Counsel (*Faretta* Waiver)	**CR-11**	Mandatory	7/1/20
Arraignment Form (Statement of Rights)	**CR-10**	Mandatory	1/1/20
At Issue Memorandum & Certificate of Readiness	**FL-1**	Mandatory	4/17/17
Attachment to Probation Order (Proposition 36)	**CR-81**	Mandatory	1/1/18
Case Management Conference Report	**FL-2**	Mandatory/ Represented Optional/ Self-Represented	1/1/21
Criminal Motion (Self-Represented Defendants Only)	**CR-60**	Optional	1/1/18
Declaration and Order to Revoke Probation (Post Court Services)	**CR-100**	Mandatory	1/1/18
Declaration and Order to Terminate Diversion/Drug Diversion	**CR-101**	Mandatory	1/1/18
Declaration of Judgment Debtor for Entry of Satisfaction of Judgment (Small Claims)	**SC-1**	Optional	7/1/20
Declaration Re: Notice for Ex Parte Hearing	**FL-3**	Optional	4/17/17
Deferred Entry of Judgment Order (Driving Program)	**CR 72**	Mandatory	7/1/20
Deferred Entry of Judgment Order (General Misdemeanor)	**CR-70**	Mandatory	7/1/20
Domestic Violence Plea Form With Waiver of Rights (Misdemeanor) Attachment	**CR-29**	Mandatory	1/1/18
DUI Court Trial Waiver	**CR-52**	Mandatory	7/1/20
DUI Court Waiver of Personal Presence	**CR-53**	Mandatory	1/1/18
Ex Parte Application and Order to Be Relieved As Attorney of Record for Minor	**FL-4**	Optional	4/17/17
Family Law Stipulation & Order	**FL-6**	Optional	1/1/20
Instructions for Preparing Expungements	**CR-130**	Optional	5/1/17
Misdemeanor Plea Form	**CR-27**	Mandatory	7/1/20
Misdemeanor Probation Order	**CR-82**	Mandatory	1/1/18
Motion to Modify Ignition Interlock Device Order	**CR-120**	Mandatory	1/1/18
Notice of Failure to Remand & Order	**CR-110**	Mandatory	1/1/18
Notice of Hearing – Reimbursement of Assigned Counsel	**CR-30**	Mandatory	1/1/18
Order for Court Investigation Regarding Appointment of Relative Guardian(s)	**GU-1**	Mandatory	7/1/20
Order for Diversion (Pen. Code § 1001.20, et seq.)	**CR-93**	Mandatory	7/1/20
Order for Diversion Evaluation (Pen. Code § 1001.22)	**CR-92**	Mandatory	7/1/20

Order for Investigation by Relative Guardian(s) by Health & Human Services, Child Welfare Division	**GU-3**	Mandatory	4/17/17
Order for Investigation of Non-Relative Guardian(s) by Health & Human Services, Child Welfare Division	**GU-2**	Mandatory	7/1/20
Order for Military Diversion	**CR-91**	Mandatory	7/1/20
Own Recognizance & Bail Agreement	**CR-40**	Mandatory	3/2/20
Petition for Dismissal: Transmittal and Agency Review	**CR-131**	Mandatory	5/1/17
Petition to Inspect Adoption Records and Order	**AD-1**	Mandatory	4/17/17
Plea Form	**CR-20**	Mandatory	7/1/20
Plea Form – Attachment Five (Deferred Entry of Judgment Driving Program)	**CR-25**	Mandatory	7/1/20
Plea Form – Attachment One (Additional Charges)	**CR-21**	Mandatory	1/1/18
Plea Form – Attachment Six (General Misdemeanor Deferred Entry of Judgment Program)	**CR-26**	Mandatory	7/1/20
Plea Form – Attachment Three (Suspended License Consequences)	**CR-23**	Mandatory	1/1/18
Plea Form – Attachment Two (DUI & Wet Reckless Consequences)	**CR-22**	Mandatory	1/1/18
Plea in Absentia	**CR-28**	Mandatory	1/1/18
Pretrial Drug Diversion Order (Pen. Code § 1000)	**CR-71**	Mandatory	7/1/20
Pretrial Drug Diversion Program Agreement	**CR-24**	Mandatory	7/1/20
Probation Order	**CR-80**	Mandatory	1/1/18
Request for Military Diversion; Advisal and Waiver of Rights	**CR-90**	Mandatory	1/1/18
Request for Court Reporter Services	**NC-1**	Mandatory	1/1/19
Stipulation for Subsequent Mediation	**FL-5**	Mandatory	7/1/17
Time Waiver	**CR-50**	Mandatory	1/1/18
Waiver of Personal Presence	**CR-51**	Mandatory	7/1/20

APPENDIX A

Locating A Qualified Private Child Custody Evaluator

The information provided in this document may be used to help parties find a private child custody evaluator who is qualified under the law to be appointed by the Napa Superior Court. A child custody evaluator appointed by the court assists the court in determining the health, safety, welfare, and best interests of children with regard to disputed custody and visitation issues. The court does not maintain a list of qualified private evaluators nor does it endorse, supervise, or monitor any particular child custody evaluator.

A private child custody evaluator can be one of four types of mental health professionals. These mental health professionals may be located by searching the Internet or telephone book, or by getting a referral from family, friends, or a family law attorney.

Websites that may be useful include: Napa-Solano Psychological Association www.napapsychologists.org; California Board of Behavioral Sciences www.bbs.ca.gov; California Board of Psychology www.psychboard.ca.gov; American Association for Marriage and Family Therapy www.aamft.org; California Association of Marriage and Family Therapists www.camft.org; American Psychological Association www.apa.org; and the American Psychiatric Association www.psych.org. Keep in mind that belonging to or being certified or licensed by a professional organization does not necessarily mean the individual is qualified under California law to act as a child custody evaluator in the family court.

The legal qualifications and responsibilities for a private child custody evaluator are extensive and are primarily set forth in the Family Code including sections 3110.5, 3111, 3118, 1815, and 1816. Also, see Evidence Code section 730, and California Rules of Court, rules 5.220, 5.225, and 5.230. You can access California statutes at www.leginfo.ca.gov, and California Rules of Court at www.courts.ca.gov/rules

It is the responsibility of the parties to ensure that a private child custody evaluator meets or exceeds the legal qualifications for a court-appointed evaluator and to verify an evaluator's credentials. The court does not endorse, evaluate, supervise, or monitor private child custody evaluators nor does the court verify their legal qualifications or credentials. (Revised 7/1/20)

The court does, however, require that all private child custody evaluators appointed by the court sign a Judicial Council "Declaration of Private Child Custody Evaluator Regarding Qualifications" under penalty of perjury, and file it with the court within ten days of the appointment, attesting to the fact that they meet all the licensing, education, training, and experience requirements mandated by California law. This form may be found at www.courts.ca.gov/forms.

The following is a summary of the legal requirements for an individual to be appointed by the court as a private child custody evaluator:

Licensing Requirements

A qualified private child custody evaluator must be licensed as: (1) a physician who is either a board certified psychiatrist or has completed a residency in psychiatry; (2) a psychologist; (3) a marriage and family therapist; (4) a clinical social worker; or (5) if there are no licensed or certified evaluators who are willing and available within a reasonable period of time to perform a child custody evaluation, the parties may stipulate, with court approval, to an unlicensed individual.

Education and Training Requirements

A private child custody evaluator must have completed 40 hours of education and training in 21 specific topics set forth in California Rules of Court, rule 5.225(d). This education and training must be completed after January 1, 2000, through an eligible provider by either (a) attending and participating in an approved course, or (b) serving as an instructor in an approved course. A child custody evaluator must also complete eight hours of annual update training under rule 5.225(h). All education and training must be completed through an eligible provider as described in rule 5.225(m).

Domestic Violence Training

In addition to the requirements described in rule 5.225(d), child custody evaluators must comply with the basic and advanced domestic violence training requirements described in California Rules of Court, rule 5.230, and Family Code section 1816. This includes 16 hours of advanced training within a 12-month period, which must include 12 hours of instruction in 16 categories described in the rule. Evaluators must also complete four hours of update training annually in specified areas of domestic violence described in the rule. All domestic violence training must be through eligible provider as set forth in rule 5.230(e) and Family Code section 1816.

Experience Requirements

Persons appointed as child custody evaluators must have participated in the completion of at least four partial or full court appointed child custody evaluations within the preceding three years, as described in rule 5.225(g). Each of the four child custody evaluations must have resulted in a written or oral report. There are specific experience requirements for pre-2009 evaluators and new requirements effective January 1, 2010, set forth in rule 5.255(g).

(Effective 7/1/11)

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